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Our ref: Planning Committee Agenda
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PLANNING COMMITTEE

13 DECEMBER 2023

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 13 December 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

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

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 26)
To approve the Minutes of the Planning Committee meeting held on 15 November 2023, copy attached.
4. **UPDATE FOR F/TH/23/1217 - HOO FARM, 147 MONKTON ROAD, MINSTER** (Pages 27 - 40)
5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 41 - 46)
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

Item
No

Subject

the Friday before the meeting until the date of the meeting.

For Approval

- 5a **A01 F/TH/23/0693 - 22 ST PETERS PARK ROAD, BROADSTAIRS** (Pages 47 - 70)
- 5b **A02 F/TH/23/0850 - LITTLE CLIFFSEND FARM, CHALK HILL, RAMSGATE** (Pages 71 - 92)
- 5c **A03 F/TH/23/0972 - LAND ADJACENT 198 MONKTON STREET, MONKTON** (Pages 93 - 108)
- 5d **A04 FH/TH/23/1078 - 7 EASTERN ESPLANADE, BROADSTAIRS** (Pages 109 - 122)
- 5e **A05 F/TH/23/1278 - EAST PIER BUILDING, EAST PIER, RAMSGATE** (Pages 123 - 134)
- 5f **A06 L/TH/23/1277 - EAST PIER BUILDING, EAST PIER, RAMSGATE** (Pages 135 - 144)
- 5g **A07 F/TH/23/0953 - VATTENFALL LAND AT PORT OF RAMSGATE ROYAL HARBOUR APPROACH, RAMSGATE** (Pages 145 - 184)
- 5h **A08 F/TH/23/1334 - BRUNSWICK HALL, HARDRES STREET, RAMSGATE** (Pages 185 - 188)
- 5i **A09 DM/TH/23/1374 - JACKEY BAKERS RECREATION GROUND, HIGHFIELD ROAD, RAMSGATE** (Pages 189 - 194)



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 15 November 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, Dennis, Driver, Garner, Keen, Makinson, Matterface, Paul Moore, Rattigan, Rusiecki and Wing

In Attendance: Councillor Currie, Davis, Smith and Wright

1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **DECLARATIONS OF INTEREST**

Councillor Rattigan declared a significant interest in Item 4F – (FH/TH/23/1273) as this was his application relating to his own property.

3. **MINUTES OF PREVIOUS MEETING**

Councillor Bayford proposed, Councillor Albon seconded and Members agreed that the minutes of the meeting held on 18 October 2023 be approved as a correct record.

4. **SCHEDULE OF PLANNING APPLICATIONS**

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

(a) **A01 FH/TH/23/0773 - 221 Beacon Road, Broadstairs**

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

Mr Nicholson spoke against 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 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.

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

Councillor Albon proposed and Councillor Bright seconded, that the application be refused on two grounds:

‘The second floor rear extension, by virtue of its scale, bulk, and design, will appear obtrusive and incongruous, and architecturally unrelated to the design and scale of the existing dwelling, significantly out of keeping with the character and appearance of the area, contrary to Policy QD02 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, and paragraph 130 of the National Planning Policy Framework’

‘The second floor rear extension, by virtue of its height, depth, and proximity to and relationship with the windows in the adjoining property, will result in an unacceptable loss of light and outlook, severely detrimental to the living conditions of the occupiers thereof, contrary to Policy QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.’

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

(b) **A02 F/TH/23/1217 - Hoo Farm, 147 Monkton Road, Minster**

PROPOSAL: Formation of a new footpath to Monkton Road (part-retrospective).

Councillor Wright spoke under Council Rule 20.1.

Councillor Smith spoke under Council Rule 20.1.

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

THAT the officer's recommendation be adopted, namely that the application be approved subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the submitted drawings numbered 878:P05 A.

GROUND:

To secure the proper development of the area.

2. Within 2 months of the date of this permission full details of the proposed gates and signage including wording as indicated on drawing 878:P05 A shall be submitted to, and approved in writing by the Local Planning Authority. The approved gates and signage shall be installed as per the approved details and as shown on drawing 878:P05 A and thereafter retained.

GROUND:

In the interests of the visual amenity of the area in accordance with Policy QD02 of the Local Plan and the advice and guidance of the National Planning Policy Framework.

3. Within 2 months of the date of this permission full details of a maintenance plan for the footpath shall be submitted to, and approved in writing by the Local Planning Authority. The maintenance plan shall 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 footpath shall be maintained in accordance with this maintenance plan unless otherwise agreed in writing with the Local Planning Authority and kept available for public use.

GROUND:

In the interests of the visual amenity of the area in accordance with Policy QD02 of the Local Plan and the advice and guidance of the National Planning Policy Framework.

4. No further gates, walls or other means of enclosure, whether approved by Schedule 2, Part 2, Class A; of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), 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.

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

Councillor Albon proposed and Councillor Matterface seconded that a site visit be carried out on 1 December 2023, before bringing the application back to Committee at a future meeting.

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

(d) **A04 F/TH/23/1002 - Former Port Control East Pier, Ramsgate**

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

Ms Smith spoke in favour of the application.

Councillor Davis spoke under Council Rule 20.1.

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

THAT the officer's recommendation be adopted, namely:

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.

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

(e) **A05 L/TH/23/1003 - Former Port Control, East Pier, Ramsgate**

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.

Councillor Davis spoke under Council Rule 20.1.

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

THAT the officer's recommendation be adopted, namely that the application be approved subject to the following conditions:

1. The 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.

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

- (i) **R09 F/TH/23/1303 - 223-227 Northdown Road, Margate**

PROPOSAL: Installation of aluminium shopfront (Retrospective).

Councillor Currie spoke under Council Rule 20.1.

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

THAT the officer's recommendation be adopted, namely:

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.

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

Councillor Keen proposed and Councillor Rattigan seconded that the application be approved as the benefits of the proposal, including the increased security and consistent design outweigh the harm to the conservation area.

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

- (j) **D10 F/TH/23/0983 - Land Between 47 and 49 Rose Gardens, Minster, Ramsgate**

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

Ms James spoke in favour of the application.

Councillor Smith spoke under Council Rule 20.1.

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

THAT the officer's recommendation be adopted, namely that the application be deferred and delegated for approval subject to the submission of an acceptable Unilateral Undertaking securing SPA contributions 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:
 - species, size and location of new trees, shrubs, hedges and grassed areas to be planted,
 - the treatment proposed for all hard surfaced areas beyond the limits of the highway,
 - walls, fences, other means of enclosure proposed,
 - ecological enhancements to be provided within the site shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to 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.

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

(k) **D11 F/TH/21/0671 - Land to the North of Fairlawn Road and the West of Northwood Road, Broadstairs**

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.

Ms Coles spoke in favour of the application.

Mr Smith spoke against the application.

Mrs Bennett-Goodman spoke against 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 deferred and delegated for approval subject to the receipt of an acceptable legal agreement securing the required heads of terms and the following conditions:

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

GROUND:

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

2. The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 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:

- 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),
- the treatment proposed for all hard surfaced areas beyond the limits of the highway,
- walls, fences, other means of enclosure proposed,
- ecological enhancements to be provided within the site; shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

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

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.

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

As a result of the declaration of interest made by Councillor Rattigan for an item on the reserve list, he recused himself from the meeting at this point and left the Council Chamber. Before he left the Chair asked if there was any item on the reserved list he wanted to call in. Councillor Rattigan confirmed there was nothing he wanted to call in.

(c) **A03 F/TH/23/0834 - 5 Broad Street, Ramsgate**

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.

It was proposed by Councillor Albon and seconded by Councillor Rusiecki:

THAT the officer's recommendation be adopted, namely:

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.

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

(f) **A06 FH/TH/23/1273 - 60 Northumberland Avenue, Margate**

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

It was proposed by Councillor Albon and seconded by Councillor Rusiecki:

THAT the officer's recommendation be adopted, namely:

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.

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

(g) **A07 L/TH/23/1199 - 12 La Belle Alliance Square, Ramsgate**

PROPOSAL: 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 roof light within the front facing roof slope.

It was proposed by Councillor Albon and seconded by Councillor Rusiecki:

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 works hereby approved shall be carried out in accordance with details contained with the Structural Works report submitted with the application and as annotated on the approved plan numbered 22/593/MG/PL01, received 4 September 2023 and the Design, Access and Heritage Statement, 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.

3. The windows to be installed at second floor level within the front elevation, in the location shown on drawing numbered 22/593/MG/PL01 Rev A, shall be single glazed and carried out in accordance with the joinery details shown on amended drawing numbered 23/593/MG/PL03 Rev B received 23 October 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 and advice contained within the National Planning Policy Framework.

4. The roof light hereby approved shall be 'conservation style' roof lights, 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.

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

(h) A08 L/TH/23/1249 - Margate Harbour Arm Stone Pier, Margate

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

It was proposed by Councillor Albon and seconded by Councillor Rusiecki:

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 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.

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

Meeting concluded: 10:15 pm

A02

F/TH/23/1217

PROPOSAL: Formation of a new footpath to Monkton Road (part-retrospective)

LOCATION: Hoo Farm 147 Monkton Road Minster Kent CT12 4JB

WARD: Thanet Villages

AGENT: Hume Planning Consultancy Ltd

APPLICANT: Roddy New Homes Ltd

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 878:P05 A.

GROUND;

To secure the proper development of the area.

2 Within 2 months of the date of this permission full details of the proposed gates and signage including wording as indicated on drawing 878:P05 A shall be submitted to, and approved in writing by the Local Planning Authority. The approved gates and signage shall be installed as per the approved details and as shown on drawing 878:P05 A and thereafter retained.

GROUND:

In the interests of the visual amenity of the area in accordance with Policy QD02 of the Local Plan and the advice and guidance of the National Planning Policy Framework.

3 Within 2 months of the date of this permission full details of a maintenance plan for the footpath shall be submitted to, and approved in writing by the Local Planning Authority. The maintenance plan shall 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 footpath shall be maintained in accordance with this maintenance plan unless otherwise agreed in writing with the Local Planning Authority and kept available for public use.

GROUND:

In the interests of the visual amenity of the area in accordance with Policy QD02 of the Local Plan and the advice and guidance of the National Planning Policy Framework.

4 No further gates, walls or other means of enclosure, whether approved by Schedule 2, Part 2, Class A; of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (or any Order revoking and re-enacting that Order), 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

Agenda Item 4

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

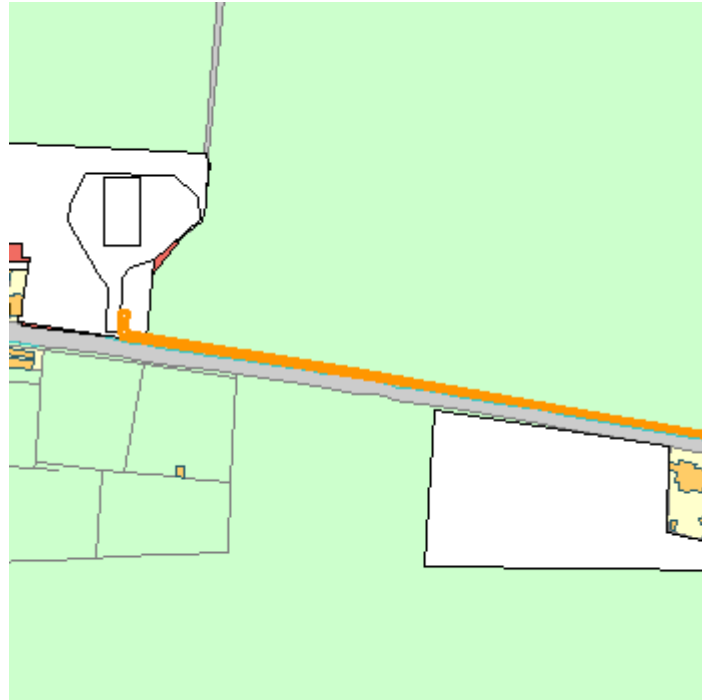
Agenda Item 4

TITLE:

F/TH/23/1217

Project

Hoo Farm 147 Monkton Road Minster Kent CT12 4JB



THANET DISTRICT COUNCIL

PLANNING COMMITTEE

13TH DECEMBER 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:5th December 2023

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THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART A

TO: THE PLANNING COMMITTEE

DATE: 13 December 2023

| Application Number | Address and Details | Recommendation |
|--------------------|---|----------------|
| A01 F/TH/23/0693 | 22 St Peters Park Road BROADSTAIRS Kent CT10 2BL Erection of a three storey building containing 2 commercial units (class E) and 5 two bed self contained flats following demolition of existing Ward: St Peters | Approve |
| A02 F/TH/23/0850 | Little Cliffsend Farm Chalk Hill RAMSGATE Kent CT12 5HP Change of use of land from agricultural to the keeping of horses; formation of access routes for horses and agricultural vehicles, sand school, lunge, vehicle parking area and bunds. Ward: Cliffsend And Pegwell | Approve |
| A03 F/TH/23/0972 | Land Adjacent 198 Monkton Street Monkton Kent Variation of condition 2 of planning permission F/TH/21/1877 for the "Erection of a two storey 3-bed dwelling with associated parking and landscaping" to allow the erection of single storey rear extension and dormer to the rear creating a five bedroom dwelling Ward: Thanet Villages | Approve |
| A04 FH/TH/23/1078 | 7 Eastern Esplanade BROADSTAIRS Kent CT10 1DP | Approve |

| | | |
|------------------|--|---------|
| | Erection of a single storey side and rear extension following demolition of garage, and erection of two storey outbuilding in rear garden following demolition of garage and widening of existing access onto Dickens Road | |
| | Ward: Bradstowe | |
| A05 F/TH/23/1278 | East Pier Building East Pier Ramsgate Kent | Approve |
| | Installation of replacement steel crittall windows, concrete repairs and redecoration works | |
| | Ward: Central Harbour | |
| A06 L/TH/23/1277 | East Pier Building East Pier Ramsgate Kent CT11 8LJ | Approve |
| | Application for Listed Building consent for the installation of replacement steel crittall windows, concrete repairs and redecoration works | |
| | Ward: Central Harbour | |
| A07 F/TH/23/0953 | Vattenfall Land At Port Of Ramsgate Royal Harbour Approach Ramsgate Kent | Approve |
| | Erection of a Fixed Boat Landing Platform. | |
| | Ward: Central Harbour | |
| A08 F/TH/23/1334 | Brunswick Hall Hardres Street RAMSGATE Kent CT11 8QL | Approve |
| | Replacement of existing single glazed timber framed windows and doors with double glazed UPVC windows and doors together with replacement of single door with double door on front (south-west) elevation | |

Ward: Eastcliff

A09 DM/TH/23/1374

**Pavilion, Jackey Bakers Recreation
Ground Highfield Road RAMSGATE
Kent**

Prior approval
required and
granted

Application for prior notification of
proposed demolition of store/workshop

Ward: Northwood

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A01

F/TH/23/0693

PROPOSAL: Erection of a three storey building containing 2 commercial units (class E) and 5 two bed self contained flats following demolition of existing

LOCATION: 22 St Peters Park Road BROADSTAIRS Kent CT10 2BL

WARD: St Peters

AGENT: Mr Chris Wiltshire

APPLICANT: Mr Mark Jeffries

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 405 04 P5, 405 05 P5, 405 06 P4, 405 07 P5 and 405 10 P3.

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 National Planning Policy Framework.

5 Prior to the installation of any external lighting, full details of the external lighting, including their fittings, illumination levels and spread of light shall be submitted to, and

approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

GROUND:

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

6 In the event of the commercial premises hereby approved being used for the cooking or preparation of hot food that would require the installation of an extract ventilation system, details of the location, size, type and design of the system shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the commencement of such a use, the extract ventilation system shall be installed in accordance with the approved detail.

GROUND:

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

7 The development shall incorporate the noise mitigation measures set out in section 5 of the Noise Impact Assessment (dated May 2023) and these shall thereafter be retained.

GROUND:

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

8 (a) Prior to the occupation of the residential units, details of the construction of the ceilings and floors that separate the (residential and commercial unit) shall be submitted to and approved by the Local Planning Authority. The ceilings and floors shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardised difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014 Acoustics - Field measurement of sound insulation in buildings and of building elements Part 1: Airborne sound insulation. The work shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

(b) An acoustic report of compliance with condition (a) and section 5 recommendations in the submitted Noise Impact Assessment (Report No. MRL/100/1982.1v1 May 2023) shall be submitted to the Local Planning Authority prior to occupation of the residential units.

GROUND:

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

9 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes.

GROUND:

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

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

GROUND:

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

11 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 and hours of construction
- (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 National Planning Policy Framework.

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 National Planning Policy Framework.

13 The area shown on the approved plan numbered 405 05 P5 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 development hereby approved.

GROUND:

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

14 Prior to the first occupation of the development hereby approved, the secure cycle parking facilities, as shown on approved drawing numbered 405 05 P shall be provided and thereafter maintained.

GROUND:

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

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

GROUND:

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

16 The vehicular access gates hereby permitted shall open away from the highway and be set back to a minimum of 5 metres from the edge of the highway.

GROUND:

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

17 The area shown on the approved plan numbered 405 05 P5 for bin storage together with the bin collection point 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 development hereby approved.

GROUND:

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

18 The area shown on the approved plan numbered 405 05 P5 as private and communal amenity space 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 development hereby approved.

GROUND:

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

19 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. The development shall be carried out in accordance with the approved details prior to any occupation of the development approved.

GROUND:

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

20 The windows shown on the approved plan 405/05/P5 as obscure glazed shall be top hung and non-opening below 1.73m above the finished internal floor level, and provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent. These windows shall be installed prior to the first occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

To safeguard the residential amenities of the future occupiers of the development hereby approved in accordance with Policy QD03 of the Thanet Local Plan.

INFORMATIVES

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

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

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

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 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

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.

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

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.

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.

For the avoidance of doubt, the provision of contributions as set out in the unilateral undertaking/S.106 agreement submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

SITE, LOCATION AND DESCRIPTION

The site is rectangular and measures some 690 sqm (46m by 15m). The site is mainly occupied by a single storey commercial building and it is noted that there are some other smaller structures to the rear of that main building.

The Railway Station is located to the northeast of the site and the north boundary of the site abuts a public car park that serves the station. The site is located to the western end of a mixed commercial and residential frontage that includes a public library, student accommodation, and vehicle repair garages.

RELEVANT PLANNING HISTORY

F/TH/23/0053 - Erection of a four storey building containing 2 commercial units (class E) and 7 self contained flats (2 one bed units and 5 two bed units) following demolition of existing. Refused 24th March 2023 for the following reasons.

1 The proposed development, by virtue of its height, depth, vertical emphasis, contemporary design and materials, and prominent location, would result in a visually dominant and incongruous form of development which fails to respect or reinforce the local character or appearance of the area, severely detrimental to the visual amenities of the locality, contrary to the aims and objectives of Policy QD02 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan and paragraph 130 of the National Planning Policy Framework.

2 The proposed development, by virtue of its failure to meet the required standards for a two way access road and parking spaces and the lack of clear and safe pedestrian routes within the site, would result in an adverse impact on highway safety and parking in the surrounding area. The application is, therefore, contrary to policies TP02 and TP06 of the Thanet Local Plan and paragraphs 110, 111, and 112 of the National Planning Policy Framework.

3. The proposed building, by virtue of its 4 storey height and depth, would lead to a loss of light and sense of enclosure to the the residential amenities of the occupiers of nos. 24 to 28 St Peters Park Road. The development is, therefore, considered to be contrary to Policy QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

4. It has not been demonstrated that appropriate bin and cycle storage can be accommodated within the site to serve the proposed development. The development is, therefore, considered to be contrary to Policies QD03 and TP03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

5. The proposed development by virtue of the location of the proposed pedestrian walkway would result in a lack of privacy to bedroom 2 of the ground floor residential apartment resulting in a poor quality of accommodation for the future occupiers of that apartment contrary to the Policy QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

6. The proposed development, by virtue of the number of units proposed and the corresponding layout, result in an inadequate sized and poorly accessible area of communal doorstep playspace, resulting in a poor quality development and inadequate living conditions for future occupiers, contrary to Policy GI04 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

7. Insufficient evidence has been provided to demonstrate that a good standard of residential accommodation for future occupiers could be achieved on site for future occupiers without unreasonably impacting upon the operations of the existing adjacent commercial unit (no 20). The development is, therefore, considered to be contrary to Policy QD03 of the Thanet Local Plan and paragraphs 130 and 187 of the National Planning Policy Framework.

8. The proposed development will result in additional pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to policy SP29 of the Thanet Local Plan and paragraph 182 of the National Planning Policy Framework.

F/TH/11/0567 - Erection of building comprising 2No. retail units at ground floor level together with 5no self contained flats , following demolition of existing. Approved 21st September 2011.

PROPOSED DEVELOPMENT

Planning permission is sought for the erection of a three storey building comprising 2 commercial units and 5 residential apartments following the demolition of the existing structures within the site.

The ground floor of the proposed development would accommodate the 2 commercial units (43sqm and 26sqm) and a two bed apartment (70sqm). The first floor would provide 2

further two bed apartments (76sqm and 70sqm) with the layout of the first floor repeated on the second floor.

Three parking spaces are proposed to the front of the proposed building and a two way driveway narrowing to a single way driveway to the side of the proposed building would lead to a parking area at the rear of the site for 5 cars. Bin and bike stores are also proposed to be located in the area with a bin presentation point to the side of the access road. The ground floor flat would have a private amenity space directly to its rear and there would be a shared amenity space to serve the other residential units beyond that against the boundary with no.24.

As set out above, the building is 3 storeys in height (10.9 metres at its highest point) and contemporary in design and form. It is proposed that a mix of materials would be utilised in the building - light render, yellow and red brick and reconstituted slate roofing.

It should be noted that the application as originally submitted was for a 4 storey building with 2 commercial units and 6 flats, but following concerns from officers this has been amended and reduced to current scheme.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP01 - Spatial Strategy - Housing
SP04 - Economic Growth
SP12 - Broadstairs
SP27 - Green Infrastructure
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
E01 - Retention of Existing Employment Sites
E05 - Sequential and Impact Test
H01 - Housing Development
HE01 - Archaeology
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
CC02 - Surface Water Management
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan

Policy BSP9: Design in Broadstairs & St. Peter's

Draft Broadstairs and St Peters Neighbourhood Plan

Policy BSP9: Design in Broadstairs & St. Peter's

NOTIFICATIONS

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

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

- Application as submitted contains inaccuracies on names of adjoining buildings and the name of the site as Hewdens when they not been there for some 12 years;
- Application will change the area from commercial with residential to residential;
- Too many flats;
- Too high;
- Traffic problems;
- Insufficient parking;
- Insufficient room for cars to park at front of site;
- Lack of clear sight lines for vehicles;
- Proposed planters will cause issues for users of adjoining properties parking areas;
- Parking bays too small for modern vehicles;
- Lack of electric vehicle charging point;
- Potential for damage from vehicles parking in parking are to the side of existing properties;
- Nothing from the proposed development should be attached to existing building as a potential fire risk;
- Need for gap between adjoining building and bike/bin store;
- Is a party wall agreement required?
- Litter from the proposed bin store could add to litter already experienced in the area;
- When will the bin collection point be used?
- Smell from bin may put off customers to the existing businesses;
- Who is responsible for the proposed landscaping?
- Dust and other disturbance during construction;
- Foul and surface water drainage not detailed on plans; and
- Would not allow the maximisation of solar panels on adjoining roofs;

Broadstairs Parish Council: The Committee recommends REFUSAL on the grounds that the previous reason for refusal by Thanet District Council have not been addressed (comment made on submitted plans, no comment received on amendments)

Broadstairs Society: No adverse comment.

CONSULTATIONS

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

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

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

KCC Highways: Final comment - I have the following comments to make with respect to highway matters :-

I acknowledge that there has been a reduction in resident parking bays to the rear. Due to the sustainable location of the site in its proximity to Broadstairs train station and Percy Road bus stop I am content with the provisions. Bay 5 has also been increased to 6m in length.

Swept path analysis tracking plans have now been submitted demonstrating that a vehicle can enter, manoeuvre and egress site in a forward gear without conflict. Therefore, I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (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

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

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans (Swept Path Analysis - Car Entering Site Drawing No. 405) prior to the use of the site commencing.

Provision and permanent retention of the cycle parking facilities shown on the submitted plans ((Swept Path Analysis - Car Entering Site Drawing No. 405) prior to the use of the site commencing.

Any gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway.

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.

Initial Comment - I have the following comments to make with respect to highway matters :-

This proposal seeks to erect 2 commercial units of A1 use class which would require, as per Kent Parking Standards, a total of 3 parking bays. 6 parking bays have provided for the residential flats which is a satisfactory provision, aided by the sustainable location of the site in its proximity to Broadstairs train station and Percy Road bus stop.

Therefore, the applicant should submit plans demonstrating that the site can accommodate 3 parking bays serving the commercial units, and additional details of how it will be ensured that these are not utilised by residents or visitors associated with the residential flats.

Additionally, swept path analysis drawings of a vehicle entering the EV bay, manoeuvring and egressing the site in a forward gear should be provided to ensure they can do so without conflict as this bay appears constrained.

The initial 5m of the access route allows for a vehicle to wait off of the highway if faced with an oncoming vehicle, mitigating concerns for waiting vehicles causing obstruction, however a width of 3.7m for the remainder is required for fire tenders. Therefore it appears that the access route is unable to accommodate this and Kent Fire and Rescue should be consulted on this proposal.

If a refuse vehicle is expected to service these dwellings via a roadside collection strategy it should be ensured that the drag distance for refuse collection is no more than 30 m for residents and an additional 25 m for collectors. If this is exceeded, Thanet District Council Waste and Recycling Team should be consulted to ensure that they are satisfied with proposals.

Cycle parking is shown to be secure however it is unclear if this is enclosed for weather protection and security and this should be clarified.

TDC Environmental Health: A Noise Impact Assessment (NIA) has been submitted to ensure that future occupants of the 7 flats are safeguarded against existing environmental noise and in accordance with NPPF 187 that the 'agent of change' principle is considered so that nearby existing business is not unduly restricted by the new development. The NIA has shown significant environmental noise and the acoustic consultant has proposed appropriate mitigation measures in Section 5 of the report. These measures should be conditioned along with a further assessment of the sound insulation between ground and first floor uses.

Condition: Noise

(a) Prior to the occupation of the residential units, details of the construction of the ceilings and floors that separate the (residential and commercial unit) shall be submitted to and approved by the Local Planning Authority. The ceilings and floors shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardised difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014 Acoustics - Field measurement of sound insulation in buildings and of building elements Part 1: Airborne sound insulation. The work shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

(b) An acoustic report of compliance with condition (a) and section 5 recommendations in the submitted Noise Impact Assessment (Report No. MRL/100/1982.1v1 May 2023) shall be submitted to the Local Planning Authority prior to occupation of the residential units.

COMMENTS

This application has been called to Planning Committee by Cllr Garner for Members to consider the amount of parking, electric vehicle charging points and landscaping proposed.

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 SP01 states that the primary focus for new housing development in Thanet is the urban area. Policy H01 refines this approach stating that permission for new housing development will be granted on sites allocated in the plan for residential development and non allocated sites within the confines of the urban area and villages. Policy SP12 relates specifically to Broadstairs and states that the Council will seek to support proposals that maintain and enhance the role and character of Broadstairs as a popular attractive small seaside town.

Policy E05 requires that main town centre uses should be located within the designated town centres in the district. The application site lies outside of the Broadstairs Town centre, however, it is considered to be an edge of centre location and currently is in commercial use and given this it is considered that the inclusion of commercial units within the scheme is in accordance with Policy E05.

The proposal will make a contribution to the Council's housing supply in the provision of 5 new residential units. 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, and paragraph 120 outlines how "substantial weight" should be given to the value of using suitable brownfield land within settlements for homes. Paragraph 125 states that "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site". The Council currently cannot demonstrate a 5 year supply of housing, therefore positive weight in the determination is given to the provision of 5 residential units on a brownfield site.

Character and Appearance

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

Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan and the draft Broadstairs and St Peters Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged.

It is noted that the proposed building will have two commercial units to the ground frontage which is common along this side of St Peters Park Road, with properties having commercial elements such as retail and other uses to the ground floor and residential and other uses to the upper floors. As such, it is considered that the proposed development would reflect this general characteristic of the area.

Whilst the proposed building as originally submitted was 4 storeys in height, following concerns expressed by officers it has been lowered to 3 storeys in height bringing it closer in height to other buildings along St Peters Park Road. Properties are generally a mix of 2 and 3 storey buildings with some single storey buildings within the immediate streetscene, such as the current building on the application site and the adjoining MOT centre. It would be 1.9 metres taller than nos. 24, 26 and 28 St Peters Park Road to the north and 3.9 metres taller than the MOT garage to its south. It is noted that whilst the building is deep (some 19 metres at its deepest point) it is considered that the mass of the building is successfully broken up by different articulation in the footprint and use of materials. It is contemporary in design, but utilises materials found in the area (such as render, reconstituted slate and red and yellow bricks) reflecting the character of the locality in accordance with Policy BSP9 of the Neighbourhood Plan. As such, it is considered to add interest, quality and variety to a part of St Peters Park Road where properties are of different scales, forms and design and of different ages, whilst conserving local distinctiveness.

As such, the proposed development is considered to respect the character and appearance of the area and meets the requirements of Policy QD02 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan and the guidance of the NPPF.

Living Conditions

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

Policies QD03, QD04 and GI04 of the Local Plan are also relevant to this application. Policy QD03 (Living Conditions) states that all new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass. Policy QD04 of the Local Plan stated that all new residential development should meet the appropriate nationally described space standards and Policy GI04 states that family dwellings of 2 or more units will be expected to incorporate garden space in order to provide a safe "doorstep play area for young children.

As such, it falls to assess the impact of the proposed development on the residential amenities of adjoining occupiers and the standard of accommodation that would be provided for future occupiers.

The site is bounded to the rear by the train station car park, meaning that all rear windows in the new development will not result in any direct overlooking to residential properties. It is considered that the properties opposite the front of the development would not be affected by the proposal in terms of overlooking, outlook or sense of enclosure, given the orientation and the separation distances between the sites.

Nos. 24, 26 and 28 lie to the north of the application site and it is noted that the proposed building would present an essentially blank elevation to that side. Nos 24, 26 and 28 appear to have been commercial at ground floor level with residential above. There is a landscaped garden area to its rear. The separation distance with the immediate neighbour would remain unchanged (2.3m), but it is noted that the proposed building would be 3 storey instead of the existing single storey. The flank elevation of nos. 24, 26 and 28 facing the application site is a blank elevation, it is however, noted that the proposed building would have windows in its flank elevation and would protrude some 9 metres beyond its rear. It is noted that the windows in the flank elevation would serve a service void and sit in a recessed part of the building at a distance of 3.5 metres to nos 24, 26 and 28. The upper floors flats on the first and second floors to the rear are both proposed to have balconies. These would be on the opposite side of the building to nos. 24, 26 and 28 and at their closest point would be some 6 metres from the northern edge of the host building. Given the distances between these balconies and the southern boundary of 24, 26 and 28 and that the windows on the northern elevation of the proposed building would serve a service void it is not considered that there would any adverse impact from the proposed development in terms of overlooking on the residential amenities of nos. 24, 26 and 28.

It is acknowledged that there would be a difference in the relationship experienced by the occupiers of nos 24, 26 and 28 given the proposed change from a single storey building on the application site to a 3 storey dwelling. It is, however, noted that the distance between the proposed building and nos 24, 26 and 278 would remain the same (2.3 metres) with the closest rear facing windows to the proposed building being set in another metre or so from the flank wall. Given this, and the proposed buildings location to the south of nos 24, 26 and 28, it is not considered that the proposal would result in a significant sense of enclosure to its residents to result in severe harm to the living conditions of the neighbouring property..

Concerns have been raised about loss of light and shadowing to these properties from the proposed development including the impact of solar panels to the roof of those properties. Whilst it is noted that the impact of a proposed development on the loss of light to existing solar panels is a material planning consideration, it is noted that there are no solar panels currently on the adjoining building. It is, however, appropriate to assess the impact from the proposed development on these properties in terms of any loss of light. The applicants have submitted a daylight assessment which compares the impact of both the existing and proposed buildings in summer (1st August) and winter (1st March). It is noted that both summer and winter there would be some loss of light from the proposed development when compared with the existing single storey building, but it is not considered that the difference

is so significant that it would result in a total loss of light to the adjoining neighbour and its rear amenity area.

No. 20 is an established MOT/car servicing garage which is likely to carry out noisy commercial/industrial practices on a daily basis. The current building on the application site sits some 3.7 metres from the flank wall of the no. 20 which sits on the shared boundary with the closest part of the flank wall of the proposed building being located some 4.8 metres from the shared boundary. From its website, the MOT centre's current opening times are 8am and 6pm Mondays to Fridays and 8am to 12 pm Saturdays. The existing building is commercial and the proposed development would see the retention of commercial uses on the site as well as the introduction of residential development. On this basis, it is considered that paragraph 187 of the NPPF relating to the agent of change principle is relevant. This states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses, without having unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

It is noted that the proposed development would introduce a number of windows to the flank elevation of the building facing the MOT centre, with these being stairwell windows and bathroom and ensuite windows. The application is supported by a Noise Impact Assessment and this concluded that "the development site is exposed to fairly high levels of external environmental noise during both the daytime and night time periods due to noise mainly from road traffic and commercial noise at the front part of the site and railway noise at the rear of the site. An appropriate noise mitigation scheme has been recommended for the new dwellings which should provide sufficient noise attenuation to meet the required internal acoustic criteria and fully protect the amenity of future residents in accordance with standards outlined in the WHO guidance, BS 8233:2014 and ProPG guidance document. The general outdoor daytime noise climate within any rear garden amenity areas should also be within the criteria outlined in WHO guidance, BS 8233:2014 and ProPG guidance document with the provision of suitable 2 m high perimeter screening. The airborne sound insulation of the party floor separating the ground floor commercial units and the 1st floor flats can be assessed at a later date once details of the proposed building construction have been finalised."

The Council's Environmental Health Team have reviewed the application and the noise impact assessment and advise that the submission has demonstrated that the future occupants of the proposed flats would be safeguarded against existing noise so that nearby existing business is not unduly restricted by the new development. They recommend that the mitigation measures set out in the report are conditioned and that a further condition is imposed to secure the further assessment of insulation between the ground floor commercial units and the 1st floor flats. These conditions are considered reasonable and necessary in this instance to secure an appropriate standard of residential amenity is provided for the future occupiers of the proposed development in accordance with Policy QD03 and to ensure that the inclusion of residential development on the site would not adversely affect/compromise the activities of adjoining businesses.

The proposed flats are all two bed, 4 person flats on a single level and would have internal floor areas ranging from 70 sqm to 76 sqm. As such each unit would meet or exceed the Nationally Described Space Standard for such a flat. It is considered that generally each flat would have a good standard of light and ventilation to most rooms. It is, however, noted that windows for the second bedrooms of the rear flats on the first and second floor would be located in a cut out area of the building above the access door and look onto the blank wall of the front flat on that floor with a separation distance of 1.3m. Whilst this is not considered an ideal relationship, it is considered that on balance that the room would still receive natural light from the southern facing cut out, with views to the road available at an angle to provide some outlook. It is also noted that on the other side of the building the kitchen of both flats on the upper floors would be located on a cut out part of the building, with windows facing each other with a separation distance of 2.5m. This raises concerns about the potential of mutual overlooking between the proposed flats. It is considered, however, that this could be avoided by conditioning that these windows should be obscure glazed and non openable below 1.7metres above the finished floor level on the basis that the kitchens in each of the units form part of an open plan living area which are served by large windows either to the front or back of the proposed development.

It is also noted that the future occupiers using the pedestrian walkway to access the rear of the site and the facilities located there would have to walk directly past the windows in the southern elevation of the ground floor residential unit. These would be secondary windows serving the open plan living area of that flat and, as such, it is considered that these could be obscure glazed and top opening only to avoid overlooking into the flat.

Bike and bin stores have been identified to serve the occupiers of the proposed development located to the rear of the site within the parking area which would have solid end panels parallel to but not fixed to the MOT centre. A bin collection point is located adjacent to the access road which would be utilised on collection day. The furthest part of the collection point located some 25 metres from the existing pavement.

All of the residential units are 2 bed units and would require an area of doorstep playspace. The ground floor flat would be served by an area of private amenity space directly accessed from its rear elevation with the other units served by a communal area of amenity space to the rear of the site. It is acknowledged that the proposed amenity area is fairly limited in size and odd shaped, but it is considered that it is usable for clothes drying and would provide a safe play area for very young children. It is also recognised that the Council do not have space standards for gardens or communal amenity spaces and ,therefore, whilst not ideal, provision has been made for some communal space on this site.

Given the above, it is considered that on balance, with safeguarding conditions imposed, that the proposed development would not have an adverse impact on the residential amenities of adjoining occupiers and would provide a good standard of residential amenity for its future occupiers without compromising the working of adjoining businesses in accordance with Policy QD03 and paragraph 130 and 187 of the NPPF.

Highways

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

The proposed development would see a mixed development of 2 commercial units and 5 residential apartments. From the proposed site plan it appears that a 2 way access road (4.85 metres wide) narrowing to a single way access road (3.7 metres wide at its narrowest point some 5.5 metres into the site) would allow access to a parking area with bike and bin store and amenity space to the rear of the site. The main pedestrian access to the flats is located to the side of the proposed building accessed via a pedestrian walkway from the front of the site. Three parking spaces are also shown to the front of the commercial units to serve those units, utilising the existing dropped kerb access. Five parking spaces are provided in the rear parking area to serve the proposed flats (one space per flat).

KCC Highways have reviewed the proposal and initially raised a number of concerns about the application in relation to the size of proposed parking bays, the fact that the access road was too narrow for fire tenders to access the rear of the site, no swept paths for vehicles provided, clarification of bin collection and cycle parking.

Amended plans have been received from the applicant to address the issues raised. Swept paths were provided as requested and the car parking spaces amended to meet the requirements of KCC Highways in terms of sizes (including the enlargement of parking spaces where there would for example be bounded on one side). The provision of 5 metre deep parking spaces are now secured for the spaces to the front of the site together with the means of safeguarding them for the commercial units via lockable bollards. Amendments were also made to the access road to secure the required 3.7m width for the section of single vehicle access. Details of covered cycle and bin stores were also provided and a bin collection point has also been provided to allow bins to be brought to an acceptable distance for refuse operators to collect from on the day of collection

KCC Highways have reviewed the amended plans and advise that they can now support the application subject to the imposition of conditions to secure the submission and agreement of a construction management plan; provision of measures to prevent surface water discharge to the highway; Provision and permanent retention of vehicle and cycle parking spaces; and any gates proposed to open away from the highway and set back a minimum of 5m from the edge of the highway. These suggested conditions are considered appropriate and to meet the tests for conditions.

The application site is considered to be in a sustainable location, close to a train station and other public transport links and within walking and cycling distance of a variety of services and facilities. It is also noted that whilst parking is restricted along part of St Peters Park Road and other surrounding roads, on street parking is available in close proximity to the application site.

Given the above, it is considered that subject to the safeguarding conditions, there would be no adverse impact on highway safety or parking in the surrounding area from the proposed development.

Biodiversity

The NPPF states at paragraph 174 states that the "planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible ..." Policy SP27 states that all development proposals should, where possible, safeguard Thanet's Green Infrastructure network and enhance it by integrating new multifunctional Green Infrastructure by integrating Green Infrastructure provision in the design of developments.

No ecological information has been submitted to support the proposal, but it is noted from the submitted Design and Access Statement and site visit that there is limited soft landscaping within the existing site as much of it is covered by buildings or hard surfacing. There is some existing landscaping to the rear and northern boundaries of the site, but this appears to be of limited quality.

KCC Biodiversity commented on the previous application and advised that the proposed development has limited potential to result in ecological impacts, providing the tree(s) on-site are retained and protected from damage during construction. Additionally, they stated that the retention of vegetation along the embankment will result in the retention of bird nesting habitat on-site, with biodiversity losses understood to be minimised in proposals, there is also some scope for biodiversity enhancements within plans.

It is noted that the landscaping within the area separating the rear of the application site from the station car park would be retained, but the limited vegetation on the site would be removed. As stated above, the existing vegetation is considered to be of fairly poor quality and is not protected by virtue of a Tree Preservation Order or the site being located within a conservation area. It is noted that 2 amenity areas would be provided to serve the proposed residential apartments and it is considered that there may be scope to plant small native trees and other landscaping within them whilst allowing them to be used for amenity purposes and uses such as clothes drying.

It is, therefore, considered the impact of the proposed development on ecology could be controlled by condition to secure enhancements.

Drainage

Paragraph 159 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The application site is not within an area prone to flooding and is designated as being of low risk; accordingly the development would not pose a flood risk issue to the wider environment. Policy CC02 states that all new development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible.

The application site is within flood zone 1 and not of a size to require the submission of a Flood Risk Assessment. It is noted from the application form, that surface water would be dealt with via soakaways and it is proposed to connect to the main sewer to dispose of foul sewage. This will be subject to a condition requiring provision of drainage details prior to the commencement of development.

Given the size of the site and scale and nature of the proposed development it is considered that it is unlikely to have a significant impact on drainage in the area and could be dealt with via safeguarding conditions.

Archaeology

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

Policy SP36 of the Local Plan states that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets. Policy HE01 relates to archaeology and states that the council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation.

Thanet is generally rich in architecture and the submitted application includes no assessment of the archaeological potential of the site or the impact from the development proposals.

The Historic Environment Records for Kent have been consulted and it is noted that there are no archaeological structures recorded in the immediate surrounding area.

Given this it is not considered that the proposed development would have an adverse impact on archaeology.

Contributions

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

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the

decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations. This mitigation is secured under policy SP29 of the Local Plan.

This application includes a valid Unilateral Undertaking to provide the required financial contribution of £1,600 for the residential units to mitigate the additional recreational pressure upon the SPA area and, therefore, accords with Policy SP29.

Other Matters

The Party Wall etc Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

Concerns have been raised about noise and disturbance during construction. Given the fact that construction is normally a temporary disturbance and managed under other legislation (specifically the Environment Protection Act and the Control of Pollution act), it is not considered necessary for additional requirements within the construction management condition to be provided. It is not a material planning consideration.

Conclusion

The application site is previously developed land within the built up area of Broadstairs and the proposal would make a small contribution (5 dwellings) to the District's housing land supply as well as retaining commercial development on the lower floors. There is no in principle objection to the proposed development and development of this type is supported within the NPPF.

It is recognised that there would be some modest economic and social benefits, with minimal environmental harm from the introduction of built form (which is mitigated by the acceptable design) from the proposed development.

There are no adverse impacts from the proposal on residential amenity, highway safety or parking or ecology and flooding, subject to safeguarding conditions.

The SAMM is secured via a legal agreement, meaning that the development will not result in a significant effect on designated sites.

Given the above, it is considered that the proposed development is acceptable when considered against the policies of the Local Plan and the guidance within the National Planning Policy Framework.

It is therefore recommended that members approve this application, subject to safeguarding conditions and reference to the submitted unilateral undertaking.

Case Officer

Annabel Hemmings

Agenda Item 5a

TITLE:

F/TH/23/0693

Project

Hewden Hire Centre 22 St Peters Park Road BROADSTAIRS Kent CT10
2BL



A02

F/TH/23/0850

PROPOSAL: Change of use of land from agricultural to the keeping of horses; formation of access routes for horses and agricultural vehicles, sand school, lunge, vehicle parking area and bunds.

LOCATION:

Little Cliffsend Farm Chalk Hill RAMSGATE Kent CT12 5HP

WARD: Cliffsend And Pegwell

AGENT: Mr. John Elvidge

APPLICANT: Mr. I P A Smith

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 23/626/JG/PL02 received 23/06/2023, 23/626/JG/PL01 Rev C and, 23/626/JG/PL03 Rev E received 22/09/2023, and the site location plan received 12/07/2023.

GROUND;

To secure the proper development of the area.

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

GROUND:

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

3 The sand school and lunge hereby approved shall only be available for use Monday-Sunday between the hours of 7am-9pm

GROUND:

In the interests of the amenity of the area, in accordance with Policies QD02 and QD03 of the Thanet Local Plan.

4 Prior to the installation of any external lighting a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Show how and where external lighting will be installed
- b) 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 lighting plan and these shall be maintained thereafter in accordance with the strategy.

GROUND:

To protect the landscape character area, the characteristics of this countryside location, and wider amenity, in accordance with the aims of policies SP24, SP26, QD02 and SE08 of the Thanet Local Plan and the advice as contained within the NPPF.

5 Within 12 weeks of the date of this approval a landscaping plan shall be submitted to the Local Planning Authority for its written approval. The plan shall demonstrate that the approved earth bunds will be planted with a species rich grassland mix, and shall provide details of how the grassland within the bunds will be established (including timeframes for doing so), managed, and maintained. The plan shall be implemented as approved.

GROUND:

To ensure biodiversity net gain, in accordance with the aims of Policy SP30 of the Thanet Local Plan and paragraphs 174 and 180 of 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.

Guidance from the Environment Agency sets out that manure stored within Source Protection Zone 1 (which covers roughly 1/3 of the red line boundary) must be done so with an impermeable base and sealed drainage. There can be no temporary storage of manure in these areas. The applicant has indicated they have enough land to store manure 'without the need to store waste in the source protection zone'. To clarify, the whole of the farm site is covered by a source protection zone. The applicant may store manure in temporary heaps in source protection zones 2 and 3, but not zone 1. If further clarification is required the applicant is advised to contact the Environment Agency directly.

SITE, LOCATION AND DESCRIPTION

The Chalk Hill area comprises mainly agricultural land, with open fields to the north and south, paddocks to the southeast, and a farm complex to the southwest. Beyond this are the salt marshes and coastal areas. The site sits within the identified Wantsum North Slopes Landscape Character Area.

The proposal relates to land adjacent to the existing farm complex. The site area is around 7.5 hectares and runs north and then east towards Royal Harbour Approach. The land here forms part of the agricultural holding for Little Cliffsend Farm and sits above an area of existing paddocks, formerly approved under application F/TH/20/0876.

RELEVANT PLANNING HISTORY

F/TH/23/0235 - Change of use of the land to the siting and storage of containers, materials, plant and machinery and for the parking of vehicles (Retrospective). Granted 03/05/2023.

CON/TH/21/1574 - Application for approval of conditions 2 (Drainage) and 4 (Ecological Enhancements) of planning permission F/TH/20/0876 for the retrospective application for the change of use of agricultural land to land for the keeping of horses. Granted 01/12/2021.

F/TH/20/0876 - Retrospective application for the change of use of agricultural land to land for the keeping of horses. Granted 21/06/2021.

F/TH/16/1417 - Erection of 2 new Industrial Units for B8 use for Storage and Distribution, together with creation of new access route and ground profiling to provide landscape shielding of access way and development. Granted 20/06/2017.

F/TH/00/0213 - Change of use of surplus farm buildings to light industrial (use class b1) together with the provision of associated vehicle parking. Granted 28/09/2000.

PROPOSED DEVELOPMENT

This application seeks part-retrospective permission for the change of use of land from agriculture to the keeping of horses, the formation of access routes for horses and agricultural vehicles, a sand school and lunge, a vehicle parking area, and earth bunds.

The change of use has already taken place and the area is currently occupied by horses contained within paddocks divided by post and rail fencing (this does not form part of the application). The access track is already in place and is stated to be for horses only, not vehicles, to allow them to move safely. The other tracks proposed are also already in place. Earth bunds have been formed, however at the time that Officers last visited, the sand school and lunge area were still under construction, along with the vehicle parking area and some of the southern bunds. Horses were being exercised in the field adjacent which appeared open (to the north).

The applicant's agent has provided information setting out that the intended number of horses to be kept on the site will be around 40, that these will be in connection with the farm holding, but that the horses will be owned and maintained by private individuals coming and going. All horses across the site (including those in the adjacent fields to the south), would have access to the lunge and sand school. There are no proposed physical elements to the lunge, however a 1.5m post and rail enclosure is intended. It is stated that the horses are being rehoused from Crumps Farm owing to closure. The access track formed is for the use and safe movement of horses and not vehicles, and parking will be provided for up to 60 cars (20 with horse boxes).

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP24 - Development in the Countryside
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
SP35 - Quality Development
SP36 - Conservation and Enhancement of Thanet's Historic Environment
E16 - Best and Most Versatile Agricultural Land
HE01 - Archaeology
HE03 - Heritage Assets
QD01 - Sustainable Development
QD02 - General Design Principles
QD03 - Living Conditions
TP06 - Car Parking
SE04 - Groundwater Protection Zones

NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice posted close to the site and an advert was posted in the local paper. No representations have been received.

Ramsgate Town Council: Ramsgate Town Council cannot make a comment on this application and seeks further clarification of detail i.e. how many horses will be accommodated on the site.

Cliffsend Parish Council: Raised concerns about the information contained in the application form and made the following comments:

- The works that have already been undertaken should be in a separate application (formation of access routes)
- There is hazardous and dangerous material being stored that is not in the application
- Unlimited number of horses
- Environmental impacts and impact on water sources from manure
- Highway safety and cycle safety

- Slow moving vehicles could represent a risk using the main turn onto Chalk Hill
- Hours of use and movement could represent a risk in the dark and should be conditioned
- Unclear whether the car park would be a separate use
- No materials for hard surfaces have been provided
- The height, length and provision of trees grown on the bunds needs to be limited
- Development should comply with Policy SP26 of the Thanet Local Plan
- The location for storing manure is not appropriate or lawful

CONSULTATIONS

Environment Agency: “We object to the application as submitted because the location and type of development proposed is likely to result in a significant risk to groundwater resources from which supplies of potable water are obtained. We recommend that planning permission should be refused on this basis.

The site is located within a Source Protection Zone 1 area where we carefully monitor development proposals of all types. Source Protection Zones are designated by us to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. Source Protection Zone 1 areas are designated closest to the source of potable water supplies and indicate the area of highest risk to abstracted water quality.

In this instance the proposed development would threaten potable water supplies from potential effluent runoff / leachate from manure heaps stored on site for the following reasons:

- Equestrian developments have the potential to produce large quantities of environmentally damaging effluent from stable washings contaminated with foulings, water which has been used for hay soaking and leachate from manure heaps.
- Controlled waters are sensitive in this location as the proposed development is located within a Source Protection Zone 1, upon a Principal aquifer.
- No clear detail has been provided within the application as to the volume of manure expected to be produced, or how the manure is to be stored, or how leachate runoff is to be managed.
- The site is situated within a Nitrate Vulnerable Zone and A Drinking Water Groundwater Safeguard Zone.

Under the storage of silage, slurry and agricultural fuel oil guidance (Storing silage, slurry and agricultural fuel oil - GOV.UK (www.gov.uk)), you must inform the us if you intend to construct new storage facilities and ensure that the surrounding environment, including controlled waters such as groundwater, are not polluted as a result of the activity. As the site is located in a Nitrate Vulnerable Zone there are additional rules, including for the storage of solid manures. Storage should either be in a container, on a waterproof base where runoff can be collected, or in a roofed building.”

Following amendments and reconsultation the Environment Agency made the following comments:

“We have reviewed the submitted documents and consider that it satisfactorily addresses our earlier concerns.

Subject to the condition below, we therefore withdraw our previous objection, KT/2023/130865/01-L01, dated 03 August 2023.

Condition

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

Reason

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

Informative

Since our previous response we understand the applicant has received manure storage guidance from us. This guidance clearly states that manures stored within Source Protection Zone 1 (which covers roughly 1/3 of the red line boundary) must be done so with an impermeable base and sealed drainage. There can be no temporary storage of manure in these areas.

The applicant has indicated they have enough land to store manure 'without the need to store waste in the source protection zone'. To clarify, the whole of the farm site is covered by a source protection zone. The applicant may store manure in temporary heaps in source protection zones 2 and 3, but not zone 1.

The current 'Proposed area for storing manure' documents on the planning portal (uploaded 05/09/23) indicate the manure will be stored in source protection zone 1. Provided these plans are no longer applicable, and the applicant adheres to the guidance provided on manure storage, we do not object to this application subject to the aforementioned condition.”

TDC Environmental Health: “Environmental Health are concerned that no detail has been provided regarding storage and removal of manure. Burning manure is not an acceptable method of disposal as it is controlled waste and can harm the environment and cause smoke nuisance. If consent is granted the following condition is recommended:

STABLE – MANURE STORAGE/BURNING

Prior to the commencement of the development, details of where and how manure is to be stored and ultimately disposed of shall be submitted to and approved in writing by the Local

Planning Authority. Once the use commences, this shall be carried out in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.”

Following amendments and reconsultation Environmental Health made the following comments:

If the Environment Agency do not object we are satisfied.

TDC Conservation Officer: “Following a review of the proposed application I would consider there to be minimal implication to the nearby listed gun placements, as such I do not object to the proposed.”

KCC Highways: “The proposal seeks to provide an area for horses, formation of an access route, sand school, lunge and vehicle parking. An access route is proposed adjacent to an existing access off Chalk Hill.

Vehicle tracking is required at the junction with Chalk Hill to illustrate that vehicles with horse boxes can enter and exit the site without obstructing or damaging the existing public highway.

I shall be grateful for the submission of further details to enable additional comments to be provided.”

KCC Public Rights of Way: “No comment”.

KCC Biodiversity and Ecology: “No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts. We have taken this view as the site is an intensively managed grassland field limiting the potential for protected/notable species to be present As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

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) 2021, biodiversity should be maintained and enhanced through the planning system.

The proposal includes the creation of bunds. We recommend that the bunds are planted with a species rich grassland mix and managed to enable the grasses and plants to flower and set seed. If the bunds are planted with a species rich grassland mix and it is actively managed it’s likely that that the proposal can achieve a net gain.

If planning permission is granted we recommend that landscaping plan is submitted as a condition of planning permission demonstrating that the proposed bunds will be designed to benefit biodiversity and in particular planted with a species rich grassland mix. We recommend the following condition:

Prior to works commencing within the site a landscaping plan must be submitted to the LPA for written approval. It must demonstrate that the bunds will be planted with a species rich grassland mix and provide details of how the grassland within the bunds will be established and managed. The plan must be implemented as approved.”

Following amendments and reconsultation KCC made the following comments:

"We have reviewed the updated information and we advise that the following advise provided in August 2023 is still valid.

NO INFORMATION – NO FURTHER INFORMATION REQUIRED

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts. We have taken this view as the site is an intensively managed grassland field limiting the potential for protected/notable species to be present. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

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) 2021, biodiversity should be maintained and enhanced through the planning system.

The proposal includes the creation of bunds. We recommend that the bunds are planted with a species rich grassland mix and managed to enable the grasses and plants to flower and set seed. If the bunds are planted with a species rich grassland mix and it is actively managed it's likely that that the proposal can achieve a net gain. We understand that the applicant has concerns with the management of the bund if it is planted with a grassland meadow mix. But we highlight that a flowering lawn mix can be planted and that will enable a grassland with a reduced sward height mix to be established on site and therefore can be cut more regularly but still benefit biodiversity.

Information has been provided confirming that native species hedgerows will be planted within the site.

If planning permission is granted we recommend that landscaping plan is submitted as a condition of planning permission demonstrating that the proposed bunds will be designed to benefit biodiversity and in particular planted with a species rich grassland mix. We recommend the following condition:

Prior to works commencing within the site a landscaping plan must be submitted to the LPA for written approval. It must demonstrate that the bunds will be planted with a species rich grassland mix and provide details of how the grassland within the bunds will be established and managed. The plan must be implemented as approved."

KCC Archaeology: No response.

COMMENTS

This application is reported to Planning Committee at the request of Cllr Davis in order for Members to consider whether any harm is caused to the environment, specifically contamination to groundwater, as raised by the Environment Agency, as a result of the works.

Principle

This application is part-retrospective and seeks consent for the change of use of agricultural land to the keeping of horses, along with associated access routes, sand school, lunge, vehicle parking and bunds. The site is located outside the urban confines and is therefore within the countryside. Policy SP24 of the Thanet Local Plan sets out that development on non-allocated sites in the countryside will be permitted for either:

- 1) the growth and expansion of an existing rural business;
- 2) the development and diversification of agricultural and other land based rural businesses;
- 3) rural tourism and leisure development;
- 4) the retention and/or development of accessible local services and community facilities; or
- 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings.

All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The keeping of horses is considered to be a use that is compatible with a land based rural business, and the growth and expansion of businesses is supported by paragraph 84 of the National Planning Policy Framework (NPPF). It is also noted that this has been found to be an acceptable use of land in this location, with planning permission given for the keeping of horses to the southern fields extending eastwards (application F/TH/20/0876 refers).

No specific policies exist for equestrian uses in the 2020 Local Plan. Policy SR16 of the former 2006 Local Plan generally supported equestrian uses in the countryside subject to certain criteria being met. This included the nature and scale of the equestrian use, and the impact of any built development on the character of the countryside, the cumulative effect of similar uses in the countryside, whether suitable arrangements have been made for disposal of waste, drainage provision, whether a suitable vehicular access can be provided, the impact upon traffic levels, among other considerations. There was no in-principle objection to the keeping of horses.

Policy E16 of the current Local Plan sets out that for major development planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land, save for where the following apply:

- 1) the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land,
- 2) there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and
- 3) the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.

The proposal would see a change to an equestrian rather than agricultural use, however this would not be likely to interfere with the aims of the above policy. Whilst the land appears to constitute best and most versatile agricultural land from the Natural England provisional agricultural land classification GIS mapping, the proposed works would not result in an

irreversible loss, as it would be possible to return it to an agricultural use again by removing the horses.

The proposed development is, therefore, considered to be acceptable in principle, subject to the assessment of all other material planning considerations, including the impact on the character and appearance of the surrounding area, the living conditions of neighbouring occupiers, archaeology, ecology and biodiversity, highway safety, and other matters.

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. Paragraphs 174-175 set out that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. It goes on to say that plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in the Framework.

Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme. Policy SP24 sets out that proposals for development in the countryside should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The proposed change of use would see the further expansion of fields for the keeping of horses. Of itself this would not be likely to materially alter the character of the wider area, with the adjacent fields already in use for this purpose, and notable field shelters and structures, along with boundary treatments separating paddocks.

In terms of the appearance of the area, the site sits within the identified Wantsum North Slopes Landscape Character Area as designated under Policy SP26 of the Thanet Local Plan. Both policies SP24 and SP26 of the Thanet Local Plan seek to protect special landscapes and the rural character of the countryside by requiring development proposals to be of a form, scale, and size which is compatible with, and respects the character of, the

local area, and seeks to avoid skyline intrusion that would harm the openness of the landscape or prevent wide and long views across the the Wantsum Channel.

The Landscape Character Assessment identifies the Wantsum North Slopes in the following way:

This landscape is characterised by sloping topography, which forms fairly steep south facing slopes rising above and forming the North Shore of the Wantsum Channel. It comprises regular arable fields and the settlements of former 'port' villages.

A regular, rectilinear field pattern, with few defining boundary features between the fields creates a large scale, open landscape. Large fields of asparagus on the eastern slopes create a distinctive seasonal landscape. Localised areas of trees occur around isolated farm buildings and roadside dwellings, and some hedgerows run along the straight roads that connect the villages.

The document goes on to identify key qualities and sensitivities within the area, including long uninterrupted views from the south facing slopes across the flat landscape of the adjacent marshes and over Pegwell Bay and the sea, the sparsely settled landscape (outside the villages) with trees situated around villages and farmsteads which provides a rural agricultural backdrop to the marshes, and the role it has in providing a rural backdrop and largely undeveloped ridgeline and slopes to the adjacent marshes.

Despite some associated structures, a sense of openness would be retained here. Animal movement and the absence of other physical built form, along with the need to graze and the continued presence of green pastures, would retain an element of openness across the landscape. The use is considered to be compatible with the agricultural operations of the wider farm complex and countryside location, and therefore there is not considered to be any harm to the character and appearance of the area.

It is noted that a number of earth bunds have been formed to the southwestern part of the site. These comprise, and when finished are proposed to form, one long bund running eastwards towards a new access track that would sit adjacent to a 'U-shaped' bund facing north, east, and south. Another bund would sit between the car parking area and lunge. Finally a long bund would run across the southern part of the site covering the area for vehicle parking, the lunge, and the sand school. The following dimensions are given as maximum measurements for each:

- Single western bund north of car park - 77.3m long x 19.5m wide and up to 3m high
- Top of U-shaped bund north of sand school - 69.6m long x 20.8m wide and up to 3m high
- Middle of U-shaped bund east of sand school - 25m long x 19.5m wide and up to 3m high
- Bottom of U-shaped bund south of sand school - 62.3m long x 9.5m wide and up to 2m
- Southern bund along the bottom - 155m long x up to 11m wide and up to 2m high
- Additional bund added - 38.6m long x 18m wide and up to 3m high

The proposed sand school and lunge area would be open internally, though screened by the bunds. These features may create a more formalised appearance when compared with the adjacent paddocks, however views into the area would be likely to be limited from public vantage points owing to the height and length of the earth bunds and it is not considered uncommon to find facilities like these in countryside locations. Horses from the adjacent lower fields would be able to use and access these facilities and areas. It is stated by the applicant that the bunds are required to provide seclusion and separate movements between horses using this area and those in the adjacent areas, including vehicle movements. It is stated that the horses are sensitive to their surroundings, movement, and noise.

The bunded areas here would sit in line with an existing embankment lined with trees along the northern perimeter of the farm complex, where there is significant drop in land levels to one side. This existing embankment, given the additional tree coverage over it, blocks views across the coastal edge, and out to sea. The proposed bunds do not extend any further than this line, and the current planting scheme agreed by the applicant with KCC would be for a species rich grassland mix to be managed and is a recommended condition by KCC. Views from the entrance track off of Chalk Hill indicate sporadic tree coverage along the cliff top, and some structures. The bunds therefore do not appear to materially alter or harmfully intrude upon the skyline or openness of this area. They have been grassed/become self-seeded and blend with the landscape to a degree. The works would be reversible and the bunds could be levelled if no longer required later. Therefore, on balance, they are not considered to be significantly harmful or to conflict with the overall aims of policies SP24, SP26, or QD02 of the Thanet Local Plan or the aims of the NPPF.

Although it is not considered necessary or reasonable to condition the hours of use given the keeping of live animals and animal welfare considerations, there could be an impact from the use of the sand school and lunge in terms of lighting and darker days or evening activity which could have a landscape impact. As a result it is considered appropriate to require a lighting design condition in connection with the aims of policies SP26, QD02 and QD03.

The proposed new tracks create a more formalised arrangement and cut into otherwise open fields. Given the otherwise green space retained, along with the need to access paddocks and move horses, the principle of the tracks are considered to be acceptable. It was raised with the applicant that the existing access track that has been formed appears wider than may be necessary and justification for this was sought. The applicant's agent has set out that large vehicles associated with the farm holding use the existing access tracks, and that there is a level of movement associated with the businesses within the farm courtyard and distribution units there. It is set out that at times vehicles take up a larger amount of the track width and the proposed new track has been designed to allow for a larger space to avoid conflict between horses and commercial or agricultural vehicles. Whilst the currently proposed access track appears to be larger than required, it is not considered significantly harmful enough as to refuse the application. This track, along with the others proposed, could be removed if no longer needed later, and is viewed in the context of the intended land use.

Finally a parking area is proposed to the southwestern corner of the site. This will be comprised of Type 1 material and hold up to 60 vehicles. It is likely that the use will be

intermittent and not at full capacity the majority of the time, with individual horse owners attending at varying times. Formalised parking at this level would create a change in the overall appearance of the site, and could lead to a change in character, however given that the resulting change of use and other development have been considered to be acceptable, parking would be expected here. The majority of the parking would be obscured from Chalk Hill and surrounding public access paths by the northwest bund, and on balance, the works are not considered significantly harmful enough as to refuse the application.

To the south of the site there are two Grade II listed WW2 Gun Emplacements. Paragraphs 199 and 202 of the National Planning Policy Framework (NPPF) advise that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation. In determining applications great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Policy SP36 sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development. Policy HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF. In this case the Council's Conservation Officer has reviewed the scheme and raised no objections to the impact of the works on the listed assets.

Given the site's location, change in land levels, previous planning history, and the above, the proposed works are not considered to result in any significant harm.

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 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 change of use of land would be likely to create a more active and perceivable use in this location. However, the site area is set away from neighbouring property occupiers and is therefore unlikely to result in any perceivable harm. To the south east with Coastguard Cottages, the site would be some 250m north of residential properties in this location. Although there could be more comings and goings and associated noise from increased numbers of horses across the wider area, the separation distances concerned, along with the access from Chalk Hill to the northwest point of the site, are likely to mean that no new

harm would occur. Although there are properties to the northwest along Sandwich Road, these are over 260m away and located south of the access point on to Chalk Hill. As a result there is not likely to be any harm to occupiers in this location. The proposal would see an intensification of the wider area for the keeping of horses and this may generate more overall noise and movement, as identified above. Within the farm complex there are some residential buildings. These are set within the envelope of an existing agricultural business and associated rural activities, like the keeping of horses, would not be uncommon or unexpected in such a location and therefore given the surrounding environment and location, the works are not considered likely to result in harm.

In terms of the impact on the commercial farm operations, the keeping of horses is an already established practice here. There are mixed uses on the wider farm site already, including storage and distribution, and separate parking arrangements / access points have been provided.

The Environment Agency initially raised an objection to the proposal, setting out that the site lies within a Source 1 Protection Zone and the potential effluent run-off / leachate from manure heaps stored on site are likely to result in a significant risk to ground water resources from which supplies of potable water are obtained (high quality water supplies usable for human consumption). They identified that:

“Equestrian developments have the potential to produce large quantities of environmentally damaging effluent from stable washings contaminated with foulings, water which has been used for hay soaking and leachate from manure heaps.

Controlled waters are sensitive in this location as the proposed development is located within a Source Protection Zone 1, upon a Principal aquifer.

No clear detail has been provided within the application as to the volume of manure expected to be produced, or how the manure is to be stored, or how leachate runoff is to be managed. The site is situated within a Nitrate Vulnerable Zone and A Drinking Water Groundwater Safeguard Zone.”

The Thanet Local Plan provides some useful background information in relation to groundwater protection in the district and states that:

“Thanet's groundwater is of poor quality and is vulnerable to contamination due to Thanet's thin soils and cracks in the chalk rock, which means pollution would soak through quickly to the groundwater (para 16.12)

..... Once the chalk and groundwater is contaminated at a site by a substance it can take decades to clean-up. The Council and the Environment Agency have worked hard to prevent contamination by consistently applying Groundwater Protection policies to any proposed land use changes in Thanet to reduce potential future impact. (para 16.14)

Under the Water Framework Directive (WFD), the 'Kent Isle of Thanet Groundwater Body' has been classified as poor status for the groundwater quality and quantity. The groundwater is impacted by nitrates, pesticides, solvents and hydrocarbons at levels that are of concern. Thanet's groundwater is currently a candidate Water Protection Zone (WPZ). These zones

are used in areas identified as being at high risk as a 'last resort' when other mechanisms have failed or are unlikely to prevent failure of WFD objectives..... (para 16.15)

..... The poor groundwater quality cannot be attributed to just one source. In Thanet there are considerable risks to the groundwater from both urban and rural activities. These risks are intensified by the compact nature of the district.” (para 16.16)

Policy SE04 of the Thanet Local Plan seeks to address these concerns and sets out that proposals for development within Groundwater Source Protection Zones will only be permitted if there is no risk of contamination to groundwater sources. If a risk is identified, development will only be permitted if adequate mitigation measures can be implemented.

The applicant’s agent has set out that manure has been stored within the agricultural holding for two decades. Previously planning permission was given in respect of the same development to the south of the site, and a manure storage area was agreed between land at the A299 and Sandwich Road. The manure is stated to be stored and then spread on the farmland and the applicant therefore submits that no licences are required from the EA and states:

“This situation remains unchanged, and there is more than adequate capacity to accommodate the additional waste generated by the proposed change of use, a significant degree of which has already been implemented due to the desperate need to meet the unmet demand for horse grazing generated by the closure of Crumps Farm but without resulting in any adverse environmental conditions.”

The EA responded by setting out that no permit had been applied for because there was not formerly a proposal for storing manure within the Source Protection Zone (1). Subject to manure being stored outside of the Source Protection Zone, the EA confirmed that there would be no objection.

The applicant shared with the Council information and maps that had previously been discussed by them with the EA directly in relation to the whole farm holding and areas across it that fell outside of Zone 1. The EA were asked separately by the Council to comment further on the potential for storing manure within the wider holding but outside of Zone 1 and they confirmed that two thirds of the holding fall outside of Zone 1 and could be used to store manure. As the lead authority for this matter the EA have not required the LPA to condition the location for storage but have asked that an informative be added to any potential approval to remind the applicant of the suitable areas in which to store manure. The Council’s Environmental Health Team have reviewed the application and raise no further objections following discussions with the EA.

The EA have requested an unsuspected contamination condition. The Parish Council have raised concerns about how such a condition would be discharged and dealt with. If contamination is found on site, the applicant would be able to make the relevant application to the Council who would consult with the EA and the Council's own Contamination Officer within the Environmental Health Team. An agreed upon approach would then be found.

Given the above, the proposal is, therefore, considered to comply with the aims of policies QD02, QD03 and SE04 of the Thanet Local Plan and the guidance of the NPPF.

Archaeology

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

Having regard to Kent County Council's (KCC) environment map for this area, there is the potential for significant finds. Records include pillboxes, neolithic pits, crop marks, the recording of an anti-invasion defence site, iron age coins, and the possible location of a Grubenhous (timber building from 5th-8th centuries based around a sunken hollow). The same records seem to indicate that most of these had gone by the 1960s.

KCC have not responded to requests for comments on this application, however the proposal does not involve any below ground works of significance, with excavations stated to be a maximum of 0.6m below ground, and therefore no mitigation is currently considered necessary.

Ecology and Biodiversity

Paragraph 174 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- 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;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Policy SP30 of the Thanet Local Plan sets out that development proposals will be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets through the restoration / enhancement of existing habitats, the creation of wildlife habitats, the creation of linkages between sites to create local and regional ecological networks, the enhancement of significant features of nature conservation value, the protection and enhancement of valued soils, and by providing mitigating against the loss of farmland bird habitats. It goes on to set out that for sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

KCC have reviewed the application and site history and state that no ecological information or mitigation is required based on the limited potential for protected/notable species to be present on the site. However they have requested that the proposed earth bunds be planted with a species rich grassland mix and to ensure this is appropriately managed to help achieve a net gain. A condition is recommended to achieve appropriate landscaping.

The suggested condition wording by KCC would be a prior to commencement condition, however given that the works are part-retrospective this would not be appropriate. The applicant's agent has requested that consideration be given to a minimum period of 12 weeks to prepare the necessary information to comply with the condition owing to the pending Christmas period and difficulty obtaining the services of qualified ecologists in the wake of the formal introduction of biodiversity net gain requirements expected from January. Given the current circumstances a 12 week period is considered to be acceptable by Officers.

Highways

Paragraph 104 of the NPPF requires that transport issues be considered at the earliest stages of plan-making and development proposals. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

There is a public right of way immediately north of the site, running along Chalk Hill. Kent County Council (KCC)'s Public Rights of Way Team have raised no objections in relation to the proposal.

Parking is proposed for up to 60 vehicles and 20 horse boxes. There is an existing access track to allow movement to the proposed parking area, and unmarked space for ad hoc parking. In terms of vehicle and pedestrian movements to and from the site, KCC Highways have requested additional information in relation to vehicle tracking at the junction from Chalk Hill. The applicant has responded to this by setting out that the track is for horses only, to separate out their movements and vehicles, and that vehicle movements are intermittent, and not all owners will attend the site at the same time. They state that *"The existing paddocks and stables have operated, without any incident on Chalk Hill or at the junction with Sandwich Road, for more than two decades, and there is no reason to assume that any such incidents would now arise. Indeed, Kent Highways have raised no objection, only seeking to clarify turning arrangements at the Chalk Hill junction, but, as has been pointed out in previous correspondence, this junction has operated successfully for over 20 years and there is clearly no need to demonstrate that adequate room is available for the turning of vehicles, whether or not horse boxes are being towed."*

The applicant went on to set out that:

"In addition to the points previously made, not only has the junction of Chalk Hill with Sandwich Road been used by cars towing horse boxes and transporters for the past 20 years, it has also been used by commercial vehicles for more than 20 years in connection with lawful B1 and B8 purposes, and for far longer by very substantial agricultural vehicles. In fact, planning consent was granted under F/TH/16/1417, without being considered as 'non protocol', for 2,170 sq m of B8 floorspace, giving rise to unlimited and uncontrolled movement of HGV's at this junction, and to which no objections were raised and no swept path analysis was required to demonstrate that such movements could be accommodated. The requirement for such analysis in connection with the additional movement of exactly the same type of horse use related vehicles which have operated for two decades is therefore entirely without any foundation, when the vehicles involved are smaller than those associated with the commercial units, and there is absolutely no evidence of any problems with the use of the junction in question by articulated vehicles.

With regard to vehicle parking, the proposed area has been clearly identified on the submitted plan. The spaces have not been shown as being marked out, simply because they will not be marked out on the ground, as the surface is a Type 1 material. However, there is no question that an area measuring around 30m x 40m can accommodate at least 40 vehicles. In this respect, experience has shown that not all horses are tended at the same time, and even at peak times, the area identified will be of sufficient size. This has been confirmed by the use of the previously approved parking area, relative to the extent of the area approved under 20/0876 for paddocks and grazing, and, proportionally, the parking area now proposed far exceeds that previously approved. In addition, horse boxes that are towed and horse transporters are only used when horses are moved to and from the paddocks, which is far less frequently than the single cars which visit in order for owners to care for their animals on a regular basis."

KCC were asked for further comments but none have been received. In the absence of any further representations and on the basis of the existing relationship with farm and commercial vehicles, along with the slower anticipated movements of horse boxes, there is no considered to be sufficient justification as to refuse the application on highway grounds.

Concerns have been raised that slow moving vehicles joining or exiting the main highway network could result in harm to highway users, and that damage has been caused to the fabric road surfaces. Given the agricultural use of the site there is an expectation that larger or slower moving vehicles would be using the access track and the highway network and, therefore, there would not be considered to be any increased adverse impact on highway safety in the surrounding area.

Other Matters

In addition to the above considerations, concerns have been raised by Cliffsend Parish Council regarding the sufficiency and accuracy of information presented, whether retrospective works should form a separate application, the storage of hazardous materials that aren't in the current submission, hours of use, and whether the car park would form an independent use.

The Council has sought further information and clarification on a number of areas concerned and is satisfied that there is sufficient information between this and a site visit to be able to consider the application.

There is no requirement to separate out retrospective and prospective works into separate applications.

Matters outside of the application can be directed to the Council's Planning Enforcement Team or Environmental Health Team which cause concern.

The applicant has confirmed that they have not proposed any specific restricted times for the use of the site in the event of a medical emergency or one of the horses requiring care and attention. It would be unreasonable to impose a condition that horses could not be kept on the land at certain times or that they could not be tended to. Given the countryside location and distance from neighbouring dwellings, it is not considered necessary to impose a condition restricting hours of use and is unlikely to be enforceable.

The proposed car park is stated to be in connection with the change of use of the site. If this was used independently of the site then enforcement action could be considered.

Conclusion

The proposed change of use would assimilate with the agricultural use of the land, without causing harm to the best and most versatile agricultural land, or the aims of Policy SP26 of the Thanet Local Plan or Policy QD02. Although initial concerns were raised about the impact of storing manure on the site in relation to public health and the source protection zone, the EA and the applicant have agreed that there are areas across the wider farm

Agenda Item 5b

holding where manure can be safely stored and all objections surrounding this matter have been withdrawn. The proposal includes measures to provide biodiversity net gain and no objections have been received in relation to any highway impacts sufficient as to refuse the application. Therefore, on balance, the application is recommended for approval. Enter Text here

Case Officer

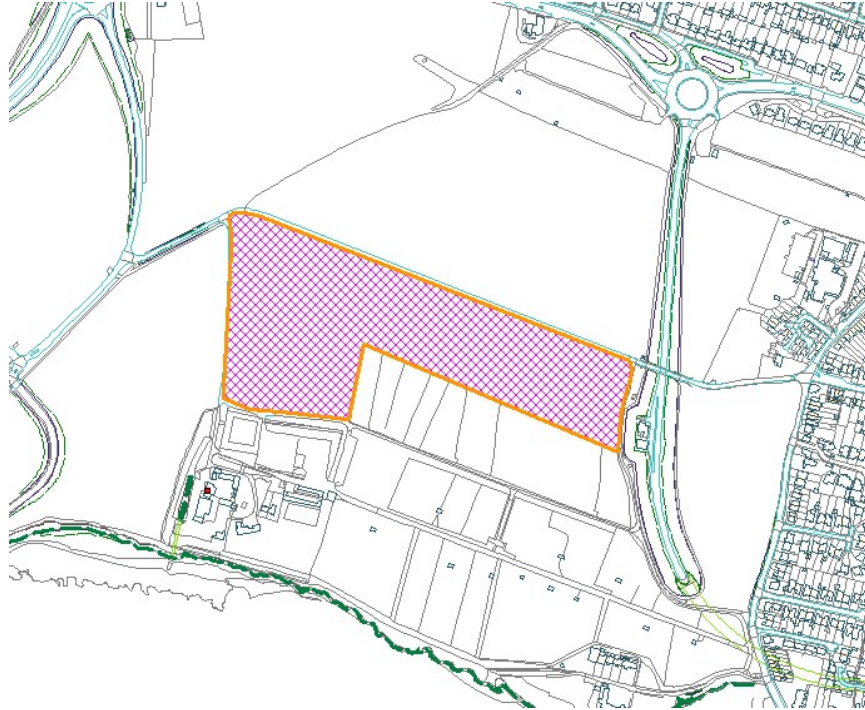
Vicky Kendell-Bryant

TITLE:

F/TH/23/0850

Project

Little Cliffsend Farm Chalk Hill RAMSGATE Kent CT12 5HP



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A03

F/TH/23/0972

PROPOSAL: Variation of condition 2 of planning permission F/TH/21/1877 for the "Erection of a two storey 3-bed dwelling with associated parking and landscaping" to allow the erection of single storey rear extension and dormer to the rear creating a five bedroom dwelling

LOCATION: Land Adjacent 198 Monkton Street Monkton Kent

WARD: Thanet Villages

AGENT: Mr Mohamed Abdulla

APPLICANT: Ms A Gerlack

RECOMMENDATION: Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application and the revised drawings numbered A1/102 (received 21/07/2023), A1/101 (received 18/07/23) and A1/102 Revision A (received 02/02/22) part superseded by A1/105 Revision A (received 01/11/23).

GROUND

To secure the proper development of the area.

2 The external materials and external finishes to be used in the development hereby approved shall match the existing, as detailed on the approved plan numbered A1/102 received 21/07/2023.

GROUND:

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

3 Prior to the first occupation of the development hereby approved, all hard and soft landscape works shown on the Landscape Plan (A1/102 RevA), received 02/02/2022, shall be carried out and fully implemented. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND:

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

4 Prior to the first occupation of the dwelling hereby approved the area shown on the Landscape Plan, A1/102 Rev A received 02/02/2022, for the parking of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

GROUND

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

5 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.

6 Prior to the first occupation of the dwelling hereby approved provision and maintenance of the pedestrian visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays shall be provided and thereafter maintained.

GROUND

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

7

The area shown on the approved plan numbered A1/105 Revision A (received 01/11/23) 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

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

GROUND

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

9 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, 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.

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

GROUND

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110 litre /person/day, in accordance with Policy QD04 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 ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

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

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

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

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

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made on 12/01/2022 submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

SITE, LOCATION AND DESCRIPTION

The site lies within the village confines of Monkton and was previously associated with 198 Monton Street (comprising its side garden). The site is slightly elevated in terms of its position to the public footpath that runs in front of the site and is enclosed to Monkton street by a low boundary wall. There is an existing telegraph pole to the front on the public highway between the site and no. 200 Monkton Street, this has been re-positioned to its previous location- its repositioning was secured under planning application F/TH/21/1877 under condition 8, to enable off street parking for the development.

RELEVANT PLANNING HISTORY

F/TH/21/1877 - Erection of two storey 3 bed dwelling with associated parking and landscaping. Approved 28th February 2022.

F/TH/12/0162 Erection of 1No. Dwelling Refused - Appeal Allowed

This is for an end of terrace property. It was refused for the following reasons

"The application site, which is to be developed, does not constitute previously developed land and as such the proposed residential development would involve the release of greenfield land, where there is no identified need, contrary to policy H1 of the Thanet Local Plan, which seeks to concentrate development on brownfield land at appropriate locations within the confines of existing urban areas and rural settlements.

The proposed development, by virtue of its design, scale and location would result in the loss of open space reducing the sense of openness and appearing cramped within the streetscene, to the detriment of the character and appearance of the surrounding area, contrary to Thanet Local Plan Policy D1, South East Plan Policy BE1 and advice contained within the National Planning Policy Framework."

In terms of the main points advised upon by the Inspector:

The Inspector in his report concluded that the appeal site was suitable for residential development.

In terms of form and character he advised that the proposal would perpetuate the form, scale, width, design and materials of the existing pair of semi-detached houses. He also did not see an objection to the houses becoming a terrace. In terms of infilling he considered that this would be similar to the existing pattern of development. He did not consider that the

proposal would appear cramped or overdeveloped, accordingly the proposal was considered not to harm the character and appearance of the area.

In terms of neighbour amenity he did not consider that there would be substantial harm to the amenity of no. 200 Monkton Street.

The proposal did not afford off street parking; he did not consider that this was an issue.

PROPOSED DEVELOPMENT

This is a part retrospective application for the variation of condition 2 for the approved planning permission for F/TH/21/1877 for the erection of two storey three bedroom detached dwelling with associated parking and landscaping.

This application requests a change in the design and appearance of the dwelling by incorporating a single storey rear extension and flat roof dormer extension to the rear roof slope.

The rear single storey extension would have a flat roof with lantern light centrally placed. It would have a depth of 4m and extend across the width of the approved dwelling.

The dormer roof extension would extend across the rear roof slope and sit approximately 0.15 and 0.2m from each end and would be set down from the ridge by approximately 0.2m and above the eaves by approximately 0.3m. The dormer would have tile hanging to its cheeks to match the roof. The proposal would create a five bedroom house.

The previously approved scheme had a kitchen/dining area, W.C, and lounge at ground floor with the first floor accommodating three bedrooms, family bathroom and utility. It had a footprint of some 59 sqm (11.8 metres by 5.4 metres) with a height of 8.3m. The scheme presented to Members has at ground floor a study/bedroom (previously the kitchen/dining area), W.C and dining/kitchen area. The first floor comprises 3 bedrooms, family bathroom and utility and the roof space a fifth bedroom.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing

SP13 - Housing Provision

SP14 - General Housing Policy

SP26 - Landscape Character Area - Wantsum North Slopes

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

SP43 - Safe and Sustainable Travel

HE01 - Archaeology

HE03 - Heritage Assets

HO1- Housing Development

GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice posted close to the site. 12 representations were received. The concerns can be summarised as follows:

- Built without consent for the changes
- Out of keeping
- Insufficient parking
- Highway safety grounds
- Affects the size of the rear garden
- Impact upon neighbour privacy
- Results in overshadowing
- Loss of natural light to neighbours
- Overbearing structure proposed

Monkton Parish Council: *"The Parish Council have considered the above application and would like to submit their objections to this proposal for the reasons outlined below:*

It is noted that the developers have in fact already built the five bed house thus breaching the initial planning permission granted and therefore suggest this is actually a retrospective rather than an amended planning application. We would therefore encourage TDC to issue a stern notice of compliance.

The builders have gone ahead with the proposed alterations without planning permission and whilst the street view of the new construction adheres to the original plan, the rear dwarfs the neighbouring property, no 200A. The dormer windows are huge and seriously overlook 200A's small back garden and the drawings do not show the full impact of this construction. An extension of this size will be overbearing, negatively impact on adjacent properties and result in significant overdevelopment of the site.

It is a small, constricted site, and consideration must be given to neighbouring properties and the Millers Lane/Monkton St junction opposite.

Kent Design Guide Parking Standards requires a 4+ bedroom rural new build to have 3 parking spaces. This simply can not be accommodated on this restricted site, even with amended plans, and would therefore result in on-street parking.

To place a 5 bed house at this location without adequate off street parking will impact on highway safety. Nos 196 and 198 Monkton Street have no off street parking provision. This is a narrow lane and the addition of any on street parking from the new build - which is directly opposite the Millers Lane junction, already a difficult junction to negotiate - will result in an obstruction to the junction.

On street parking is, as we stated in our original objections, already causing access problems at this junction. It is now often impossible to exit left from Millers Lane into Monkton Street due to on street parking outside the site. Cars are therefore forced to turn right and then turn round further up Monkton Street. This is totally unacceptable.

In conclusion, it is for the reasons outlined above that the Parish Council strongly object to this application and would appreciate you taking into account these comments when making your decision."

CONSULTATIONS

Southern Water: Southern Water has no objections to the above variation of condition 02. The comments in our response dated 22/12/2021 remain unchanged and valid.

KCC Highways: Final comment - Within application F/TH/21/187, the concern is raised regarding a telegraph pole which is situated to the front of land adjacent to 198 Monkton Street. It is unclear from current plans if this has been relocated as per Condition 8, as this has not been included. If this has not yet been relocated it should be ensured that the condition for its relocation or removal is retained.

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

Prior to above ground works the exact location of the telegraph pole removal/reposition shall be submitted to the Local Planning Authority on a scale drawing in accordance with KCC specification. Confirmation of the acceptance of the proposed location from the telecommunication company shall also be provided. The relocation/removal shall be fully carried out prior to first occupation of the dwelling hereby approved.

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

Provision and maintenance of the pedestrian visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.

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

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

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Informative: 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

Initial Comment- This application is a variation of plans from those approved under application reference F/TH/21/1877, increasing the number of bedrooms of this dwelling. The increase in bedrooms does not alter the parking provisions required for this site as per Kent Parking Standards, however the plans submitted in support of this variation do not include the area available to accommodate parking.

It is appreciated this may be unchanged from previous plans however this should be made clear prior to submission of my further formal comment. Therefore, I would be grateful if a block plan of the site would be submitted for further assessment.

TDC Conservation Officer: "Following a review of the proposed variation of condition I would not raise any objections."

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Abi Smith due to concerns that the development would have inadequate parking, neighbour amenity issues and that the application is retrospective.

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

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

Principle

The previously approved application for residential development (Reference F/TH/21/1877) has been implemented, although what has been built is not in accordance with the previously approved plans (hence the reason for this application). The previous approval therefore established the principle of residential development on the site and is extant.

Character and Appearance

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

The proposed single storey rear extension would increase the depth of the building by approximately 4m when compared to the approved scheme (the depth of the dwelling as approved was 11.8m. It would have a flat roof with lantern roof light placed centrally. The flat roof would have a height of 3m (excluding the lantern light - this adds a further 0.7m heightwise). Given the position, to the rear of the development and flanked by existing dwellings it is not considered to result in a significant visual change to the building from the public realm.

The amended plan does not increase the overall height of the dwelling (the overall height of the dwelling being 8.3m), however, it does increase the eaves height from 4.7m to approximately 5m and change the design of the rear roof slope; integrating the dormer extension has increased the bulk of the roof to accommodate the rooms within the roof space. Given the roof extension, is to the rear roof slope it would have limited visibility due to its location. The property has a smaller flat roof dormer; approved as part of the original scheme in the front catslide.

There are a variety of different properties visible in the street scene and whilst the proposed variation alters the design and increases the bulk of the roof to the rear of the proposed dwelling it would not alter its overall ridge height or significantly alter the overall footprint. It is, therefore, considered that the variation of condition 2 complies with policies QD02 and SP35 of the Thanet Local Plan and the National Planning Policy Framework.

Landscape character

The site is within the village confines and within the Wantsum North Slopes as defined in Policy SP26 of the Local Plan - Landscape Character Areas. Key characteristics of the Wantsum North Slopes Landscape Character Area are the very open landscape with few features and the preamble to the policy states 'the former shoreline is more distinct in some places than in others, with the variation in the contour pattern'. It is also stated that the 'openness of this landscape provides wide and long views of the former Wantsum Channel area and Pegwell Bay'.

The proposed altered design of the dwelling would be seen in the context of a row of dwellings, and the proposed dwelling's position would be similar to the adjacent dwellings, it is therefore not considered that this would create material harm. The proposal is therefore considered to adhere to policy SP26.

Impact upon setting of listed building

The listed building in question is - Royal Exchange, Millers Lane, which is opposite the application site. The proposed dwelling would be positioned in between existing dwellings; the proposed extensions sought through this variation of condition are to the rear and therefore I do not consider that it will have a significant impact upon the setting of this building. The Conservation Officer has confirmed she has no objections in relation to the proposal. I therefore consider the scheme to be acceptable in terms of policy HE03.

Living Conditions

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

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

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

The overall ridge height of the proposed dwelling would not change compared to the approved scheme, although the eaves height will increase. The bulk of the rear roof would be altered to allow for roof accommodation, however, this would not alter the approved width of the property. The built form of the dormer itself would not affect neighbour amenity. In terms of the increase in height from 4.7m to 5m is a difference of 0.3m, whilst there will be some increased impact it is not considered to be so significant that it would create harm to either of the occupants that flank the site. In terms of overlooking from the rear dormer, whilst it would be at an increased height it would not cause a harm that would be different to first floor rear windows.

The main rear elevation would extend further out than no. 200 to the west of the site, however given the separation (2.2m) between the dwellings, I do not consider there to be harm from overshadowing, loss of light or creating an overbearing impact given this distance

and that it is single storey and would be similar to what could be achieved under permitted development had the dwelling been built out and occupied.

In relation to no. 198 the extended house would extend approximately 6.2m further, than the main rear section of this building, however, weight is placed on the fact that this element is single storey with a maximum height of 3m. No. 198 is sited approximately 0.8m from the shared boundary). Given this height, there would be limited loss of sunlight in the evening. Whilst the extended dwelling would have a presence to this neighbour in terms of outlook it is not considered to be so detrimental that it would create unacceptable harm. It is, therefore, considered that there would be an impact but would not be sufficient to result in any significant loss of light or sense of enclosure to the occupants of no.198

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

The proposed dwelling would exceed the space standards set out in policy QD04, all habitable rooms would receive natural light, ventilation and outlook and an amenity space is proposed at the rear of the site. This development is, therefore, considered to provide an acceptable standard of accommodation for the future occupants, in line with policies GI04, QD03 and QD04 of the Thanet Local Plan and the National Planning Policy Framework.

It is, therefore, considered that the amendments now proposed would not result in any significant harm to the living amenity of the neighbouring property occupiers, in line with policies GI04, QD03 and QD04 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

Transportation

Paragraph 110 of the NPPF states that In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst other aims: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and b) safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.

Under Policy QD01, all developments are required to: 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, 2) Make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping, 3) Provide safe and attractive cycling and walking opportunities to reduce the need to travel by car.

Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe

and accessible environments, and promoting public safety and security by designing out crime. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children.

No changes to the approved parking arrangements are proposed as part of this application and the built development is located away from the boundary with the highway.

This development would increase the amount of habitable accommodation in the property; no changes are proposed to the existing off-street parking at the front of the property. On street parking is unrestricted in this section of Monkton Street. The proposal previously showed one off street parking space, for the three bedroom unit.

During the consideration of the application a proposed block plan was requested. This shows two parking spaces for the five bedroom unit, an EV charging point, visibility splays and bin storage.

KCC, Highways have confirmed that they have no objection subject to planning conditions relating to the relocation of the telegraph pole, Construction Management Plan, pedestrian visibility splays, retention of parking spaces and discharge of surface water onto the highway.

It is confirmed that there is an existing telegraph pole to the front on the public highway between the site and no. 200 Monkton Street, its repositioning was secured under planning application F/TH/21/1877 under condition 8, to enable off street parking for the development.

In a village location KCC guidance advises that a three bedroom property should have two independently accessible spaces. The submitted block plan indicates that there would be sufficient room to accommodate two off street parking spaces and as such, I consider the development as amended would not lead to a harmful highway impact. It is therefore considered that given the location of the site and the existing off street parking space that this development would not result in any significant harm to highway safety.

This variation of condition application is, therefore, not considered to result in any significant harm to highway safety or increase in demand for on street parking.

In relation to the condition suggested by KCC, in my view it is not necessary to attach the condition relating to the relocation of the telegraph pole as this has already taken place, so that its new position does not affect access and egress into the site. In regard to the construction management plan, it is confirmed that the previous consent F/TH/21/1877 did not include this. Furthermore as development has already started and a significant portion of it completed this is considered unnecessary and unreasonable in this instance.

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 previous permission, which has been implemented, permitted a three bed dwelling on the site. The number of bedrooms on the site through the variation is proposed to increase from three to five.

The payment to the SAMM plan secured as part of the 2019 application has been paid. Whilst this application does increase the number of bedrooms in the property this could have been carried out without the need for planning permission after the dwelling house had been fully constructed. It is, therefore, not considered to result in any significant increase in recreational pressure when compared to the extant scheme. It is, therefore, considered that no further contribution is required in this instance.

Other Matters

Previously KCC have confirmed that they have no objection subject to a watching brief condition the agent confirmed acceptance of this condition in the original submission. It is confirmed to Members that this condition has now been fully discharged under planning reference ARCH/TH/23/1309 and on 13th November 2023.

Conclusion

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

Case Officer

Gillian Daws

Agenda Item 5c

TITLE:

F/TH/23/0972

Project

Land Adjacent 198 Monkton Street Monkton Kent



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A04

FH/TH/23/1078

PROPOSAL: Erection of a single storey side and rear extension following demolition of garage, and erection of two storey outbuilding in rear garden following demolition of garage and widening of existing access onto Dickens Road

LOCATION: 7 Eastern Esplanade BROADSTAIRS Kent CT10 1DP

WARD: Bradstowe

AGENT: Mr. Gary Tidwell

APPLICANT: Mr. Paul King

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 01.807.10.P2, 01.807.20.P4 and 01.807.30.P1 , received 25 October 2023.

GROUND:

To secure the proper development of the area.

3 The external surfaces of the development hereby approved shall be finished with materials to match the main dwelling and the dormer cheeks shall be finished with tile hanging, as annotated on the amended drawings numbered 01.807.20.P4 and 01.807.30.P1, received 25 October 2023, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

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

4 Prior to the first use of the balcony at first floor level to the rear (serving bedroom 2) a privacy screen of a minimum height of 1.8 metres shall be installed along the southern edge

of the balcony, in the location shown on the amended drawings numbered 01.807.20.P4 and 01.807.30.P1, received 25 October 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.

5 The windows within the two dormer extensions on the east facing elevation of the garage, hereby approved, shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first use of the development hereby permitted and permanently retained thereafter.

GROUND:

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

6 The use of the outbuilding, hereby approved, shall be limited to purposes ancillary to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for independent business or commercial purposes.

GROUND

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

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

GROUND

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

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.

Planning permission does not convey any approval for alterations to the vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack

The applicant is advised that if a new hardstanding is installed for off-street parking it shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway to prevent materials travelling onto the public highway and measures to prevent the discharge of surface water onto the highway should be incorporated.

SITE, LOCATION AND DESCRIPTION

The property is a substantial two storey property with accommodation in the roof, occupying a prominent corner plot fronting Eastern Esplanade on the junction with Dickens Road. The property has a large open front garden with a garage and driveway to the side, adjacent to No 6. The garden boundary comprises a high level brick wall with a pedestrian gate entrance onto Dickens Road, and a single storey garage built on the common boundary with No 11 Dickens Road, with vehicular access onto Dickens Road. The site lies within the Broadstairs Conservation Area and the Broadstairs Seafront Character Zone 4. Properties in this seafront location are predominantly large residential dwellings and guest houses, and are distinctive in design, comprising traditional materials and often incorporating architectural features such as balconies and verandas.

PROPOSED DEVELOPMENT

The application proposes the erection of a single storey extension to the side and rear following demolition of the garage, with alterations to the first floor rear window to provide french doors and a balcony. At the far end of the garden it is proposed to erect a two storey outbuilding following demolition of the existing garage and the existing access onto Dickens Road is to be widened.

This application has been amended since its original submission to locate the side extension away from the boundary with No 6, replace the terraced area to the rear with a balcony, with further alterations to window glazing.

PLANNING POLICIES

Thanet Local Plan 2020
SP35 - Quality Developments
SP36 - Historic Environment
HE02 - Development in Conservation Areas
HE03 - Heritage Assets
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
TP06 - Car Parking

Broadstairs & St Peter's Neighbourhood Development Plan 2018-2031
BSP9: Design in Broadstairs & St Peter's
BSP4: Seafront Character Zones

NOTIFICATIONS

Neighbours have been notified, a site notice posted and an advert placed in the newspaper and 2 representations have been received raising the following concerns:

- * The two storey garage/ home office building would be directly in front of a window on the side of our property, blocking light entering our property.
- * Replacing the bedroom window with French doors and creating a terrace will cause overlooking to our patio and garden at the rear of our house and intrude on our privacy.
- * The introduction of, essentially, a flat roof side extension is wholly out of character.
- * The use of Crittall windows is a poorly considered change to the building - The building predates the introduction of Crittall windows and significantly predates their more widespread use.
- * The proportions of the windows, sections and finish do not faithfully replicate the timber windows which would have adorned the dwelling when it was built.
- * The new owners have already removed some windows (including some leaded lights behind the first floor glazed area) and have installed the Crittall windows in their place prior to validation of the planning permission.
- * The side extension is of excessive depth and would be located on the adjoining boundary.
- * The eaves and guttering will protrude over the boundary.
- * Extension would cause severe loss of light and sense of enclosure to some of the most highly used private garden areas of the flats within 6 Eastern Esplanade
- * Loss of light to windows and glazed doors within Number 6. A daylight and sunlight assessment has not been submitted to support the application.
- * The balcony has been shown to include a 1.7m high privacy screen. This is insufficient to prevent overlooking
- * Notwithstanding the provision of the privacy screen, rearward views would still be possible and would directly overlook, at close distance, the private amenity areas of the flats within 6 Eastern Esplanade and 20 Dickens Road.
- * The separate private amenity areas for the flats within Number 6 have not been shown on the submitted plan, which is an important omission.
- * Garage and first floor accommodation impacts on No 20
- * The eaves of the garage overhang the neighbouring property
- * The scale of the garage would cause a loss of light and sense of enclosure to 20 Dickens Road and its garden and the private amenity areas of the flats within 6 Eastern Esplanade.
- * The first floor windows within the outbuilding would face east and directly overlook all of the private amenity areas serving the flats within 6 Eastern Esplanade.
- * The proposed garage allows insufficient space in front of the garage to allow a car to park outside of the garage, likely leading to vehicles overhanging the footpath.
- * Pedestrian visibility plays of 2m by 2m are not proposed to be provided, harming pedestrian safety, contrary to paragraph 111 of the NPPF and the Kent Design Guide.

Comments received following amendments:

- * The contextual elevation justifies our concerns regarding loss of light to our property as the two storey non-residential building is much higher and very close to our ground floor side window, which is the only access to light to our property from that side.

- * The eaves of the garage will not now overhang our property however there is still loss of light as previously stated.
- * Alterations to the side extension means it would no longer overhang the boundary, however it is requested that the planning officer satisfies herself that all building work in the amended scheme could be carried out within the land owned by the applicant.
- * Concerns regarding the appropriateness of a flat roof and critical windows remains
- * Lack of sunlight/daylight assessment remains
- * The balcony would continue to provide views directly into the modest courtyard gardens of flats 2 and 3, 6 Eastern Esplanade.
- * The extension and garage would continue, unless evidence is provided to the contrary, to cause a loss of light and sense of enclosure.
- * Limited comments from Council's Conservation Officer regarding impact on conservation area.
- * If approved it should be conditioned for details of materials, joinery, obscure glazing, privacy screen.

The Broadstairs Society - 7 Eastern Esplanade is in the revised Neighbourhood Plan as being a locally listed heritage asset. "The Town Council places great importance on the retention of local heritage assets as they are a finite resource which form part of its rich built heritage. Although they do not enjoy the full protection of statutory listing, they will be rigorously protected.

The application seems to acknowledge this and, consequently, the Society has no adverse comments to make subject to any views of the Conservation Officer.

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

CONSULTATIONS

TDC Conservation Officer - Following a review of the proposed application, although it is substantial in scale and footprint, implication to the setting and appearance of the surrounding conservation area will be somewhat limited due to existing boundary treatments. As such I do not object to the proposal on this basis.

Kent Highways and Transportation - follow up comment

I can confirm that the Kent Design Guide Parking Standard states 'Parking spaces in front of a garage, car port or car barn should provide space for the full length of the vehicle, plus an allowance for opening of a garage door where applicable. 6.0 metres should be provided in front of garages.'

By my assessment there is 5m available to the front of the garage, and it is also worth noting that garages also do not count towards parking provisions.

If the garage was amended to be an open car port, this would count towards parking allocations and the frontage need only be 5m to accommodate another vehicle.

Planning permission also does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack. This will be subject to crossover guidance which I have attached for reference (which also requires 6m depth in this circumstance).

Although I acknowledge that the applicant may be unable to achieve pedestrian splays, this is an existing access onto an unclassified road for which these would not typically be requested. It is also proposed to be widened creating a betterment to existing arrangements and as such I am content that these are not required.

Kent Highways and Transportation - Initial comment

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

COMMENTS

This application is reported to the Planning Committee at the request of Cllr Jill Bayford to enable Members to consider the impact of the development on the neighbour due to overlooking and loss of privacy to No 20, and to consider whether the proposed development would be out of keeping within the conservation area in terms of scale.

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

Concern has been raised by the neighbour that alterations to the windows and the front of the building have been carried out prior to the submission of the application. In this regard the application is being assessed on the information provided which shows existing and proposed elevations and floor plans from which an appropriate assessment can be made.

Concerns have been raised that the separate private amenity areas for the flats within Number 6 have not been shown on the submitted plan. This detail is not required to be submitted as part of the application, however impact on neighbouring residential occupiers is assessed through the application.

Character and Appearance

The site lies within the Broadstairs Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in relation to conservation areas, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Local Plan Policies SP36 and HE02 relates to development in Conservation Areas and supports development proposals which preserve or enhance the

character or appearance of the area, and accord with other relevant policies of the Local Plan.

Policy QD02 supports development that promotes or reinforces the local character of the area and is compatible with neighbouring buildings and spaces and is consistent with Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan which requires development proposals to conserve and enhance the local character and sense of identity and reflect the design characteristics of the area. These policies are equally supported by paragraph 130 of the National Planning Policy Framework (NPPF) which requires development to be sympathetic to local character and history, including the surrounding built environment. These policies are supported by paragraph 197 of the NPPF which states that in determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

The Neighbourhood plan includes No 7 in the List of Local Heritage Assets, which lists buildings of merit that are not in a Conservation Area (Appendix 4). The boundaries of the original Broadstairs Conservation Area did not include this part of Eastern Esplanade, however in June 2009 the conservation area was extended to the north and south, and therefore the application site now falls within the Broadstairs Conservation area as identified on the Thanet Local Plan proposals map.

Policy BSP4 refers to Seafront Character Zones and this site falls within Category 4, as identified by Map 6 of the Neighbourhood Plan. This policy recognises the distinctive design of properties in the area, including the use of traditional materials and incorporation of 'architectural features such as balconies and verandas to take advantage of sea views and sea air.' The policy notes that 'On the Eastern Esplanade there has, however, been a significant loss of these buildings, and replacement by new buildings of inferior quality and/or inappropriate type, including badly designed brick-built blocks of flats. Further loss of this traditional building stock in the areas falling within this category will be rigorously resisted to prevent further loss of character here.'

It is proposed to erect a single storey extension to the side and rear of the property following demolition of the existing garage. The extension would be located alongside the boundary with No 6 and wrap around the rear of the property and include a glazed link between the extension and the side of the property to avoid obscuring existing windows. The extension would occupy the space of the existing garage but be set in further from the boundary. The common boundary with No 6 is not straight however the drawings show the extension set in approximately 0.4 metres from the boundary to allow for the roof eaves to remain inside the curtilage of the site. The extension would be single storey in design with an eaves height of 2.5 metre and overall height of approximately 3.5 metres. The extension would be taller than the existing 2.2 metre high garage, however its height has been kept to a minimum through the use of a false pitched roof running around its perimeter. The flat roof includes a lantern rooflight above the kitchen/living area towards the rear, and the roof and rooflight would mostly be concealed from wider views behind the false pitched roof. Concern has been raised that the flat roof would be out of keeping with the architectural design of the property. The extension replaces a fairly plain looking flat roofed garage, and the front

elevation would be set back approximately 13 metres from the front boundary of the site with the public highway. The false pitched roof to the front and sides would most screen the presence of the flat roof when viewed from the public highway and therefore it is considered there is limited harm from the scale and design of the extension in this instance.

It is proposed to install crittal heritage metal double glazed windows within the front elevation of the extension to match the windows within the front elevation of the property and the extension has been designed to have moulded eaves detailing to match that of the ground floor bay window. Concern has been raised that crittal windows are not appropriate for the age of the building and that there are no joinery details provided. The building is of some merit, as identified by the Neighbourhood Plan, however, the building is not heritage listed and the development is considered residential in scale, with the design and the use of materials acceptable in this instance. Joinery details are not required given the nature of the proposed windows.

The facing brickwork is to match existing brickwork and the roof is to be finished with plain clay roof tiles to match existing. The glazing enclosing the first floor balcony is to be removed to reveal the original features of the front facade and a timber balustrade installed to match balustrading on adjacent properties.

With regards to the front elevation of the property the alterations would see the fairly plain garage replaced with a modest single storey extension, which is considered residential in scale and design, and respects the architectural design of the main dwelling. The glazed link between the extension and the flank elevation of the property allows original window features of the building to be appreciated, including the interesting architectural detailing of the curved projection. The materials to be used would allow the extension to blend successfully into the main dwelling and the removal of the somewhat cumbersome glazed balcony enclosure would allow original detailing of the dwelling to be more fully appreciated. The alterations visible from the principal elevation of the property are considered to enhance the overall appearance of the building in line with policy BSP4 of the Neighbourhood Plan, and would preserve and enhance the conservation area as a whole.

The extension runs approximately 13.5 metres alongside the common boundary with No 6, being approximately 7.4 metres beyond the rear of the existing garage, and extends approximately 3 metres beyond the rear elevation of the main dwelling. The rear elevation comprises a set of bi-folding doors facing into the rear garden, and french doors facing towards the side boundary with Dickens Road. The proposed extension is likely to be visible from surrounding gardens and properties, particularly as the land levels gradually towards the rear, however the rear garden has significant screening from the high level boundary wall. The extension is to be finished with materials to match the main dwelling and is considered to be residential in scale and design and would respect the design of the main dwelling. An existing window opening within the flank elevation (facing the boundary with Dickens Road) is to be blocked up and a door opening installed in the location of an existing window. These alterations would be mostly screened by the high level wall. The extensions and alterations to the rear of the property are not considered harmful to the main building or to the wider conservation area.

At first floor level to the rear it was originally proposed to create a large terraced area above the existing flat roof, with access from the rear bedroom following the replacement of the window with french doors. Following concerns that this would lead to potential overlooking towards neighbouring properties the terraced area has been removed from the scheme. It is still proposed to replace the existing window with french doors, however this would open onto a 1 metre deep balcony and include a 1.8 metre high privacy screening on its southern edge. The alteration would be visible from the public highway however it is not unusual to see french doors and balconies on residential properties in the vicinity and in this instance the alteration would not appear overly dominant, or result in significant harm to the appearance of the building, and is considered to have minimal impact on the wider conservation area, and the development is therefore acceptable.

At the far end of the garden the existing garage is to be replaced by a larger garage with a home office at first floor level within the roof, with two pitched roof dormer windows. The building would have a height to eaves of 3.3 metres and a barn hipped ridge height of approximately 6 metres; the eaves height to the barn hip at either end being approximately 4.8 metres. The front edge of the garage is currently set back 4 metres from the edge of the pavement and it is proposed to site the new garage approximately 5.5 metres from the edge of the curtilage, and increase the width of the opening within the wall to provide improved visibility splays. A 1.8 metre high close boarded timber fence and gate is proposed within the boundary wall following the widening of the access. This element of the proposal has also been amended since its initial submission and the garage is now shown set away from the boundary with No 20 and the previous large window above the garage doors has been replaced by an oriel window. The facing brickwork and roof tiles are to match the main dwelling and the external surfaces of the dormers are to be finished with plain hanging tiles to match.

The existing single storey flat roofed garage is fairly unassuming as it is set back from the highway and not immediately visible from the public realm. The proposed garage would be larger than the existing garage in both width and height. A streetscene drawing has been provided to show the scale and height relationships of the proposed garage, with the main dwelling, and the neighbouring property (No 22). The drawing shows the eaves height similar to the eaves of No 20, and the roof pitching away from the boundary. The proposed garage would be visible from the public realm, however it would sit in approximately alignment with the front elevation of the neighbouring property and would not therefore appear unduly prominent within the streetscene. Within Dickens Road there are a variety of architectural styles, including garages and extensions that are visible from the public realm. The proposed building would be finished with a hipped roof to match the roof form of the main dwelling, and with materials to match the main dwelling, and in keeping with the traditional form of materials used within the street. There would be a separation distance between flank elevations of approximately 2 metres, and the proposed building would not appear overly dominant in relation to the neighbouring property by virtue of its overall height and design, with the roof form pitching away from the boundary. It should be noted that Dickens Road gradually rises away from Eastern Esplanade, and No 20 is at a higher land level to the proposed garage. The separation between buildings together with the difference in land levels allows the building to sit comfortably within the streetscene.

With regards to the local plan policies and paragraph 197 of the NPPF the proposed development would be residential in scale and design and complement the main dwelling. The design of the extension and that of the outbuilding, together with the use of traditional materials are considered to respect the character and appearance of the surrounding conservation area and preserve this non-designated heritage asset for future use as a family dwelling, in line with the requirements of policies SP35, SP36, HE02 and QD02 of the Thanet Local Plan, policies BSP4 and BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, and the NPPF.

Living Conditions

The proposed development would provide a gym in the location of the existing garage and an enlarged kitchen, living and dining room area to the rear. The side and rear extension is single storey in design with the false pitched roof that pitches away from the common boundary with No 6. Approved plans showing the conversion of the neighbouring building into flatted accommodation indicate a stairwell within the side projection nearest to the common boundary. Concerns have been raised that the side extension would cause loss of outlook and loss of light to occupiers of No 6 due to its close proximity to windows. The floor plans showing the conversion of No 6 into self contained flats indicate that the two storey extension opposite the proposed side extension, serves as a communal entrance and a stairwell to the flats. Stairwells and communal spaces are not considered main habitable rooms. Furthermore, the proposed extension is single storey with a roof that pitches away from the boundary and therefore whilst there may be some loss of light to the neighbouring property it is not considered to result in significant loss of light or outlook, nor a sense of enclosure, to the detriment of neighbouring residential amenity in this instance to warrant refusal. There are no windows within the side elevation of the extension, where it faces towards the common boundary with No 6, and therefore no direct overlooking or loss of privacy towards occupiers of this property.

The windows within the rear elevation face into the rear garden and towards the boundary with Dickens Road. There is a significant distance from these windows to windows of neighbouring properties and whilst these windows would be closer to the rear boundary than existing ground floor windows, they are not considered to result in significant additional overlooking or loss of privacy towards neighbouring residential occupiers above that which may occur through existing mutual overlooking from existing windows, or through the use of the garden.

Concerns have been raised that the terrace above the existing flat roof would result in overlooking and loss of privacy towards neighbouring occupiers, including into rear garden areas, in particular the private garden spaces of the flats in No 6. The amended drawing removes the terrace from the scheme and now shows a 1.2 metre deep balcony, with French doors providing access from Bedroom 2. The balcony is not considered large enough to allow for a large number of people to gather or sit out for long periods of time, and the balcony has a 1.8 metre high privacy screen across its southern end which has been designed to extend beyond the front edge of the balcony to reduce opportunities of backwards overlooking towards the windows in the rear of the neighbouring property.

Whilst the French doors and balcony would provide a larger window than the present window, and a viewing area from which to look out, the views are unlikely to be significantly different to the views that are currently possible from the existing window, from which it is possible to look across surrounding gardens. The balustrade to the front edge of the balcony would reduce views from the french doors to some degree and the privacy screening to the side would reduce opportunities of sideways and backward views towards No 6. There is approximately 26 metres from the balcony to the flank elevation of No 20 where there is a single obscure glazed window, and a greater distance to the garden area of No 20. Whilst there may be some overlooking towards this and neighbouring gardens, the views would be over some distance and are unlikely to be significantly different to the mutual overlooking that already exists between gardens from first floor windows.

The enlargement of the garage at the far end of the garden would result in the building increasing in footprint and height. The amended scheme shows the garage set away from the common boundary with No 20, and the dormer windows are shown fitted with obscure glazing.

Concerns have been raised that the enlarged garage would result in loss of light from the window within the side elevation of No 20. This window is obscure glazed and appears to serve a WC. Whilst there may be some loss of light to this window from the proposed development, the garage would be set away from the boundary and it is unlikely that there would be loss of outlook from this obscure glazed window, furthermore a WC is not considered to be a main habitable room, and therefore it would be unreasonable to refuse the application on the grounds of loss of light or outlook in this instance.

The dormer windows face back towards the main dwelling and towards neighbouring gardens and windows. These windows are shown to be fitted with obscure glazing which would limit opportunities for direct overlooking and loss of privacy. There is a separation distance of between 23 and 25 metres to the windows within the rear elevation of No 6 and therefore together with obscure glazing, it is unlikely that the development would result in unacceptable overlooking or loss of privacy in this instance.

The large window in the flank elevation, facing Dickens Road, has been changed to a smaller oriel window and would provide light into the space. As this window faces onto the public highway, where there is existing mutual overlooking, it is unlikely to result in unacceptable overlooking or loss of privacy.

The enlarged garage is to be used as a home office by the occupiers of the main dwelling. Many people have outbuildings and/or work from home where there is no change of use to the residential property. There is no evidence to say that the building would not be used for purposes incidental to the enjoyment of the dwellinghouse. If in the future the outbuilding were to be used for any purposes that are not incidental to the enjoyment of the main dwelling, such as commercial or business use, the Council's Planning Enforcement section would need to investigate to ascertain whether a further planning application would be required for a potential planning change. In addition if the use of the building were to create a noise disturbance that created a statutory noise nuisance Environmental Health would have powers within its legislation with which to act.

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 by the proposed development and therefore the proposal meets the requirements of Thanet Local Plan QD03 and the NPPF.

Highway Safety

The proposal would result in the loss of the garage to the side of the property however there is ample space within the 13 metre driveway to the front of the property to accommodate off-street parking.

The proposed garage to the rear replaces an existing garage for which there is an existing dropped kerb. Kent Highways initially made no comment on the application, however following concerns from neighbours regarding the depth of hardstanding to the front of the garage KCC were further consulted. They confirm the Kent Design Guide Parking Standard requires a depth of 6 metres in front of garages. However they also note that garages do not count towards parking provision. In this instance there is ample parking provision within the site for off-street parking and this is a 'householder' planning application and it is not proposed to create a separate unit of accommodation for which off-street parking provision would be required. Overall it is not considered that the proposal would result in a material increase in demand for parking on the street, affecting either parking amenity or parking safety, with adequate off-street provision provided.

With regards to pedestrian visibility splays Kent Highways note that this is an existing vehicular access onto an unclassified road for which visibility splays would not typically be requested. They also note that the proposal would widen the access, therefore creating a betterment to the existing arrangements and as such they do not require visibility splays in this instance.

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

Other Matters

The construction of the extension and any issues arising, such as whether access is required onto neighbouring land, is not a material planning consideration however it would be covered through Building Control Regulations and the Party Wall Act.

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, SP36, HE02 and QD02 of the Thanet Local Plan, policies BSP4 and 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, privacy screening and obscure glazed windows.

Case Officer

Rosemary Bullivant

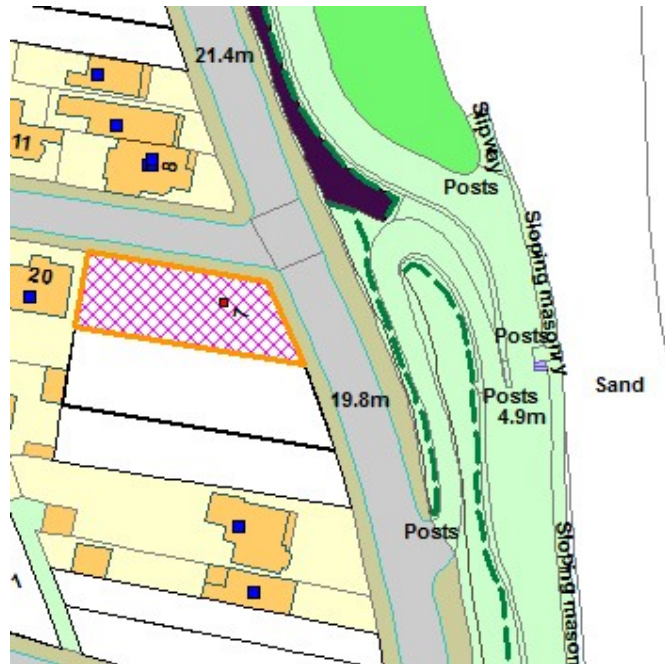
Agenda Item 5d

TITLE:

FH/TH/23/1078

Project

7 Eastern Esplanade BROADSTAIRS Kent CT10 1DP



A05

F/TH/23/1278

PROPOSAL: Installation of replacement steel crittall windows, concrete repairs and redecoration works

LOCATION: East Pier Building East Pier Ramsgate Kent

WARD: Central Harbour

AGENT: No agent

APPLICANT: 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 development hereby approved shall be carried out in accordance with the submitted drawings numbered CR/23-24/102/02 and the Heritage Statement received on 25th September 2023.

GROUND;

To secure the proper development of the area.

3 Prior to the installation of the windows hereby approved, details of the specific designs to be used and colour 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 secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with HE02 of the Thanet Local Plan and advice as contained within the National Planning Policy Framework

4 Prior to the application of any external painting hereby permitted details of the type, colour and finish of the paint to be applied 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 secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with HE02 of the Thanet Local Plan and advice as contained within the National Planning Policy Framework.

INFORMATIVES

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

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

Please be aware that 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 site is located to the end of the East Pier which forms part of the Grade II* Listed Royal Harbour, and by virtue of its setting, the East Pier Building is considered to be Curtilage Listed. The East Pier provides the only access route to the East Pier Building and is accessible to both pedestrians and vehicles, and the East Pier Building is visible in long views across the Royal Harbour, the beach and from the surrounding Cliff tops.

RELEVANT PLANNING HISTORY

There is an extensive planning history for the East Pier. There is one other current applications being considered for same works to East Pier Building as proposed as this application under application reference:

LTH/23/1277 Listed Building Consent for the installation of replacement steel crittall windows, concrete repairs and redecoration works.

As well as two current applications for works to the East Pier being:

F/TH/23/1002 Erection of artwork/sign featuring 1.2m high copper letters on aluminium frame attached to wooden fenders on harbour wall.

L/TH/23/1003 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.

PROPOSED DEVELOPMENT

The proposed development is for Listed Building Consent for the installation of replacement steel crittall windows, concrete repairs and redecoration works.

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.

No responses have been received.

Ramsgate Heritage Design Forum - The forum noted that given the harsh location, the Crittall windows are treated to withstand coastal conditions. No objection.

Ramsgate Town Council - No comment received

CONSULTATIONS

TDC Conservation Officer -

The East Pier Building is part of the complex of the Grade II* listed Ramsgate Royal Harbour.

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.

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.

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.'

The main aspect of work proposed as part of this application is the replacement of the existing windows with like for like crittall but they would be double glazed. Elsewhere the scheme includes large scale repairs and general redecoration.

It can be feasible under some circumstances to consider double glazing in listed properties depending on the age of the windows and their context against the site itself. East Pier Building has been adapted at many stages in the past, this is likely due to the position of Port Control on the roof which too has been largely adapted to the requirements of its functional nature as a working port. The Port Control level was approved in 1950 when looking at previous applications. The East Pier Head was redeveloped in 1938 to include the cafe and a sundeck. This would mean that the East Pier Building is considered to be curtilage listed as well as being physically attached to the Grade II* listed asset.

The age of the windows in question is unknown and it is not clear whether they have been replaced in the past, it is very likely that they have given their proximity to the marine environment and how quickly they would have degraded.

Given the building's curtilage listed status, rather than being part of the original development of the East Pier which is considerably older, it would be considered that the harm caused by the presence of double glazing is less than substantial in the context of the rest of the royal harbour. As well as its specific details of the listing of this area of the port and its more recent and understood development history. Ultimately I would consider the setting and appearance of the East Pier Building to be protected and preserved whilst its main features and their outlook into the Royal Harbour are protected.

Longer views of the cafe from the surrounding conservation area may be implicated by this change of window construction, however this would be considered to be less than substantial and therefore acceptable.

Overall, in this instance, the implication to the setting and appearance of the listed harbour is considered to be less than significant, as such meeting with Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2 by preserving the properties setting or features. As such I do not object to the application proposed.

Historic England:

Ramsgate Harbour is listed grade II* as a good example of an 18th century harbour with later additions. It's substantial basin, cross wall, the use of innovative sluices to remove sediment build up from the basin and its impressive scale all add to its significance. Association with leading Engineers of the day including John Smeaton, Samuel Wyatt and John Rennie Sr and Jr also adds to its significance.

The East Pier Building, constructed at the southern end of the pier, appears to date to the 20th century and was possibly built to house a café. In the 1950's consent was granted to adapt the building to incorporate a Port Control. The Local Authority consider that the building is curtilage listed.

It is proposed to replace existing single glazed windows with double glazed crittall windows. The age of the existing windows is unclear. However, it is entirely possible they are modern replacements (but with a slim profile of the sort associated with earlier 20th century buildings) given the building's exceptionally exposed position and the effect of a marine environment.

If the detail and appearance of the replacement windows maintain the slim profile of the existing windows (which is characteristic of earlier 20th century modernist style buildings like the East Pier Building), it is possible the proposal would cause no harm to the significance of the building.

Historic England therefore has no concerns with the proposed replacement windows if they are sympathetic to the architectural character of the building.

We note that some representative sample details have been submitted but that the elevations note that the fine detailed design of replacement windows including their colour, would need to be agreed and approved. We therefore recommend, that if your Council is minded to approve this application, you may wish to add conditions requiring agreement of the window design, detail, finish and colour.

Recommendation

Historic England supports the application on heritage grounds provided that appropriate conditions are used to control the fine detail of the replacement windows to maintain the architectural character of the curtilage listed East Pier Building.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

COMMENTS

This application is brought before members as the applicant is 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.

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), and on the living conditions of neighbouring occupiers.

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.

Replacement steel crittall windows at Restaurant Level.

It is not known if the existing windows are original to the building and date back to 1938, however given the impact from the salts, wet weather and direct sunlight due to their exposed location, they are assumed to be replacements. Nevertheless, their design and material remains in keeping with the age of the structure and they have clearly been in situ for many years.

The proposed replacement of the existing crittall windows with replacement steel crittall windows within the existing openings on the south eastern and north western elevations, to match the existing design, is welcomed. Whilst the addition of double glazing is considered to cause an element of harm to how the light reflects on the panes, it is acknowledged that the building is curtilage listed and subject to slightly less rigidity in the need to replace the glazing exactly as before.

It is also understood that given the building's unique setting that is fully exposed to extremely hostile weather conditions for long periods of time on all sides, the building is not conducive to the retention of heat. As such both the working occupants and members of the public that patronise the restaurant space could suffer from the extreme coldness when dining and / or working here. Therefore, the introduction of double glazing would improve the overall thermal comfort level of the restaurant during the colder months and enable it to remain fully occupied, ultimately contributing to the long term preservation of the building.

Furthermore, it is acknowledged that the historic addition of double glazing to the port control area immediately above has already altered the overall effect of the light reflection on windows within the wider structure.

Taking this all together, with the fact that the building is not listed in its own right, but curtilage listed, the overall benefits provided by the introduction of double glazing with steel crittall frames within the existing openings are considered to outweigh the element of harm from the change in the reflection of light. Therefore, the use of double glazing is considered acceptable in this specific instance despite its location within a Conservation Area. However, as noted by Historic England, window frame details still need to be supplied and will be conditioned.

Concrete repairs and redecoration works

Various areas of concrete have been identified as in need of repair, across the whole East Pier Building which includes the Restaurant, Port Control and the stores, using mortar to match the existing. Following this, the structure will be redecorated in a light grey paint, to be conditioned.

Given the concrete repairs are necessary for the continued upkeep of the curtilage listed building, allowing it to be maintained to a high standard and prolonging its life span in such a harsh environment, using materials to match, the works are considered to be acceptable.

Furthermore, the redecoration of the whole building with a light grey paint (the shade and make of which is yet to be confirmed but will be conditioned as part of any permission issued), is considered to be an essential part of the proposed works, returning the structure back to a good state of repair and appearance, especially given its status and prominent location.

Whilst the works would cause some harm to the curtilage listed heritage asset and the historic environment through the alteration of the window glazing and repair works, Council's Conservation Officer considers this harm to be limited.

Therefore, the proposed work is considered to be of benefit for the long term maintenance, outweighing the harm to the historic environment and character and appearance of the area, and is considered to comply with the overall aims of policies SP26, SP36, HE02 and QD02 of the Thanet Local Plan, and the National Planning Policy Framework.

Living Conditions

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

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 window replacement or structural repairs. It is therefore considered that this development would have no significant impact upon the living amenity of the neighbouring property occupiers.

Transportation

The proposed work 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, given the nature of the development this proposal is not considered to result in a significant increase in flood risk.

Biodiversity

The proposed development involves alterations and repairs to the existing east pier building and would not significantly alter the scale of the pier or increase activity in the immediate vicinity, except during the short programme of works.

As such, it is not considered to create any long term harm to the biodiversity of the area.

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 replacement of the windows and the structural repairs, 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 works would allow for the much needed maintenance of the East Pier Building and help to ensure its longer term survival through its continued occupation and use, as well as allowing access to members of the public who

Agenda Item 5e

either patronise the establishment or simply appreciate its historic merit, walking up to and around it.

These benefits are considered to outweigh any harm and therefore it is recommended that this application be approved.

Case Officer

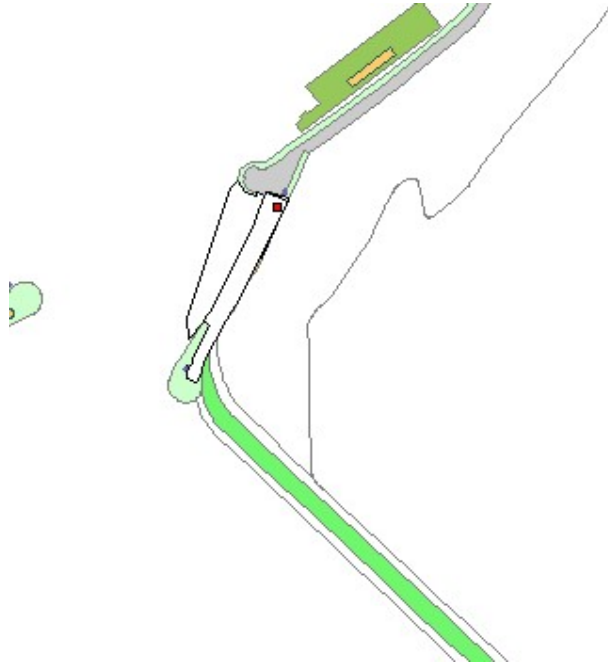
Tanya Carr

TITLE:

F/TH/23/1278

Project

East Pier Building East Pier Ramsgate Kent



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A06

L/TH/23/1277

PROPOSAL: Application for Listed Building consent for the installation of replacement steel critchall windows, concrete repairs and redecoration works

LOCATION: East Pier Building East Pier Ramsgate Kent CT11 8LJ

WARD: Central Harbour

AGENT: No agent

APPLICANT: Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND;

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

2 Prior to the installation of the windows hereby approved, details of the specific designs to be used and colour 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 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 advice as contained within the National Planning Policy Framework

3 Prior to the application of any external painting hereby permitted details of the type, colour and finish of the paint to be applied 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 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 advice as contained within the National Planning Policy Framework.

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>

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 numbered CR/23-24/102/02 and the Heritage Statement received on 25th September 2023.

SITE, LOCATION AND DESCRIPTION

The site is located to the end of the East Pier which forms part of the Grade II* Listed Royal Harbour, and by virtue of its setting, the East Pier Building is considered to be Curtilage Listed. The East Pier provides the only access route to the East Pier Building and is accessible to both pedestrians and vehicles, and the East Pier Building is visible in long views across the Royal Harbour, the beach and from the surrounding Cliff tops.

RELEVANT PLANNING HISTORY

There is an extensive planning history for the East Pier. There is one other current applications being considered for same works to East Pier Building as proposed as this application under application reference:

F/TH/23/1278 'Installation of replacement steel crittall windows, concrete repairs and redecoration works'.

As well as two current applications for works to the East Pier being:

F/TH/23/1002 Erection of artwork/sign featuring 1.2m high copper letters on aluminium frame attached to wooden fenders on harbour wall.

L/TH/23/1003 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.

PROPOSED DEVELOPMENT

The proposed development is for Listed Building Consent for the installation of replacement steel crittall windows, concrete repairs and redecoration works.

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 Heritage Design Forum - The forum noted that given the harsh location, the Crittall windows are treated to withstand coastal conditions. No objection.

Ramsgate Town Council - No comment received

CONSULTATIONS

TDC Conservation Officer -

The East Pier Building is part of the complex of the Grade II* listed Ramsgate Royal Harbour.

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.

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.

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.'

The main aspect of work proposed as part of this application is the replacement of the existing windows with like for like critchall but they would be double glazed. Elsewhere the scheme includes large scale repairs and general redecoration.

It can be feasible under some circumstances to consider double glazing in listed properties depending on the age of the windows and their context against the site itself. East Pier Building has been adapted at many stages in the past, this is likely due to the position of Port Control on the roof which too has been largely adapted to the requirements of its functional nature as a working port. The Port Control level was approved in 1950 when looking at previous applications. The East Pier Head was redeveloped in 1938 to include the cafe and a sundeck. This would mean that the East Pier Building is considered to be curtilage listed as well as being physically attached to the Grade II* listed asset.

The age of the windows in question is unknown and it is not clear whether they have been replaced in the past, it is very likely that they have given their proximity to the marine environment and how quickly they would have degraded.

Given the building's curtilage listed status, rather than being part of the original development of the East Pier which is considerably older, it would be considered that the harm caused by the presence of double glazing is less than substantial in the context of the rest of the royal harbour. As well as its specific details of the listing of this area of the port and its more recent and understood development history. Ultimately I would consider the setting and appearance of the East Pier Building to be protected and preserved whilst its main features and their outlook into the Royal Harbour are protected.

Longer views of the cafe from the surrounding conservation area may be implicated by this change of window construction, however this would be considered to be less than substantial and therefore acceptable.

Overall, in this instance, the implication to the setting and appearance of the listed harbour is considered to be less than significant, as such meeting with Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2 by preserving the properties setting or features. As such I do not object to the application proposed.

Historic England - Ramsgate Harbour is listed grade II* as a good example of an 18th century harbour with later additions. It's substantial basin, cross wall, the use of innovative

sluices to remove sediment build up from the basin and its impressive scale all add to its significance. Association with leading Engineers of the day including John Smeaton, Samuel Wyatt and John Rennie Sr and Jr also adds to its significance.

The East Pier Building, constructed at the southern end of the pier, appears to date to the 20th century and was possibly built to house a café. In the 1950's consent was granted to adapt the building to incorporate a Port Control. The Local Authority consider that the building is curtilage listed.

It is proposed to replace existing single glazed windows with double glazed crittall windows. The age of the existing windows is unclear. However, it is entirely possible they are modern replacements (but with a slim profile of the sort associated with earlier 20th century buildings) given the building's exceptionally exposed position and the effect of a marine environment.

If the detail and appearance of the replacement windows maintain the slim profile of the existing windows (which is characteristic of earlier 20th century modernist style buildings like the East Pier Building), it is possible the proposal would cause no harm to the significance of the building.

Historic England therefore has no concerns with the proposed replacement windows if they are sympathetic to the architectural character of the building.

We note that some representative sample details have been submitted but that the elevations note that the fine detailed design of replacement windows including their colour, would need to be agreed and approved. We therefore recommend, that if your Council is minded to approve this application, you may wish to add conditions requiring agreement of the window design, detail, finish and colour.

Recommendation

Historic England supports the application on heritage grounds provided that appropriate conditions are used to control the fine detail of the replacement windows to maintain the architectural character of the curtilage listed East Pier Building.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

COMMENTS

This application is brought before members as the applicant is 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."

As the whole fabric of the building is protected by virtue of its curtilage listing, the design, traditional materials and proportions of the windows of the building contribute to the special historic and architectural interest of the building and need to be assessed as such.

Replacement steel crittall windows at Restaurant Level.

It is not known if the existing windows are original to the building and date back to 1938, however given the constant attack they would have under from the salts, wet weather and direct sunlight due to their exposed location, they are assumed to be replacements. Nevertheless, their design and material remains in keeping with the age of the structure and they have clearly been in situ for many years.

The proposed replacement of the existing crittall windows with replacement steel crittall windows within the existing openings on the south eastern and north western elevations, to match the existing design, is welcomed. Whilst the addition of double glazing is considered to cause an element of harm to how the light reflects on the panes, it is acknowledged that the building is curtilage listed and subject to slightly less rigidity in the need to replace the glazing exactly as before.

It is also understood that given the building's unique setting that is fully exposed to extremely hostile weather conditions for long periods of time on all sides, the building is not conducive to the retention of heat. As such both the working occupants and members of the public that patronise the restaurant space could suffer from the extreme coldness when dining and / or working here. Therefore, the introduction of double glazing would improve the overall thermal comfort level of the restaurant during the colder months and enable it to remain fully occupied, ultimately contributing to the long term preservation of the building.

Furthermore, it is acknowledged that the historic addition of double glazing to the port control area immediately above has already altered the overall effect of the light reflection on windows within the wider structure.

Taking this all together, with the fact that the building is not listed in its own right, but curtilage listed, the overall benefits provided by the introduction of double glazing with steel crissall frames within the existing openings are considered to outweigh the element of harm from the change in the reflection of light. Therefore, the use of double glazing is considered acceptable in this specific instance. However, as noted by Historic England, window details still need to be supplied and this will be conditioned.

It must be noted that the same works to the remaining glazed windows and doors within the southern western elevation of the restaurant will be undertaken at a later stage, due to budgetary limitations, and an application will be submitted for this at the appropriate time.

Concrete repairs and redecoration works

Various areas of concrete have been identified as in need of repair, across the whole East Pier Building which includes the Restaurant, Port Control and the stores, using mortar to match the existing. Following this, the structure will be redecorated in a light grey paint, to be conditioned.

Given the concrete repairs are necessary to the continued upkeep of the curtilage listed building, allowing it to be maintained to a high standard and prolonging its life span in such a harsh environment, and will using materials to match, the works are considered to be acceptable.

Furthermore, the redecoration of the whole building with a light grey paint (the shade and make of which is yet to be confirmed but will be conditioned as part of any consent issued), following the repair works is considered to be an essential part of the proposed works, returning the structure back to a good state of repair and appearance, especially given its protected status and prominent location.

The Conservation Officer has no objection to any of the proposed works.

Conclusion

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

It is acknowledged that there would be some harm through the physical replacement of the windows and the structural repairs, however this is considered to be limited. Historic England have no concerns with the proposed replacement windows provided they are sympathetic to the architectural character of the building. To this end their design, detail, finish and colour will be secured by condition.

Where harm is identified the NPPF requires a balancing exercise with any public benefit that might outweigh the harm caused to a designated heritage asset. In this case, the works

would allow for the much needed maintenance of the East Pier Building and help to ensure its longer term survival through its continued occupation and use, as well as allowing access to members of the public who either patronise the establishment or simply appreciate its historic merit, walking up to and around it.

These benefits are considered to outweigh any harm and therefore it is recommended that this application be approved.

Case Officer

Tanya Carr

Agenda Item 5f

TITLE:

L/TH/23/1277

Project

East Pier Building East Pier Ramsgate Kent CT11 8LJ



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A07

F/TH/23/0953

PROPOSAL: Erection of a Fixed Boat Landing Platform.

LOCATION: Vattenfall Land At Port Of Ramsgate Royal Harbour Approach
Ramsgate Kent

WARD: Central Harbour

AGENT: Mr Doug Moulton

APPLICANT: Mr John Newsome

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 8151-RIC-XX-XX-DR-Z-1101 Rev P01,, 8151-RIC-XX-XX-DR-Z-1102 Rev P01 and, 8151-RIC-XX-XX-DR-Z-1103 Rev P01 received 13 July 2023.

GROUND;

To secure the proper development of the area.

3 The development hereby approved shall be carried out in accordance with the submitted Construction Environment Management Plan received 13 July 2023.

GROUND;

In order to protect the environment and safeguard protected species, in accordance with advice as contained within the NPPF.

4 No piling works in the construction of the development hereby approved shall be completed during the bird overwintering period (September to March inclusive).

GROUND;

In order to safeguard protected species that may be present, in accordance with advice as contained within the NPPF.

5 Soft start piling shall be used in accordance with the details included within the Construction Environmental Management Plan received 13 July 2023.

GROUND;

In order to protect the environment and safeguard protected species, in accordance with advice as contained within the NPPF.

6 Prior to works commencing on site, a pre-commencement breeding bird survey must be carried out by a qualified ecologist within the port and harbour area. If any breeding birds are present and are judged by the ecologist to be disturbed by the construction work, all works must cease until all observed young have fledged.

GROUND;

In order to safeguard protected species, in accordance with advice as contained within the NPPF.

7 A Marine Mammal Observer shall oversee the development in accordance with the details included within the Construction Environmental Management Plan received 13 July 2023.

GROUND;

In order to safeguard protected species, in accordance with 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.

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

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

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

unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

SITE, LOCATION AND DESCRIPTION

The site is located on the northern side of Ramsgate Port and to the south of the existing Vattenfall office building. The applicant has indicated that a pontoon was previously sited in this location but has been removed as it was no longer fit for purpose. There are a number of other berths, pontoons and structures located within Ramsgate Port and close to the site.

RELEVANT PLANNING HISTORY

PA/TH/22/0132 - Application for prior approval for the installation of a 119m long berth following the removal of existing berth 4/5 under Part 18 Class A of Town Country Planning (General Permitted Development) Order 2015. Prior Approval Granted 19 May 2022

F/TH/14/0254 - Erection of two storey side and rear extensions to existing buildings, with alterations to parking layout to increase vehicle parking. Granted 23 May 2014

PROPOSED DEVELOPMENT

The proposed development is the erection of a fixed boat landing platform. It would comprise 15 steel tubular columns piled into the harbour floor with a platform above measuring 11.5m by 22m. The platform would be freestanding and the deck would be fixed at the same height as the harbour. A transition plate would cover the space between the harbour and the platform. Two hydraulic cranes would be situated on the outside of the platform to service the platform and boats.

DEVELOPMENT PLAN POLICIES

- SP11 - Ramsgate
- SP26 - Landscape Character Areas
- SP28 - Protection of the International and European Designated Sites
- SP29 - Strategic Access Management and Monitoring Plan (SAMM)
- SP30 - Biodiversity and Geodiversity Assets
- SP35 - Quality Development
- SP36 - Conservation and Enhancement of Thanet's Historic Environment
- SP37 - Climate Change
- SP43 - Safe and Sustainable Travel
- SP44 - Accessible Locations
- GI01 - Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ)
- GI02 - Locally Designated Wildlife Sites
- GI03 - Regionally Important Geological Sites (RIGS)
- QD01 - Sustainable Design

QD02 - General Design Principles
QD03 - Living Conditions
HE01 - Archaeology
HE02 - Development in Conservation Areas
HE03 - Heritage Assets
CC01 - Fluvial and Tidal Flooding
CC02 - Surface Water Management
CC03 - Coastal Development
SE06 - Noise Pollution
SE08 - Light Pollution
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

No responses have been received.

Ramsgate Town Council - No objection

Ramsgate Heritage and Design Forum - No objection

CONSULTATIONS

Environment Agency - We have no objection to this proposal, although we do offer the following comments in respect of the proposed development.

The frontage is under the jurisdiction of Thanet District Council and, therefore, a Flood Risk Activity Permit will not be required from us, in this instance.

The Local Planning Authority should be satisfied with the flood warning and evacuation plan as outlined in the Flood Risk Assessment.

KCC Biodiversity - Updated comments received 03 November 2023

We advise that sufficient information has been provided.

The site is adjacent to the Thanet Coast and Sandwich Bay SPA and Ramsar and the Sandwich Bay to Hacklinge Marshes SSSI and when we previously commented we raised concerns that no ecological information had been submitted as part of the application.

A shadow HRA has been submitted which has assessed the impact on the above listed designated sites. We have reviewed the submitted information and we are satisfied that the

proposal is unlikely to have an adverse impact on the designated sites due to the mitigation proposed. The mitigation proposed includes the following:

A soft start method to the piling is to be implemented, whereby piling power is gradually increased incrementally, minimising noise and vibration disturbance on wildlife in the area.

Piling will be carried out outside of the wintering bird season.

Best practice measures will be implemented to avoid/minimise the risk of pollution during the construction.

We advise that the measures must be included within the construction management plan.

We advise that TDC must adopt the shadow HRA as part of the planning application.

Breeding Birds

It is possible that breeding birds (not associated with the designated sites) may be present within the Ramsgate Harbour area. The works will be carried out during the breeding bird season and therefore there is a risk that the works may disturb breeding birds and their young. We advise that prior to works commencing a pre commencement breeding birds survey is carried out and if breeding birds are recorded within the site the following approach is carried out:

Works are delayed until all the young have fledged Or

Breeding birds are monitored to ensure that the works are not causing a disturbance and if so works are ceased until all the young have fledged.

We recommend that if planning permission is granted the above approach is included within the construction management plan.

Initial comments received 14 September 2023

The site is adjacent to the Thanet Coast and Sandwich Bay SPA and Ramsar and the Sandwich Bay to Hacklinge Marshes SSSI and no ecological information has been submitted as part of the application.

The design and access statement refers to an Environmental Assessment which was submitted to the Marine Management Organisation in support of the marine licence application however this has not been submitted as part of the current application. We advise that the ecological assessment and a shadow Habitat Regulations Assessment is submitted as part of the current application.

We have commented on a number of applications within the Ramsgate Harbour area and we are confident that appropriate information to assess the impact of the proposal and identify can be provided.

As part of application PA/TH/22/0132 it was identified that noise and vibration due to the piling was a potential impact on the designated sites and the associated species (in

particular Little Tern). The HRA submitted as part of that application made the following recommendations:

'Vibratory piling techniques must be used in the first instance, should impact piling be required soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.'

The construction management plan submitted as part of this application does indicate that a similar method will be undertaken and it has confirmed that the piling works will be carried out outside of the wintering bird season. Therefore it does appear that the design of the construction has been informed by the conclusions of an ecological assessment and the shadow HRA. But until we have reviewed both documents we are unable to fully assess the impact of the proposal.

We advise that there is a need for this information to be submitted to ensure that TDC can be satisfied that the proposal will not have an adverse impact on the designated sites as detailed within article 6(3) of the Habitats Directive which states that: "Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

KCC Highways - It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

KCC Minerals and Waste - The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter.

Marine Maritime 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.

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 <http://www.legislation.gov.uk/ukxi/2017/571/contents/made> 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.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.

The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.

The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.

The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions - including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play - particularly where land based resources are becoming increasingly constrained.

Natural England - Updated comments received 30 October 2023

European/International Sites

We can confirm that the proposed works are located adjacent to Thanet Coast and Sandwich Special Protection Area (SPA), Thanet Coast and Sandwich Bay Ramsar and Thanet Coast Special Area of Conservation (SAC).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the Applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions, in accordance with Regulation 63 of the Regulations. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. We previously advised on 12 September 2023 that you obtain the following information to fulfil this duty:

Habitats Regulations Assessment (HRA) already undertaken by the MMO for the marine licence obtained, applying the coastal concordat.

Appropriate assessment We note that your authority, as competent authority under the provisions of the Habitats Regulations, has provided a shadow Appropriate Assessment of the proposal.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

The Appropriate Assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that the in-combination assessments are up to date and all identified mitigation measures are appropriately secured in any permission given, namely:

Mitigation:

Any piling activities must be limited to 10 days duration in total.

Reason:

To avoid disturbance to the designated non-breeding and breeding birds, interest features of Thanet Coast and Sandwich Bay SPA and Ramsar.

Mitigation:

The use of non-percussive piling techniques, such as vibro-piling, should be prioritised. If any percussive piling is required, then soft start procedures must be followed as follows: Soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes, and no more than 40 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason:

To avoid disturbance to the designated non-breeding and breeding birds, interest features of Thanet Coast and Sandwich Bay SPA and Ramsar.

Initial comments received 12 September 2023

Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

European/International Sites

No assessment has been provided of the potential impacts that the proposal will have on the Thanet Coast Special Area of Conservation (SAC) or Thanet Coast and Sandwich Bay Special Protection Area, (SPA) designated for their chalk reef and overwintering and breeding bird populations respectively.

Likely significant effect, appropriate assessment required

Natural England's advice is that this proposed development may contain (or require) measures intended to avoid or reduce the likely harmful effects on a European Site, which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (noting the recent People Over Wind Ruling by the Court of Justice of the European Union).

For this reason, we advise that on the basis of the information supplied that the application may have a likely significant effect on these sites. These measures therefore need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment, in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

These measures and any further mitigation measures can be considered during an appropriate assessment, to determine whether a plan or project will have an adverse effect on the integrity of the European site.

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

We advise you to obtain the following information:

Habitats Regulations Assessment (HRA) already undertaken by the MMO for the marine licence obtained, applying the coastal concordat.

TDC Conservation Officer - No objection

COMMENTS

The application is reported to members as the site is located in an area owned by Thanet District Council.

Principle

The site is located within Ramsgate Port where policy SP11 of the Thanet Local Plan applies. This policy states that; "The Council supports further development at Ramsgate Port which would facilitate its improvement as a port for shipping, increase traffic through the port, and introduce new routes and complementary land based facilities including marine engineering, subject to:-

- a demonstrable port-related need for any proposed land based facilities to be located in the area of the port, and a demonstrable lack of suitable alternative inland locations; and
- compatibility with the character and function of Ramsgate waterfront and the Royal Harbour as a commercial leisure facility; and
- an acceptable environmental assessment of the impact of the proposed development upon the harbour, its setting and surrounding property, and
- the impact of any proposed land reclamation upon nature conservation, conservation of the built environment, the coast and archaeological heritage, together with any proposals to mitigate the impact.

Land reclamation will not be permitted beyond the western extremity of the existing limit of reclaimed land.

Development will only be permitted under this policy where it can be demonstrated that it will not adversely affect any designated nature conservation sites through any pathway of impact, including increased visitor pressure. Development proposals must comply with the requirements of SP28, SP29 and GI01."

The proposed use is port related, would appear to increase traffic through the port, and would be located adjacent to the existing Vattenfall buildings. Therefore subject to the

assessment of the environmental impacts the principle of development is considered acceptable.

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

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

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

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 site is also located within the Ramsgate and Broadstairs Cliffs Landscape Character Area as defined by policy SP26 of the Thanet Local Plan. This policy states that "Proposals on the coast should respect the traditional seafront architecture of the area, maintain existing open spaces and should ensure that recreational and wildlife opportunities are not compromised by development. Proposals should maintain and enhance the setting of sandy bays, low chalk cliffs and associated grassland and long sweeping views of the coastline."

The proposed boat landing would have a limited projection above the height of the harbour and have a similar appearance to the other berths and landings that are currently visible in Ramsgate Port. The proposed boat landing is considered to be a structure that would be expected to be seen in this location. The site is also located a significant distance from Ramsgate Harbour with its various listed structures and the Conservation area. This proposal is therefore not considered to result in any significant harm to the character and appearance of the area in line with policies HE02, HE03, QD02 and SP26 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The site is located within Ramsgate Port approximately, 127m from the base of the cliff. The proposed landing would be set at the same level as the port and the only part of the development that would extend above this level are the proposed hydraulic cranes. These cranes would be used to move items from the platform to the boats and would have a maximum radius of 6m.

Given the position within the port, away from the cliff with the residential properties above and the scale of the platform, this development is 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

The site is located within Ramsgate Port, away from the boundaries with the highway. The proposed boat landing would provide access for three boats and crew that provide maintenance and servicing to the offshore wind farms. The platform would be accessed through the existing Vattenfall car park, which the applicant has indicated would be utilised by employees, visitors and during construction. The landing and boats that it would serve appear to be limited in scale and the applicant has indicated that this development would consolidate the existing vessel transition facilities used by Vattenfall and London Array. Given the scale of the proposed boat landing, the existing operations in the area and its location, this development is not considered to result in any significant increase in vehicular movements or harm to highway safety.

Biodiversity

The site is located within a working port and the proposed platform would be sited in a similar location to a pontoon that was previously in place. The site itself is therefore considered to represent limited potential for biodiversity.

The site is adjacent to the Thanet Coast and Sandwich Bay SPA and Ramsar, the Sandwich Bay to Hacklinge Marshes SSSI, and Thanet Coast Special Area of Conservation (SAC). The operation of the platform would be similar to the existing uses in the port, however the construction has the potential to result in impacts upon these designated sites and protected species.

The applicant has submitted a shadow Habitat Regulations Assessment (HRA). This assessment concludes that potential effects on the qualifying features of a designated site have been identified including hydrological, noise/vibration, light pollution and physical disturbance. However, only construction related pollution/run-off and noise/vibration, may result in a likely significant effect. The report goes on to say that best practice construction mitigation measures are required in order to confirm no residual effects and have been included as part of a construction management plan.

KCC Biodiversity and Natural England have reviewed the application and the additional information that was submitted during the application process. Both of these consultees

agree with the conclusions of the HRA and have raised no objections to the application subject to conditions limiting the duration of piling to 10 days, using vibro piling and soft start piling, piling to be completed outside of wintering bird season, best practices used to avoid/minimise the risk of pollution during the construction and a pre-commencement breeding bird survey to be completed.

These conditions are considered to be reasonable and necessary with the exception of the limit on the duration of piling. No information has been given as to why a shorter or longer time would be more or less harmful and therefore it is considered that this condition would not meet the tests of being reasonable. It is in the applicant's interest to complete works as quickly as possible and given that the piling would be limited to outside of the wintering bird season along with the other restrictions it is considered that adequate protection is in place.

An application for a Marine Management Organisation Marine Licence has been submitted and approved by the Marine Management Organisation.

The Council intends to adopt the HRA assessment and subject to the conditions outlined by KCC Biodiversity and Natural England, it is considered that the proposed development would have no significant impact upon biodiversity in the area.

Other Matters

The site is located in flood zone 3 due to its position within the harbour, however the proposed boat landing is considered to be a water compatible development. Tidal flooding is the primary source of flood risk, however it is not considered that there are any more suitable locations for such a development and this proposal would not significantly increase the risk of flooding either during construction or operation.

The development has been screened for an Environmental Impact Assessment (EIA). This screening concludes that due to the nature, siting and scale of the development it is not considered to be so environmentally sensitive as to require an EIA. This assessment has also considered the cumulative effects of the development and the extant permissions for similar facilities adjacent to the site.

Conclusion

The siting, and design and appearance of the proposed platform is considered to be appropriate for the port location, and subject to the mitigation measures set out within the Appropriate Assessment and as requested by consultees including KCC Biodiversity and Natural England, this proposal is not considered to result in any significant impacts upon the environment or adverse effects upon the integrity of the designated sites. Therefore it is recommended that the Planning Committee approve the application and adopt the Appropriate Assessment at Annex 1.

List of Appendices

Annex 1: Appropriate Assessment

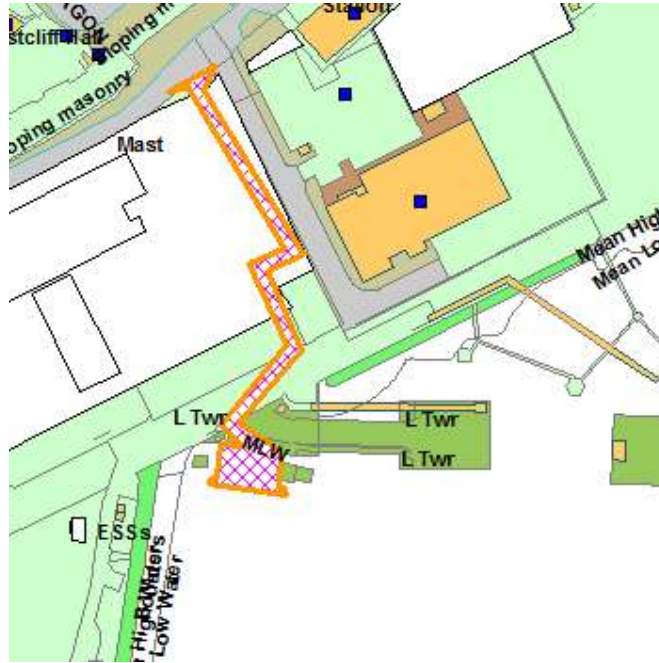
Case Officer
Duncan Fitt

TITLE:

F/TH/23/0953

Project

Vattenfall Land At Port Of Ramsgate Royal Harbour Approach Ramsgate
Kent





Stage 1 HRA Screening and Stage 2 Appropriate Assessment

Proposed Boat Landing Platform at the Port of Ramsgate **Vattenfall Wind Power Ltd**

SHF.785.002.EC.R.001



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Stage 1 HRA Screening and Stage 2 Appropriate Assessment

| | |
|-----------|--|
| Project: | Proposed Boat Landing Platform at the Port of Ramsgate |
| For: | Vattenfall Wind Power Ltd |
| Status: | Final |
| Date: | 6 th October 2023 |
| Author: | Chris Schofield MSc, BSc (Hons), ACIEEM – Senior Ecologist |
| Reviewer: | Derek Allan MSc, BSc (Hons), MCIEEM – Director of Ecology |

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Contents

| | | |
|-----|--|----|
| 1.0 | INTRODUCTION AND APPROACH | 1 |
| 1.1 | Commission..... | 1 |
| 1.2 | Development Details..... | 1 |
| 1.3 | Identification of Likely Significant Effects | 1 |
| 1.4 | Aims and Objectives..... | 2 |
| 1.5 | Background/Acknowledgments..... | 3 |
| 1.6 | Site Context | 4 |
| 2.0 | BASELINE INFORMATION..... | 5 |
| 2.1 | Identification of European Sites..... | 5 |
| 2.2 | Identifying Projects for In-Combination Affects Assessment | 6 |
| 2.3 | Supporting Technical Information/Evidence | 6 |
| 3.0 | DESIGNATED SITES DETAILS..... | 7 |
| 4.0 | STAGE 1 SCREENING OF LIKELY SIGNIFICANT EFFECTS..... | 8 |
| 5.0 | STAGE 2 APPROPRIATE ASSESSMENT | 11 |
| 6.0 | ASSESSMENT OF POTENTIAL IN-COMBINATION EFFECTS | 13 |
| 6.1 | Introduction | 13 |
| 6.2 | Assessment | 13 |
| 7.0 | CONCLUSION | 14 |
| 8.0 | REFERENCES..... | 15 |

Tables and Figures

| | |
|---|---|
| FIGURE 1 – SITE AREA | 4 |
| FIGURE 2 – PROPOSED DEVELOPMENT AND DESIGNATED SITES WITHIN AN EXPECTED ZONE OF INFLUENCE | 5 |

Proposed Boat Landing Platform at the Port of Ramsgate
Vattenfall Wind Power Ltd

TABLE 1 – DESIGNATED SITES AND QUALIFYING FEATURES..... 7

TABLE 2 – SCREENING ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS (STAGE 1) 8

TABLE 3 - APPROPRIATE ASSESSMENT OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES (STAGE 2) 11

Drawings and Appendices

APPENDIX A – SITE LOCATION AND PROPOSED LAYOUT..... 16

1.0 Introduction and Approach

1.1 Commission

1.1.1 In September 2023 Enzygo Ltd was commissioned by Vattenfall Wind Power Ltd (the client) to produce a Habitat Regulations Assessment (HRA) Stage 1 Screening and Stage 2 Appropriate Assessment Report for the erection of a fixed boat landing platform ('the proposed development') at the Port of Ramsgate, Royal Harbour Approach, Ramsgate, Kent, CT11 9FT (central grid reference TR 38012 64248) (thereafter referred to as 'the site').

1.2 Development Details

1.2.1 The study will inform proposals for a fixed landing platform which will be situated adjacent to the dock, located to the immediate south of Vattenfall's existing office buildings and car parking area, within the harbour area of the Port of Ramsgate. A pontoon was previously located at the site, but this has since been removed as it was no longer fit for purpose. A new boat landing platform is urgently required to provide safe access to loading facilities to and from vessels for the operation and maintenance crew, technicians, and equipment to service the Kentish Flats (90MW), Kentish Flats Extension (49.5MW), and Thanet Offshore (300MW) Wind Farms.

1.2.2 The proposed boat landing is a modest structure and will consist of 15 steel tubular columns which will be piled into the harbour floor. A simple deck structure will be situated onto the columns being 11.5m at its widest point with a depth of 22m, therefore the total area of the platform is circa 250m². The support columns will be configured in a 5x3 grid with the offshore outside piles and middle offshore outside piles having an access ladder to allow employees easy access to support vessels.

1.2.3 Piling is anticipated to result in noise and vibration impacts, and the construction phase presents the risk of pollution/run-off impacts which are considered in this assessment. No significant increase in operational activities at the port is anticipated as a result of the proposed based on the existing levels and nature of port activity. Existing road access and services are to be utilised to serve the proposed development. It is assumed no additional site compound or works area outside of the redline boundary is required to enable the proposals.

1.2.4 Refer to Appendix A for a plan of the site boundary and proposals.

1.3 Identification of Likely Significant Effects

1.3.1 This study will consider whether there are any 'likely significant effects' of the development proposals on any statutory designated sites for nature conservation, and their associated ecological features.

1.3.2 If a 'likely significant effect' or implications on a site's conservation objectives is identified then an Appropriate Assessment will be undertaken to demonstrate and ascertain that the proposal will not adversely affect the integrity of the site through the incorporation of appropriate avoidance, mitigation or compensation measures. Failing that, Stage 3 Assessment of Alternatives would then need to be considered.

1.3.3 It is our understanding that in accordance with standing guidance from the Planning Inspectorate (Inspectorate, 2013) the statutory consultee are to undertake the actual HRA assessment and make a determination using the supplied information and following consultation with third parties as necessary. Additionally, that any relevant recent case law, such as "*People over Wind*" will be taken into consideration.

1.4 Aims and Objectives

1.4.1 This report provides information in support of Stage 1 of the Habitat Regulations Assessment process, which represents the screening stage, and Stage 2 for Appropriate Assessment. The objective of these stages is to determine whether the project is likely to have a significant effect on the interest features of the designated sites, either alone or in-combination with other projects, and if appropriate measures can be incorporated to negate any identified impacts.

1.4.2 The aim of this report and of Stage 1 and 2 of the HRA is to provide sufficient information for the competent authority to determine whether further considerations are required for any potential implications on the designated site's conservation objectives, which may subsequently lead to Stage 3 (assessment of alternative solutions) and Stage 4 (assessment of IROPI (imperative reasons of overriding public interest)).

1.4.3 To determine whether there will be 'likely significant effects' the objectives of this assessment are to:

- Identify all European Sites with the potential to be affected by the development proposals, by establishing a potential zone of influence considering the scale and nature of the proposals;
- A review of each identified site within this potential zone of influence, including outlining the features for which the site is designated, the current conservation status and objectives of the site, and details of threats to these features;
- Consider any other projects or plans in the surrounding area which may result in in-combination impacts on the designated sites; and
- Where potential impacts are identified, consideration of suitable mitigation measures to avoid/mitigate/compensate potential impacts.

1.4.4 Although suitable mitigation measures are considered, where required, the recent '*People Over Wind*' case ruling has been considered. In summary, this ruling states the mitigation measures cannot be taken into account when considering the Stage 1 screening test for 'likely significant effects,' whereas it was previously standard practice that projects could incorporate suitable mitigation measures at this stage and which often prevented the need for projects to progress to full Stage 2 appropriate assessment.

1.4.5 In addition, the recent High Court judgement "*R (on the Application of Preston) v Cumbria County Council [2019] EWCA 1362*" has also been considered. In summary this judgement confirms that the competent authority carrying out an HRA for a project must undertake its own appropriate assessment on matters even if they are separately assessed or controlled by another competent authority (e.g. the Environment Agency). The Competent Authority must satisfy their own HRA duties in conducting their own assessment and providing their own judgement (albeit informed where appropriate by other bodies, such as the EA).

1.4.6 In accordance with standing guidance (Inspectorate, 2013) at Stage 1 of the HRA, for each European Site considered it will be concluded from the baseline information and consultation responses received that either:

- *There are no likely significant effects on the European site(s), either alone or in combination with other plans or projects and therefore no further assessment is required; or*

- *Likely significant effects on the European site(s) exist, alone or in combination with other plans or projects, therefore requiring an appropriate assessment by the competent authority.*

1.4.7 Additionally, nationally designated sites (e.g. SSSIs) have also been considered where they form an integral part of a wider European designation.

1.4.8 This report has been produced with reference to the Nature England Habitat Regulations Assessment Standard (Natural England, 2017).

1.5 Background/Acknowledgments

Current Application

- 1.5.1 The existing application was submitted to Thanet District Council in July 2023, for the “*Erection of a Fixed Boat Landing Platform*” (planning reference F/TH/23/0953). In relation to biodiversity and nature conservation, a pre-application response dated 29th March 2023 stated “*the site is located in close proximity to a number of protected areas including the Sandwich Bay Special Area of Conservation (SAC), Thanet Coast SAC, Sandwich Bay to Hackling Marshes Site of Special Scientific Interest (SSSI) and Thanet Coast and Sandwich Bay Ramsar*” and “*a construction management plan would need to provide a detailed schedule of works and measures to avoid any significant impacts upon nearby protected sites. The bird overwintering period is October to March inclusive and therefore any works that create significant noise or vibration would need to be completed outside of this period.*”
- 1.5.2 A Construction Environmental Management Plan (CEMP) (Enzygo, 2023a) was therefore submitted with the July 2023 application which includes measures to be implemented to minimise potential impacts on the wider environment and biodiversity features, including in relation to wintering and breeding birds, best practice pollution prevention measures, sensitive lighting and invasive species. This CEMP document and supporting technical assessment and design proposals (see Section 2.3 below) have been reviewed and details used to inform the scope of assessment presented in this report.
- 1.5.3 A Marine Maritime Organisation (MMO) licence is also in place for this development, which was supported by a Supplementary Information document (Natural Power, 2023) and which contains a detailed Stage 1 Habitat Regulations Assessment and Stage 2 Appropriate Assessment. This includes an assessment of Likely Significant Effects (LSEs) of the proposals both for this project alone and in-combination with other projects in the area. This document provides an important background document which has been reviewed and referred to throughout the assessment made in this report. This document was not submitted with the July 2023 application.
- 1.5.4 In September 2023, consultation responses were received from Natural England (dated 12th September 2023) and Kent County Council Ecological Advice Service (dated 15th September 2023). The Natural England response states that insufficient information has currently been provided and recommend further information is provided in relation to assessment of impacts and proposed mitigation regarding nearby European nature conservation sites to fulfil requirements in relation to the Conservation of Habitats & Species Regulations 2017 (as amended). To satisfy this request, Natural England recommend the above described MMO HRA information (Natural Power, 2023) is submitted.
- 1.5.5 The Kent County Council Ecological Advice Service response recommends that the ecological assessment which inform the MMO licence (i.e. the above-described MMO HRA information (Natural Power, 2023)) is submitted in addition to a Shadow HRA, as no ecological information

Proposed Boat Landing Platform at the Port of Ramsgate
Vattenfall Wind Power Ltd

has currently been submitted as part of the application. However, do state “we have commented on a number of applications within the Ramsgate Harbour area and we are confident that appropriate information to assess the impact of the proposal can be provided.” These responses have been reviewed and been used to inform the approach and scope of assessment presented here.

1.5.1 It is our understanding that to date, other than the Natural England and Kent County Council Ecological Advice Service consultation responses described above, there have been no further correspondence with the County Ecologist or any other statutory consultees regarding this application.

1.6 Site Context

1.6.1 The application site measures approximately 0.07 hectares and is located within the Port of Ramsgate, in the district of Thanet, Kent. The proposed boat landing platform will be situated adjacent to the dock, located to the immediate south of Vattenfall’s existing office buildings and car parking area, within the harbour area of the Port of Ramsgate.

Figure 1 – Site Area



Image courtesy of Google Image Pro 7.3.2.5491, [Grid Ref: TR 38012 64248]. Imagery date March 2022. Image accessed 6th October 2023.

2.0 Baseline Information

2.1 Identification of European Sites

2.1.1 The European Sites which are within an expected zone of influence of the proposed development have been identified following the review of the MMO HRA information (Natural Power, 2023) and September 2023 Natural England and Kent County Council Ecological Advice Service consultation responses, and using information from MAGIC the online mapping source (DEFRA, 2023).

2.1.2 Considering the scale and nature of the proposals, it has been determined the assessment is to include those European designated sites for nature conservation highlighted by Natural England and Kent County Council Ecological Advice Service within close proximity to the site. Considering the scale and nature of the proposals it has been determined that considering a set radius of zone of influence from the development is not appropriate in this instance (e.g. a 5km, 10km or 15km radius).

Figure 2 – Proposed Development and Designated Sites within an expected zone of influence

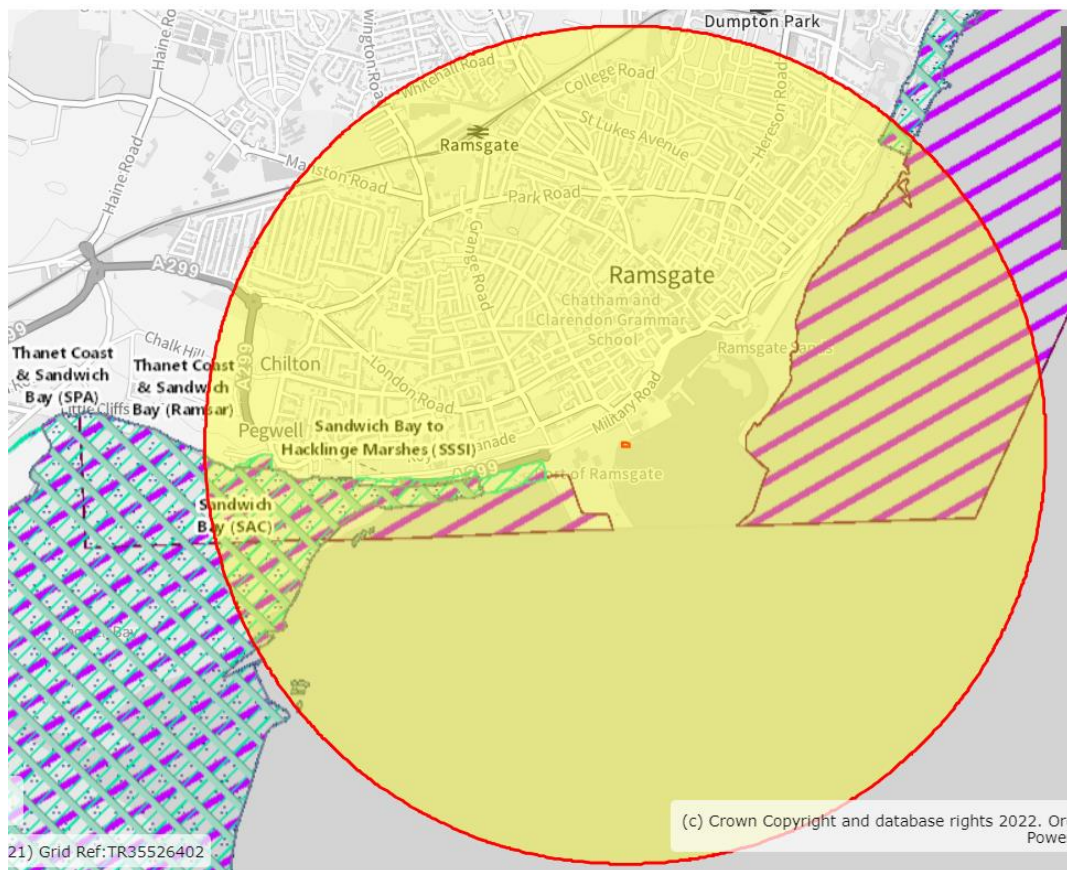


Image from Magic Map (DEFRA, 2023) accessed on 6th October 2023. Indicates the site and a 2km radius in relation to the identified pertinent nature conservation sites.

2.1.3 In addition, as a matter of government policy (Natural England, 2017), where present, potential SPAs and candidate and proposed SACs and their features are treated as if they are formally classified and therefore the provisions of the Habitat Regulations apply to them.

2.1.4 Under the Conservation of Habitats and Species Regulations 2017 it is the duty of the statutory nature conservation body to provide conservation objectives for a European designated site to

the relevant competent authority responsible for that site, including details and advice on any operations which may cause deterioration of the features for which that site is designated.

2.1.5 As a result, in this case, conservation objectives are set by Natural England to ensure that the obligations of the Habitats Regulations are met, particularly to ensure that there should be no deterioration or significant disturbance of the qualifying features from their condition at the time the status of the site was formally identified. The conservation objectives are also essential in determining whether the effects of a plan or project are likely to have a significant effect on the qualifying interests of the site.

2.1.6 Information on the conservation objectives and sensitives of the identified sites have been gathered through reviewing the relevant Joint Nature Conservation Committee data sheets (JNCC, 2023) and available information through the Natural England website (Natural England, 2023). Where necessary to inform the assessment of likely significant impacts the detailed Supplementary Advice on the Conservation Objectives as available through the Natural England website (Natural England, 2023) have been reviewed in detail.

2.2 Identifying Projects for In-Combination Affects Assessment

2.2.1 In addition to an assessment of likely significant effects of the project 'alone' on the European Sites, it is also necessary to consider addition projects in the local area which may result in likely significant effects 'in-combination' with the application site whilst relating this to existing background levels/conditions.

2.2.2 Information on pertinent projects in the local area has been acquired through reviewing the September 2023 consultation responses and MMO HRA information (Natural Power, 2023), and consideration of the separate technical assessments (see Section 2.3 below). In this instance, no additional pertinent projects have been flagged by Thanet District Council to be included in this assessment.

2.3 Supporting Technical Information/Evidence

2.3.1 The following supporting information has been reviewed to inform the assessments made within this report:

- The Port of Ramsgate - Boat Landing - Supplementary Information (Natural Power, 2023).
- Construction Environment Management Plan (Enzygo, 2023a).
- NPPF: Flood Risk Assessment (Enzygo, 2023b).
- Natural England consultation response dated 12th September 2023
- Kent County Council Ecological Advice Service consultation response dated 15th September 2023.

3.0 Designated Sites Details

Table 1 – Designated Sites and Qualifying Features

| Designated Site | Qualifying Features | Conservation Objectives | Existing Threats and Pressures (as identified by JNCC) |
|--|---|---|--|
| <p>Thanet Coast Special Area of Conservation (SAC) 280m South-west and 550m East</p> <p><i>And overlapping Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI) 380m West</i></p> | <p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> - Reefs - Submerged or partially submerged sea caves | <p>With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features'), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> - The extent and distribution of qualifying natural habitats - The structure and function (including typical species) of qualifying natural habitats, and - The supporting processes on which qualifying natural habitats rely | <p><u>Negative Impacts</u></p> <ul style="list-style-type: none"> - Invasive non-native species (both inside and outside the SAC) - Pollution to groundwater (point sources and diffuse sources) (both inside and outside the SAC) - Outdoor sports and leisure activities, recreational activities (inside the SAC) - Human induced changes in hydraulic conditions (both inside and outside the SAC) - Changes in biotic conditions (both inside and outside the SAC) |
| <p>Thanet Coast and Sandwich Bay Special Protection Area (SPA) 700m West</p> <p><i>And overlapping Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI) 380m West</i></p> | <p>Site qualifies under Article 4.1 of the Directive by supporting a nationally important population of the following species in the given season:</p> <ul style="list-style-type: none"> - Little Tern (breeding) - Golden Plover (wintering) <p>Site qualifies under Article 4.2 of the Directive as it supports an internationally important population of the following species in the given season:</p> <ul style="list-style-type: none"> - Turnstone (wintering) | <p>With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> - The extent and distribution of the habitats of the qualifying features - The structure and function of the habitats of the qualifying features - The supporting processes on which the habitats of the qualifying features rely - The population of each of the qualifying features, and, - The distribution of the qualifying features within the site. | <p><u>Negative Impacts</u></p> <ul style="list-style-type: none"> - Invasive non-native species (both inside and outside the SPA) - Pollution to groundwater (point sources and diffuse sources) (both inside and outside the SPA) - Outdoor sports and leisure activities, recreational activities (inside the SPA) - Human induced changes in hydraulic conditions (both inside and outside the SPA) - Changes in biotic conditions (both inside and outside the SPA) <p><u>Positive Impacts</u></p> <ul style="list-style-type: none"> - Grazing (inside the SPA) - Improved access to site (inside the SPA) - Modification of cultivation practices (inside the SPA) |
| <p>Thanet Coast and Sandwich Bay Ramsar 700m West</p> <p><i>And overlapping Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI) 380m West</i></p> | <p>Site qualifies in respect of the following Ramsar Criterion:</p> <ul style="list-style-type: none"> - Criterion 2 - supports vulnerable, endangered, or critically endangered species or threatened ecological communities. Supports 15 British Red Data Book wetland invertebrates - Criterion 6 - supports 1% of the individuals in a population of one species or subspecies of waterbird. Ruddy turnstone (wintering) | <p>For Ramsar sites conservation objectives are not set. However, objectives for the assessment have been established from those of the corresponding overlapping SAC and SPA (see above).</p> | <p><u>Negative Impacts</u></p> <ul style="list-style-type: none"> - Vegetation succession (inside the Ramsar) – Major Impact - Water diversion for irrigation/domestic/industrial use (both inside and outside the Ramsar) – Major Impact - Eutrophication (both inside and outside the Ramsar) – Major Impact - Pollution – pesticides/agricultural runoff (both inside and outside the Ramsar) – Major Impact - Recreational/tourism disturbance (unspecified) (inside the Ramsar) – Major Impact - Unspecified development: urban use (inside the Ramsar) – Major Impact |

4.0 Stage 1 Screening of Likely Significant Effects

Table 2 – Screening Assessment of Likely Significant Effects (Stage 1)

| Designated Site | Qualifying Feature | Potential Impacts/Effect to Qualifying Feature | Summary/Assessment of Supporting Evidence | Likely Significant Effect |
|---------------------------------------|--|---|---|---------------------------|
| Thanet Coast SAC and overlapping SSSI | Reefs | Risk of physical disturbance and damage during the construction phase , resulting in a direct impact on qualifying habitats. | As reported in the MMO licence Supplementary Information (Natural Power, 2023), potential direct impacts on reef habitat is discounted as the “nearest reef feature is intertidal rock which is located 400 m to the west of the proposed activity, followed by infralittoral rock and circalittoral rock which is located > 600 m to the east of the proposed”. Any disturbance to the seabed will be negligible and far less than normal levels of disturbance within the port. In addition, the MMO licence Supplementary Information (Natural Power, 2023) provides assessment that due to the scale of the works and location of sensitive qualifying habitats distant to the site, that no potential impacts from other disturbance pathways such as underwater noise or visual disturbance, or creation of physical barriers. | None |
| | | Potential run-off pollution during construction causing degradation of qualifying habitats through changes in water chemistry and processes which may impact on habitat integrity. | In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. However, as the nearest reef feature is 400m from the site boundary, the risk of any notable impact is considered significantly minor. | Yes |
| | | Risk of degradation through increase in sediment during the construction phase, leading to increased siltation/smothering of qualifying feature. | It is likely that suspended sediment will be produced during the installation of the boat landing, particularly during the installation of the piles. However, considering the location of the nearest area of reef, the temporary nature of the works, existing regular levels of disturbance from port activities, and recognising the contained and sheltered nature of the port in which the works area proposed, it is assessed there is no risk of increase in suspended sediment leading to any impacts from smothering, siltation or changes in water clarity. This assessment is supported by assessment presented within the MMO licence Supplementary Information (Natural Power, 2023). | None |
| | | Potential degradation from increased artificial lighting from construction and operation of the site affecting the habitat processes and nutrient levels | Due to the distance to closest area of reef (i.e. 400m from the site), and existing artificial lighting around the port, there is no identified risk of any increase in artificial lighting during the construction or operation of the site leading to degradation of reef habitat through changes in amount of light received by the habitat. Notwithstanding this assessment, the CEMP (Enzygo, 2023a) provides details of proposed sensitive lighting during the construction phase minimising the any risk even further. | None |
| | Submerged or partially submerged sea caves | Risk of physical disturbance and damage during the construction phase , resulting in a direct impact on qualifying habitats. | As reported in the MMO licence Supplementary Information (Natural Power, 2023), potential direct impacts on submerged or partially submerged sea caves habitat are discounted as the closest area of habitat lies 1.5 km from the proposed works. No routes/pathways for direct physical disturbance have been identified. | None |
| | | Potential run-off pollution during construction causing degradation of qualifying habitats through changes in water chemistry and processes which may impact on habitat integrity. | In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. However, as the nearest submerged or partially submerged sea caves habitat feature is 1.5km from the site boundary, the risk of any notable impact is considered significantly minor. | Yes |
| | | Risk of degradation through increase in sediment during the construction phase, leading to increased siltation/smothering of qualifying feature. | It is likely that suspended sediment will be produced during the installation of the boat landing, particularly during the installation of the piles. However, considering the location of the nearest area of submerged or partially submerged sea caves habitat, the temporary nature of the works, existing regular levels of disturbance from port activities, and recognising the contained and sheltered nature of the port in which the works area proposed, it is assessed there is no risk of increase in suspended sediment leading to any impacts from smothering, siltation or changes in water clarity. This assessment is supported by assessment presented within the MMO licence Supplementary Information (Natural Power, 2023). | None |
| | | Potential degradation from increased artificial lighting from construction and operation of the site affecting the habitat processes and nutrient levels | Due to the distance to closest area of submerged or partially submerged sea caves habitat (i.e. 1.5km from the site), and existing artificial lighting around the port, there is no identified risk of any increase in artificial lighting during the construction or operation of the site leading to degradation of reef habitat through changes in amount of light received by the habitat. Notwithstanding this assessment, | None |

| Designated Site | Qualifying Feature | Potential Impacts/Effect to Qualifying Feature | Summary/Assessment of Supporting Evidence | Likely Significant Effect |
|--|--|---|--|---------------------------|
| | | | the CEMP (Enzygo, 2023a) provides details of proposed sensitive lighting during the construction phase minimising the any risk even further. | |
| Thanet Coast and Sandwich Bay SPA and overlapping SSSI | Little Tern (breeding) | Risk of physical disturbance and damage of supporting habitat during the construction phase, resulting in an indirect impact on qualifying birds. | The works will require piling of the seabed and may result in increase in suspended sediment, however considering the localised and temporary nature of the works, enclosed and sheltered nature of the port, and distance to the SPA, any potential significant impact on bird supporting habitats is reasonably discounted. | None |
| | | Potential noise/vibration and visual disturbance during construction period of breeding birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of breeding population. | The proposed works require a range of activities which may lead to minor increase in anthropogenic disturbance above those typical levels within the port. Specifically, in the absence of mitigation, the proposed piling activities have the potential to lead to notable increase in above and below water noise and vibration which may result in changes in seabird activity during the breeding season. It is considered that seabird populations will be habituated to anticipated noise and visual disturbance resulting from other construction activities, including from vehicles and people | Yes |
| | | Potential increase in operational disturbance of species using the adjacent port as secondary habitat which may result in changes in feeding and roosting behaviour, increased energy expenditure and displacement which may reduce overall population fitness. | It is assessed the operation of the development will not result in a significant increase in disturbance above the existing levels. Birds will be habituated to general noise and visual disturbance from existing port activities and the proposed development will not lead to any significant increase in potential noise or activity (i.e. no predicted significant increase in the frequency, duration or intensity activities causing disturbance). | None |
| | | Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on seabirds through changes in conditions at secondary habitat within the port. | In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. This may lead to an indirect impact on seabird populations through changes in water chemistry leading to changes in feeding/foraging conditions. | Yes |
| | Golden Plover (wintering) | Risk of physical disturbance and damage of supporting habitat during the construction phase, resulting in an indirect impact on qualifying birds. | The works will require piling of the seabed and may result in increase in suspended sediment, however considering the localised and temporary nature of the works, enclosed and sheltered nature of the port, and distance to the SPA, any potential significant impact on bird supporting habitats is reasonably discounted. | None |
| | | Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population. | The proposed works require a range of activities which may lead to minor increase in anthropogenic disturbance above those typical levels within the port. Specifically, in the absence of mitigation, the proposed piling activities have the potential to lead to notable increase in above and below water noise and vibration which may result in changes in bird activity during the winter season. It is considered that wintering bird populations will be habituated to anticipated noise and visual disturbance resulting from other construction activities, including from vehicles and people. | Yes |
| | | Potential increase in operational disturbance of species using the adjacent port as secondary habitat which may result in changes in feeding and roosting behaviour, increased energy expenditure and displacement which may reduce overall population fitness. | It is assessed the operation of the development will not result in a significant increase in disturbance above the existing levels. Birds will be habituated to general noise and visual disturbance from existing port activities and the proposed development will not lead to any significant increase in potential noise or activity (i.e. no predicted significant increase in the frequency, duration or intensity activities causing disturbance). | None |
| | | Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port. | In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. This may lead to an indirect impact on seabird populations through changes in water chemistry leading to changes in feeding/foraging conditions. | Yes |
| Turnstone (wintering) | Risk of physical disturbance and damage of supporting habitat during the construction phase, resulting in an indirect impact on qualifying birds. | The works will require piling of the seabed and may result in increase in suspended sediment, however considering the localised and temporary nature of the works, enclosed and sheltered nature of the port, and distance to the SPA, any potential significant impact on bird supporting habitats is reasonably discounted. | None | |

| Designated Site | Qualifying Feature | Potential Impacts/Effect to Qualifying Feature | Summary/Assessment of Supporting Evidence | Likely Significant Effect |
|--|---|--|---|---------------------------|
| | | Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population. | The proposed works require a range of activities which may lead to minor increase in anthropogenic disturbance above those typical levels within the port. Specifically, in the absence of mitigation, the proposed piling activities have the potential to lead to notable increase in above and below water noise and vibration which may result in changes in bird activity during the winter season. It is considered that wintering bird populations will be habituated to anticipated noise and visual disturbance resulting from other construction activities, including from vehicles and people. | Yes |
| | | Potential increase in operational disturbance of species using the adjacent port as secondary habitat which may result in changes in feeding and roosting behaviour, increased energy expenditure and displacement which may reduce overall population fitness. | It is assessed the operation of the development will not result in a significant increase in disturbance above the existing levels. Birds will be habituated to general noise and visual disturbance from existing port activities and the proposed development will not lead to any significant increase in potential noise or activity (i.e. no predicted significant increase in the frequency, duration or intensity activities causing disturbance). | None |
| | | Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port. | In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. This may lead to an indirect impact on seabird populations through changes in water chemistry leading to changes in feeding/foraging conditions. | Yes |
| Thanet Coast and Sandwich Bay Ramsar and overlapping SSSI | Criterion 2 – Supports 15 British Red Data Book wetland invertebrates | None | The proposals are not anticipated to lead to any potential impacts on maritime grassland, saltmarsh or grazing marsh which are noted as supporting a notable wetland invertebrate assemblage. No direct or indirect construction or operation impacts on this invertebrate assemblage have been identified. The MMO licence Supplementary Information (Natural Power, 2023) screens out potential impacts with this feature stated as “not relevant” in the screening assessment. | None |
| | Criterion 6 – Ruddy turnstone (wintering) | Risk of physical disturbance and damage of supporting habitat during the construction phase, resulting in an indirect impact on qualifying birds. | The works will require piling of the seabed and may result in increase in suspended sediment, however considering the localised and temporary nature of the works, enclosed and sheltered nature of the port, and distance to the SPA, any potential significant impact on bird supporting habitats is reasonably discounted. | None |
| | | Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population. | The proposed works require a range of activities which may lead to minor increase in anthropogenic disturbance above those typical levels within the port. Specifically, in the absence of mitigation, the proposed piling activities have the potential to lead to notable increase in above and below water noise and vibration which may result in changes in bird activity during the winter season. It is considered that wintering bird populations will be habituated to anticipated noise and visual disturbance resulting from other construction activities, including from vehicles and people. | Yes |
| | | Potential increase in operational disturbance of species using the adjacent port as secondary habitat which may result in changes in feeding and roosting behaviour, increased energy expenditure and displacement which may reduce overall population fitness. | It is assessed the operation of the development will not result in a significant increase in disturbance above the existing levels. Birds will be habituated to general noise and visual disturbance from existing port activities and the proposed development will not lead to any significant increase in potential noise or activity (i.e. no predicted significant increase in the frequency, duration or intensity activities causing disturbance). | None |
| | | Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port. | In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. This may lead to an indirect impact on seabird populations through changes in water chemistry leading to changes in feeding/foraging conditions. | Yes |

5.0 Stage 2 Appropriate Assessment

Table 3 - Appropriate Assessment of significant effects and mitigation measures (Stage 2)

| Designated Site | Qualifying Feature | Identification of potential Impacts/Effect to Qualifying Feature | Avoidance/mitigation/compensation measures | Residual Effect |
|--|--|--|---|-----------------|
| Thanet Coast SAC and overlapping SSSI | Reefs | Potential run-off pollution during construction causing degradation of qualifying habitats through changes in water chemistry and processes which may impact on habitat integrity. | To minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " Pollution prevention for businesses - GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented. | None |
| | Submerged or partially submerged sea caves | Potential run-off pollution during construction causing degradation of qualifying habitats through changes in water chemistry and processes which may impact on habitat integrity. | As above, to minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " Pollution prevention for businesses - GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented. | None |
| Thanet Coast and Sandwich Bay SPA and overlapping SSSI | Little Tern (breeding) | Potential noise/vibration and visual disturbance during construction period of breeding birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of breeding population. | Vibro piling is to be used where possible (which produces lower peak source noise levels than percussive piling) and is likely to constitute the majority of the piling operations. This shall reduce potential impacts from noise and vibration on the surrounding environment and the activity of breeding bird populations in the area. In addition, as detailed in the CEMP (Enzygo, 2023a), a soft start method to the piling is to be implemented, whereby piling power is gradually increased incrementally, minimising noise and vibration disturbance on wildlife in the area. As it is considered unlikely the port provides core foraging habitat for Little Tern due to the high levels of existing activity and disturbance, these mitigation measures are considered sufficient to reduce any potential noise/vibration impacts on Little Tern to a negligible level. | None |
| | | Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on seabirds through changes in conditions at secondary habitat within the port. | As above, to minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " Pollution prevention for businesses - GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented. | None |
| | Golden Plover (wintering) | Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population. | As above, to minimise the risk of disturbance of wintering bird species, that the project programme has been designed such that the most potentially disturbing works (such as ground clearance, piling etc.) is to be conducted outside of the October to March period in order to avoid the core overwintering period. Vibro piling is also proposed to be used where possible (which produces lower peak source noise levels than percussive piling) and is likely to constitute the majority of the piling operations. In addition, as detailed in the CEMP (Enzygo, 2023a), a soft start method to the piling is to be implemented, whereby piling power is gradually increased incrementally, minimising noise and vibration disturbance on wildlife in the area. | None |
| | | Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port. | As above, to minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " Pollution prevention for businesses - GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented. | None |

| Designated Site | Qualifying Feature | Identification of potential Impacts/Effect to Qualifying Feature | Avoidance/mitigation/compensation measures | Residual Effect |
|---|---|--|---|-----------------|
| | Turnstone (wintering) | Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population. | As above, to minimise the risk of disturbance of wintering bird species, that the project programme has been designed such that the most potentially disturbing works (such as ground clearance, piling etc.) is to be conducted outside of the October to March period in order to avoid the core overwintering period. Vibro piling is also proposed to be used where possible (which produces lower peak source noise levels than percussive piling) and is likely to constitute the majority of the piling operations. In addition, as detailed in the CEMP (Enzygo, 2023a), a soft start method to the piling is to be implemented, whereby piling power is gradually increased incrementally, minimising noise and vibration disturbance on wildlife in the area. | None |
| | | Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port. | As above, to minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " Pollution prevention for businesses - GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented. | None |
| Thanet Coast and Sandwich Bay Ramsar and overlapping SSSI | Criterion 6 – Ruddy turnstone (wintering) | Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population. | As above, to minimise the risk of disturbance of wintering bird species, that the project programme has been designed such that the most potentially disturbing works (such as ground clearance, piling etc.) is to be conducted outside of the October to March period in order to avoid the core overwintering period. Vibro piling is also proposed to be used where possible (which produces lower peak source noise levels than percussive piling) and is likely to constitute the majority of the piling operations. In addition, as detailed in the CEMP (Enzygo, 2023a), a soft start method to the piling is to be implemented, whereby piling power is gradually increased incrementally, minimising noise and vibration disturbance on wildlife in the area. | None |
| | | Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port. | As above, to minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " Pollution prevention for businesses - GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented. | None |

6.0 Assessment of Potential In-combination Effects

6.1 Introduction

6.1.1 The following projects/activities have been identified as appropriate to include in the assessment of potential in-combination effects (in accordance with the in-combination assessment presented within the MMO licence Supplementary Information (Natural Power, 2023)):

- Southern Water maintenance works at outfalls (planning reference L/2021/00217),
- The Port of Ramsgate Maintenance dredging (planning reference L/2016/00086/1), and;
- Construction works at berth 4/5 by Thanet District Council (planning reference PA/TH/22/0132)

6.2 Assessment

6.2.1 No in-combination or cumulative effects have been identified.

6.2.2 It is assessed there are no pathways through which there are potential in-combination effects on the qualifying features of the Thanet Coast SAC, and Thanet Coast and Sandwich Bay SPA, Ramsar and overlapping SSSI. None of the supporting technical assessments (e.g. the MMO licence Supplementary Information (Natural Power, 2023) or Flood Risk Assessment (Enzygo, 2023b)) have identified potential for in-combination effects.

6.2.3 Given the existing levels of noise and visual disturbance from activities within and surrounding the port, in the form of vehicle and boat movements and general human activity, it is considered the bird species may utilise the port waters will be habituated to levels which are not considered to be significantly increased by the relatively minor proposed developments and maintenance works in the area (relative to the existing development and activity).

6.2.4 In respect of potential in-combination run-off/pollution impacts, as considered above, it is confirmed that all surrounding developments will be subject to the same guidance and legislation as this scheme. Therefore, all sites should provide appropriate on-site mitigation measures to ensure no residual impacts on the wider water environment such as through implementing best practice EA PPGs and suitable water attenuation measures. There are not considered to be any adverse cumulative effects with regards to the proposed development in terms of hydrology or drainage as long as these measures are implemented in full.

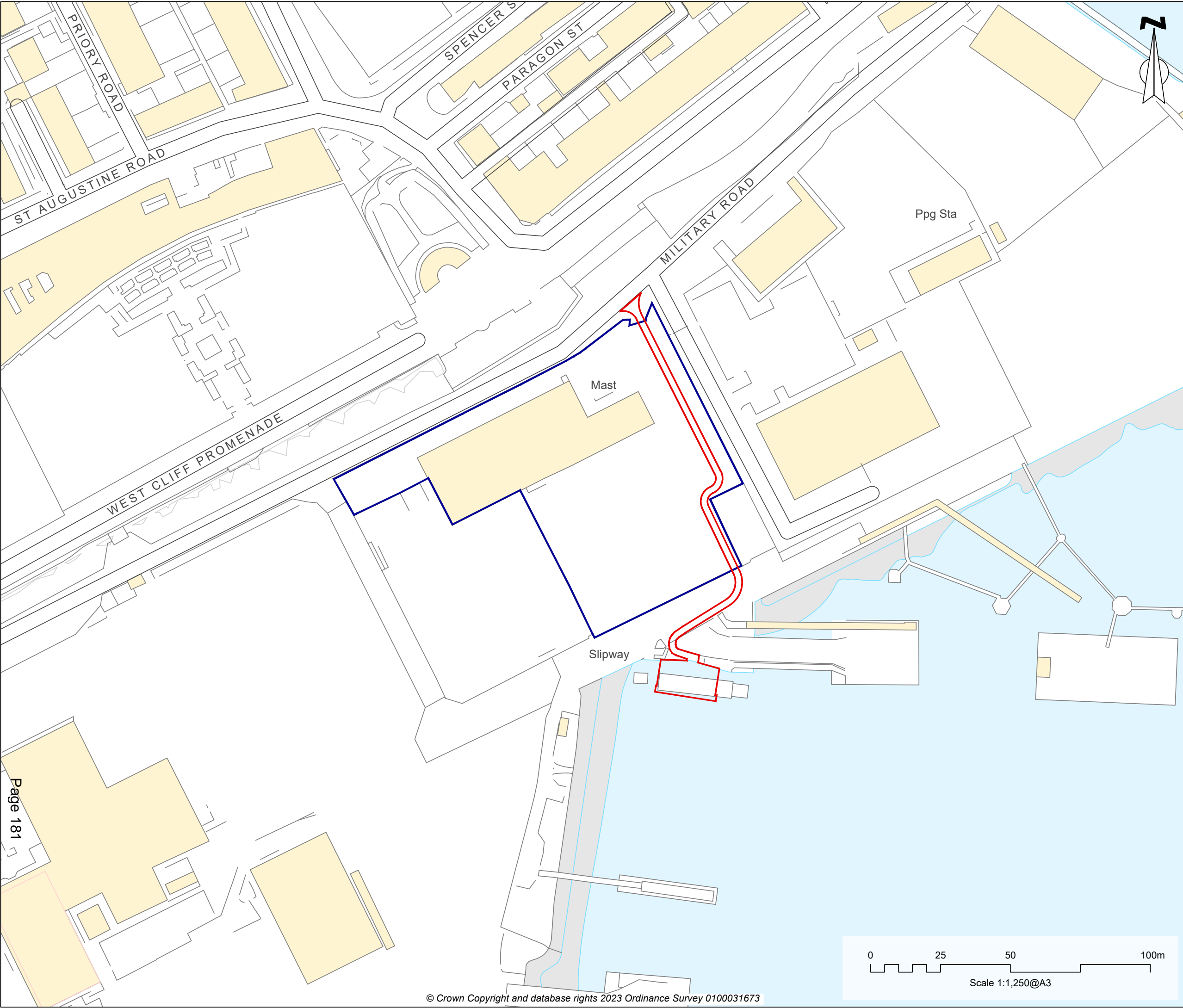
7.0 Conclusion

- 7.1.1 Three European designated sites have been identified within a potential zone of influence of the proposed redevelopment and all qualifying features have been assessed. Through assessment of the technical information available, potential effects on the qualifying features of a designated site have been identified including hydrological, noise/vibration, light pollution and physical disturbance.
- 7.1.2 Stage 1 HRA screening has identified that only construction related pollution/run-off and noise/vibration, may result in a likely significant effect on the qualifying features of Thanet Coast SAC, and Thanet Coast and Sandwich Bay SPA, Ramsar and overlapping SSSI. As a result, best practice construction mitigation measures are required in order to confirm no residual effect at the Stage 2 Appropriate Assessment stage. Refer to the Construction Environment Management Plan (Enzygo, 2023a) for further details.
- 7.1.3 It is anticipated that the provided information is sufficient to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been fully considered, and will allow the competent authority to undertake an HRA Screening exercise & Appropriate Assessment, and reach the same conclusion as detailed within this report i.e. no significant residual effect upon any statutory designated site/qualifying feature.

8.0 References

- DEFRA. (2023). *MAGIC online mapping source*. Retrieved from <https://magic.defra.gov.uk/MagicMap.aspx>
- Enzygo. (2023a). *Construction Environment Management Plan - Proposed Boat Landing Platformd at the Port of Ramsgate*. Sheffield: Enzygo Ltd.
- Enzygo. (2023b). *NPPF: Flood Risk Assessment - Ramsgate Harbour*. Sheffield: Enzygo Ltd.
- Inspectorate, P. (2013). *Habitat Regulations Assessment*. The Planning Inspectorate.
- JNCC. (2023). *UK Protected Sites*. Retrieved from <http://jncc.defra.gov.uk/page-4>
- Natural England. (2017). *Habitats Regulations Assessment (HRA) Standard*. Retrieved from publications.naturalengland.org.uk/file/5479463940259840
- Natural England. (2023). *Designated Sites View*. Retrieved from <https://designatedsites.naturalengland.org.uk>
- Natural Power. (2023). *The Port of Ramsgate - Boat Landing - Supplementary Information*. Castle Douglas: The Natural Power Consultants Limited.

Appendix A – Site Location and Proposed Layout



Key

- Site Boundary
- Site Area - 0.07 hectares
- Land Ownership Boundary
- Title - K945939

- Notes:**
- Do not scale for construction purposes.
 - All dimensions are in meters unless stated otherwise.
 - This drawing is to be read in conjunction with all relevant drawings and documents associated with this project.
 - All existing and proposed dimensions, levels and locations to be checked and verified by the main contractor on site prior to the commencement of the works and any anomalies reported to the engineer.



Samuel House, 5 Fox Valley Way, Stocksbridge, Sheffield, S36 2AA

CLIENT:
Ramsgate Harbour Fixed Platform

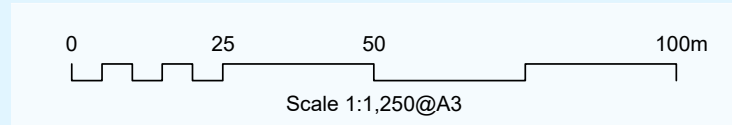
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DRAWN: **LW** CHECKED: **DM** DATE: **May 2023**

PROJECT:
Ramsgate Fixed Platform

TITLE:
Location Plan

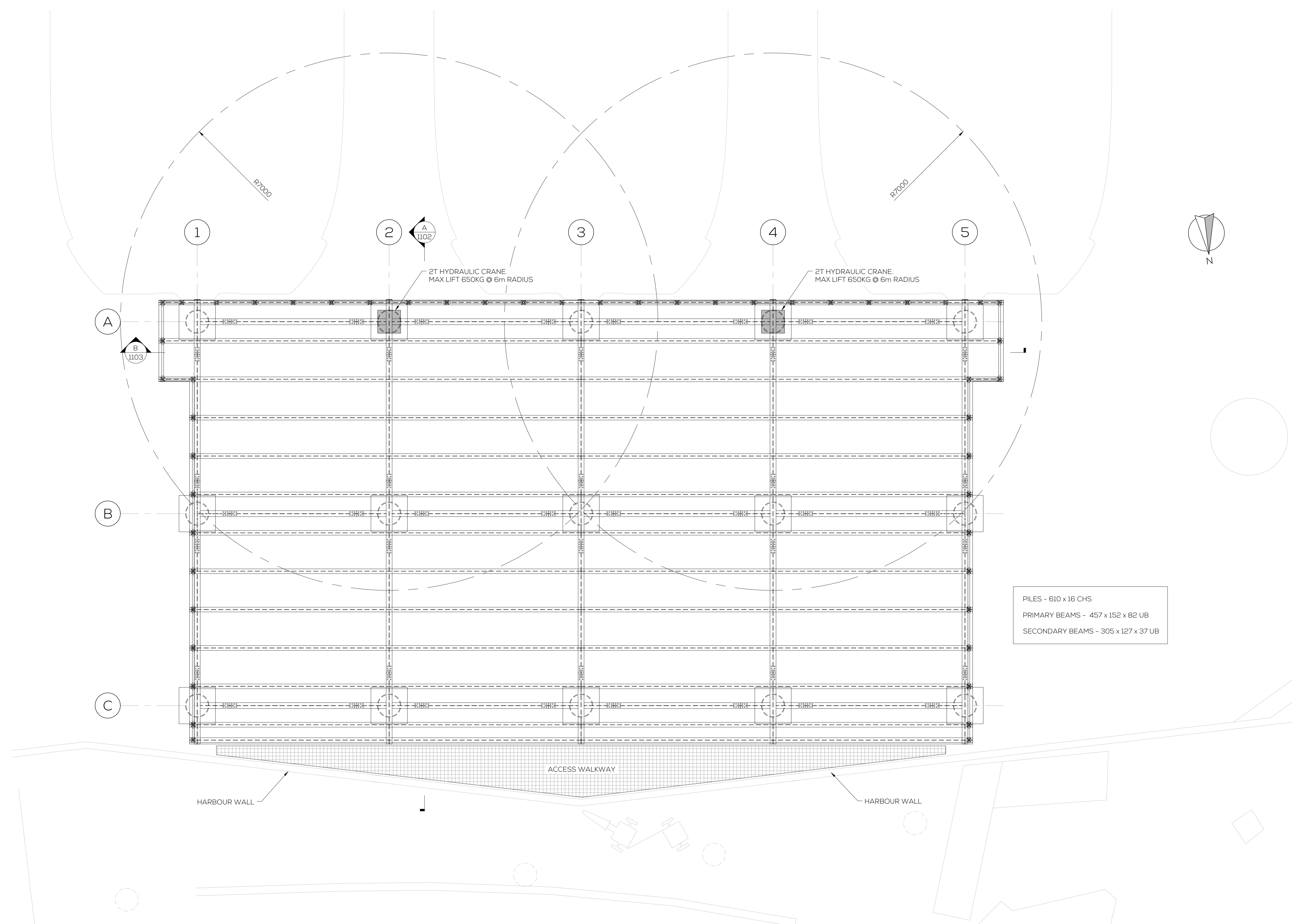
FIGURE NO:
SHF.785.002.PL.D.001



Agenda Item 5
 Annex 1

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GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN MILLIMETRES (mm) & ALL LEVELS ARE IN METRES (m) UNLESS NOTED OTHERWISE.



PILES - 610 x 16 CHS
 PRIMARY BEAMS - 457 x 152 x 82 UB
 SECONDARY BEAMS - 305 x 127 x 37 UB

| | | | | |
|------|--------------|------|------|----------|
| P01 | FOR PLANNING | JC | DS | 12.05.23 |
| REV. | AMENDMENTS | DRW. | CHK. | DATE |

CLIENT
VATTENFALL

PROJECT
 RAMSGATE WFV LANDING

TITLE
 PLANNING CONSENT
 SITE LAYOUT

| | | | |
|----------|----------|-----------|---------------|
| DRAWN: | JC | DESIGN: | DS |
| CHECKED: | - | APPROVED: | - |
| DATE: | MAY 2023 | SCALE: | AS SHOWN @ A1 |

RICHTER

DRAWING STATUS **FOR PLANNING**

| | |
|--------------------------|------|
| DRAWING NO. | REV. |
| 8151-RIC-XX-XX-DR-Z-1101 | P01 |

SITE LAYOUT
 (SCALE 1:50)



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A08

F/TH/23/1334

PROPOSAL: Replacement of existing single glazed timber framed windows and doors with double glazed UPVC windows and doors together with replacement of single door with double door on front (south-west) elevation

LOCATION: Brunswick Hall Hardres Street RAMSGATE Kent CT11 8QL

WARD: Eastcliff

AGENT: No agent

APPLICANT: 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 development hereby approved shall be carried out in accordance with the submitted drawings numbered BH002 Rev B, BH003 Rev B and BH004 Rev A, received 20 October 2023.

GROUND;

To secure the proper development of the area.

3 The replacement windows and doors to be installed shall be white framed and match the existing window profiles, as shown on drawing numbered BH002 Rev B, and using the Optima Profile 22 system as detailed in the Epwin Window Systems document, and confirmed by the applicant in correspondence received 27 November 2023, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

To secure the proper development of the area.

SITE, LOCATION AND DESCRIPTION

The building is located to the rear of Brunswick Court and to the east is a private car parking area for residents, with Loughborough Court located to the north-east and a grassed area to

the front elevation. The main access to the building is from Belmont Street, across a grassed and planted landscaped area. The brick built property is linked to the rear of Brunswick Court by a single storey building and comprises high level windows on all elevations below its flat roof, and a number of windows and doors on all elevations.

PROPOSED DEVELOPMENT

The application seeks to refurbish the building through the replacement of existing single glazed timber framed windows and doors with double glazed UPVC windows and doors together with the replacement of the existing single entrance door on the south-west elevation with double doors.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

QD01 - Sustainable Design

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 Thanet District Council.

The consideration for Members to assess is the impact on the character and appearance of the area, impact on the living conditions of neighbouring residential occupiers and highway safety.

Character and Appearance

The property was built in the 1970s and is not heritage listed. The boundaries of the Ramsgate Conservation Area run along Hardres Street to the west, and Packers Lane off of King Street to the east. Brunswick Hall is located approximately 36 metres from these boundaries and therefore the building does not directly impact on the character and appearance of the nearby conservation area.

It is proposed to replace the existing single glazed timber windows and doors with white framed UPVC double glazed units on all elevations. A brochure has been provided of the Epwin Window Systems, and the applicant confirms it is proposed to use the Optima Profile 22 system. The replacement windows and doors will be similar in appearance to the existing frame widths, and the applicant confirms they will be finished in white to match existing, and further advises that this system has been used on other TDC properties.

The lower pane of the window on the south-east elevation (facing the car parking area) is to be obscured toughened glass. The same style of obscure toughened glass is proposed to be installed to the lower panes on the windows on the front (south-west) elevation. The existing entrance is served by a single door and it is proposed to replace this with double doors with the same form of obscure toughened glass to the lower panels.

The windows and doors are to be installed within the same openings and the overall refurbishment of the building would make a positive contribution to the character and appearance of the area and the streetscene. The development would therefore meet the requirements of Thanet Local Plan Policy QD02 and the NPPF.

Living Conditions

The application does not include any new window openings being created and the window relationship remains unchanged with neighbouring properties. The double doors to the main entrance replace an existing single door and fixed panel and would provide improved access to the building. It is unlikely that the refurbishment any harm would be caused to residential amenity. The proposal is therefore in accordance with Thanet Local Policy QD03 and the NPPF.

Living Conditions

The application does not include any new window openings and the main entrance will be retained at the front of the building with improved double door access. The relationship of the window and door openings with nearby residential properties would remain unchanged. It is therefore unlikely that the proposed development would result in harm to residential amenity. The proposal is therefore in accordance with Thanet Local Policy QD03 and the NPPF.

Highway Safety

There is a pedestrian pathway around the sides of the building and the window and door openings remain the same as existing. The main entrance is set away from the road and the double doors are shown opening inwards and therefore it is considered there is no additional harm to pedestrian or highway safety.

Conclusion

The design and materials of the replacement windows are in keeping with the character and appearance of the area, in accordance with Policies QD02 and QD03 of the Thanet Local Plan and the NPPF, and as such it is recommended that Members approve the application subject to safeguarding conditions.

Case Officer

Rosemary Bullivant

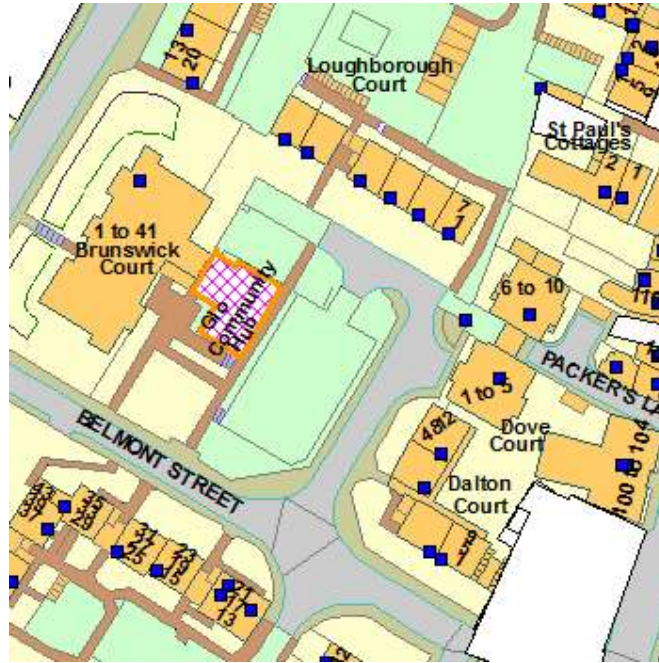
TITLE:

F/TH/23/1334

Project

Brunswick Hall Hardres Street RAMSGATE Kent CT11 8QL

Scale:



A09

DM/TH/23/1374

PROPOSAL: Application for prior notification of proposed demolition of single storey sports pavilion

LOCATION: Jackey Bakers Recreation Ground Highfield Road RAMSGATE
Kent CT12 6QX

WARD: Northwood

AGENT: No agent

APPLICANT: Thanet District Council

RECOMMENDATION: Prior Approval Required and Granted

Subject to the following conditions:

1 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The Construction Environmental Management Plan shall include amongst other matters details of:

- hours of construction working;
- measures to control noise affecting nearby residents;
- wheel cleaning/chassis cleaning facilities;
- dust control measures;
- lighting control measures;
- pollution incident control;
- Asbestos control measures;
- site contact details in case of complaints.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

GROUND:

In the interests of residential amenity in accordance with Thanet Local Plan Policy QD03.

SITE, LOCATION AND DESCRIPTION

The application site consists of the Pavilion building within the Jackey Bakers Recreation ground and is accessed by road from the east at Highfield Road. The building is part single part two storey with a mono pitched/pitched roof form.

RELEVANT PLANNING HISTORY

No relevant planning history.

PROPOSED DEVELOPMENT

The application is a prior notification submitted by Thanet District Council as the landowner for the demolition of Sports Pavilion. The pavilion is current vacant.

The process for this type of submission is outlined in Town and Country Planning (General Permitted Development Order) (England) Order 2015 Schedule 2 Part 11, Class B. The application is submitted for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site. The Council has 28 days from the submission of a valid notification to determine whether prior approval is required on those matters, if so whether it is granted or refused. In the absence of a determination within 28days the development can occur.

NOTIFICATIONS

A site notice was posted by the applicant in accordance with criteria with the General Permitted Development Order, outlining the submission of the notification to the Council. At the time of the creation of this report, no representations had been received.

CONSULTATIONS

TDC Environmental Health - Thank you for consulting Environmental Health on this application for which we offer the following comment in relation to the demolition of the building.

In order to ensure that environmental effects from the demolition are planned for and managed. it is appropriate that a CEMP should be submitted with the application. It has been identified that asbestos is present in the building, therefore appropriate management methodologies for the safe collection, storage and disposal of the asbestos contaminated material will need to be put in place. It will be necessary to engage a contractor licensed by the Health and Safety Executive.

It is recommended that the following conditions is applied.

Condition: CEMP

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; lighting control

measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Condition: Asbestos

Prior to the commencement of any demolition works an Asbestos Survey from a person licenced by the Health and Safety Executive must be submitted to and approved in writing by the Local Planning Authority. This will include details of an intrusive asbestos survey in accordance with HSG264, supported by an appropriate mitigation scheme to control risks. The scheme must identify potential sources of asbestos contamination and detail procedures for its removal. The demolition must be carried out in accordance with the details thereby approved.

Further comments - The (asbestos) report fully covers assessment and recommendations for removal. No condition needed.

COMMENTS

The application is reported to the Council's planning Committee as Thanet District Council are the applicant.

The pavilion building is stated in the submission to be in poor condition, with costs incurred for security as a result of Antisocial behaviour and vandalism. The proposal would demolish the structure, removing a risk within the submission from the condition of buildings potentially posing a hazard to illegal entrants due to the presence of asbestos containing material in the roof structure (include some broken panels). The proposal would demolish the structure and remove the risks outlined as well as ongoing costs/repairs.

The principle of development is not a consideration for this notification, however it is agreed that the proposed development falls within Schedule 2 Part 11, Class B as permitted development, meaning that the Council as Local Planning Authority can only consider the method of demolition and any site restoration if proposed.

The submission states that demolition and clearance of the oversite vegetation will be undertaken by an approved demolition contractor, to comply with Health and Safety Executive (HSE) guidance, including asbestos removal undertaken by an approved/licensed contractor prior to the demolition of the structures.

The demolition will be subject to requirements under Building regulations for a demolition notice due to the size of the structure in question, which will assess method statements, risk assessments and notification of neighbours where appropriate. Demolition must comply with the Construction (Design and Management) Regulations 2015. Environmental Health have raised the issue regarding asbestos removal (as identified in the applicant's submission) and a survey of the building including recommendations for removal has been submitted by the applicant. This has been subsequently accepted by Environmental Health, and the recommendations/actions would be conditioned in any approval.

Environmental health have also requested a condition for a Construction Environmental management plan to be submitted prior to the commencement of demolition, including details of hours of construction, measures to control noise, dust control measures and associated environmental controls. It is noted that the pavilion is located in a public playing fields, in close proximity to a play area and other facilities, that the prior approval of the Council as Local Planning Authority is required for the method of demolition. Subject to a condition requiring a construction management plan to be submitted prior to the commencement of development, it is recommended to the Planning Committee that prior approval is granted for the demolition under Schedule 2 Part 11, Class B of the General Permitted Development Order.

Case Officer

Iain Livingstone

Agenda Item 5i

TITLE:

DM/TH/23/1374

Project

Jackey Bakers Recreation Ground Highfield Road RAMSGATE Kent CT12
6QX



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