

Public Document Pack

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Our ref: Planning Committee Agenda
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PLANNING COMMITTEE

17 JANUARY 2024

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 17 January 2024** 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 (13/12/2023)** (Pages 5 - 20)
To approve the Minutes of the Planning Committee meeting held on 13th December 2023, copy attached.
4. **MINUTES OF PREVIOUS MEETING (19/12/2023)** (Pages 21 - 52)
To approve the Minutes of the extraordinary Planning Committee meeting held on 19th December 2023, copy attached.
5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 53 - 58)
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

Item
No

Subject

available for members' perusal in the Members' Room from 5.00pm on the Friday before the meeting until the date of the meeting.

- 5a **A01 F/TH/23/1359 - DOMUS (FORMERLY PLOT 10 OF LAND ADJACENT TO CLIFFTOP) NORTH FORELAND AVENUE, BROADSTAIRS** (Pages 59 - 76)
- 5b **A02 FH/TH/23/1036 - BLEAK HOUSE, FORT ROAD, BROADSTAIRS** (Pages 77 - 86)
- 5c **A03 L/TH/23/1248 - BLEAK HOUSE, FORT ROAD, BROADSTAIRS** (Pages 87 - 96)
- 5d **A04 FH/TH/23/1469 - 26 PRINCE ANDREW ROAD, BROADSTAIRS** (Pages 97 - 102)
- 5e **A05 FH/TH/23/1345 - 33 NASH COURT GARDENS, MARGATE** (Pages 103 - 108)
- 5f **D06 OL/TH/22/0499 - LAND ON THE EAST SIDE OF TIVOLI PARK AVENUE, MARGATE** (Pages 109 - 134)
- 5g **D07 F/TH/23/1352 - LAND AT STANER COURT, MANSTON ROAD, RAMSGATE** (Pages 135 - 164)
- 5h **D08 F/TH/23/1343 - GARAGE BLOCKS AT TOMLIN DRIVE, MARGATE** (Pages 165 - 196)



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 13 December 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

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

In

Attendance: Councillors Bambridge and Smith

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Bright, Moore and Rusiecki.

2. **DECLARATIONS OF INTEREST**

Councillor Albon declared a significant interest in reserve application (DM/TH/23/1374) Jackey Bakers Recreation Ground, Highfield Road, Ramsgate as he was the Cabinet Member for Cleansing and Coastal Services and was therefore responsible for open spaces and had a lot of input in the process of getting this item to committee.

3. **MINUTES OF PREVIOUS MEETING**

Councillor Bayford proposed, Councillor Rattigan seconded and Members agreed that the minutes of the meeting held on 15 November 2023 be approved as a correct record.

4. **UPDATE FOR F/TH/23/1217 - HOO FARM, 147 MONKTON ROAD, MINSTER**

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

Councillor Bambridge spoke under Council Rule 20.1.

Councillor Smith spoke under Council Rule 20.1.

It was proposed by the Chair and seconded by Councillor Matterface:

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

1. The development hereby 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 Keen seconded that the application be approved subject to safeguarding conditions, being updated to remove requirement to provide gates under conditions 1 and 2, with the inclusion of requirement for "rumble strips" to be installed on the footpath adjacent to the farm vehicular access.

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

5. **SCHEDULE OF PLANNING APPLICATIONS**

The Chair informed Committee Members that any site visits would take place on the morning of 5 January 2024.

(a) **A01 F/TH/23/0693 - 22 St Peters Park Road, Broadstairs**

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

Ms Hooper spoke against the application.

It was proposed by the Chair and seconded by the Councillor Matterface:

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

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

GROUND:

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

2. The development hereby approved shall be carried out in accordance with the submitted drawings numbered 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.

4. 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.

5. 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.

6. 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.

7.
 - 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.

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

GROUND:

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

9. The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 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.

10. Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.
 - a) Routing of construction and delivery vehicles to / from site
 - b) Parking and turning areas for construction and delivery vehicles and site personnel
 - c) Timing of deliveries 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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. 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.

19. 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.

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

(b) **A02 F/TH/23/0850 - Little Cliffsend Farm, Chalk Hill, Ramsgate**

This item was deferred to an extraordinary meeting arranged for 19 December 2023.

(c) **A03 F/TH/23/0972 - Land Adjacent 198 Monkton Street, Monkton**

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.

Ms Gerlack spoke in favour of the application.

Councillor Smith spoke under Council Rule 20.1.

Councillor Bambridge spoke under Council Rule 20.1.

It was proposed by the Chair and seconded by the Councillor Driver:

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

1. The proposed development shall be carried out in accordance with the submitted application and the 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.

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

- (g) **A07 F/TH/23/0953 - Vattenfall Land at Port of Ramsgate Royal Harbour Approach, Ramsgate**

PROPOSAL: Erection of a Fixed Boat Landing Platform.

Mr Moulton spoke in favour 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 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.

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

As a result of the declaration of interest made by Councillor Albon 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 Albon confirmed there was nothing he wanted to call in.

(e) **A05 F/TH/23/1278 - East Pier Building, East Pier, Ramsgate**

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

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

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

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

GROUND:

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

2. The development hereby approved shall be carried out in accordance with the submitted drawings numbered 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.

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

(f) **A06 L/TH/23/1277 - East Pier Building, East Pier, Ramsgate**

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

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

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. 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.

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

(h) **A08 F/TH/23/1334 - Brunswick Hall, Hardres Street, Ramsgate**

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.

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

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

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

GROUND:

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

2. The development hereby approved shall be carried out in accordance with the submitted drawings numbered 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.

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

(i) **A09 DM/TH/23/1374 - Jackey Bakers Recreation Ground, Highfield Road, Ramsgate**

PROPOSAL: Application for prior notification of proposed demolition of single storey sports pavilion.

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

THAT the officer's recommendation be adopted, namely that the application be approved 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.

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

Councillor Albon returned to the chamber.

(d) **A04 FH/TH/23/1078 - 7 Eastern Esplanade, Broadstairs**

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.

It was proposed by the Chair and seconded by the Councillor Matterface:

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

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

GROUND:

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

2. The 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.

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

Meeting concluded: 9:22pm

Planning Committee

Minutes of the meeting held on 19 December 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 and Rusiecki

In

Attendance: Councillors Davis and Rogers

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Rattigan and Wing.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **SCHEDULE OF PLANNING APPLICATIONS**

The Chair informed Committee Members that any site visits would take place on the morning of 5 January 2024.

A point of information was outlined by the Planning Applications Manager:

“The government today published both a revised NPPF and the 2022 results of the Housing Delivery Test. The update to the NPPF removes the requirement for a 5 year supply of housing land to be demonstrated for authorities with a local plan less than 5 years old. However, the 2022 results of the housing delivery test (looking at the completions for 3years up to 31st March 2022, at the requirement of the local plan for delivery factoring in a covid discount on that requirement) show that the district has delivered 71% of the housing need in that period. This means that the tilted balance outlined as the new paragraph 11 of the NPPF would be engaged for any decision that Council issues tomorrow on the applications for housing being discussed tonight. Therefore for items 3A, 3B and 3C, all for housing, the Council should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the recommendation for items 3A, 3B and 3C are not updated.”

(a) **A04 F/TH/23/0850 - Little Cliffsend Farm, Chalk Hill, Ramsgate**

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.

Mr Elvidge spoke in favour of the application.

Councillor Chapman spoke on behalf of Cliffsend Parish Council.

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 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.

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

- (b) **D01 F/TH/21/1671 - Land South of Canterbury Road West, Ramsgate**

PROPOSAL: Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure.

Mr Wnorowski spoke in favour of the application.

Councillor Chapman spoke on the behalf of Cliffsend Parish Council.

Councillor Rogers spoke under Council Rule 20.1.

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 deferred and delegated for approval subject to the receipt of a legal agreement to secure the agreed heads of terms, with the adoption of the shadow Habitat Regulations Assessment at annex 5, 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:

Proposed Site Layout AA8931-2003 - Rev S
 Proposed Tenure AA8931-2004 - Rev V
 Proposed Roof Plan AA8931-2005 - Rev T
 Proposed Typology Plan AA8931-2006 - Rev T
 Proposed Parking Plan AA8931-2007 - Rev T
 Proposed Refuse Strategy AA8931-2009 - Rev S
 Proposed Building Materials AA8931-2010 - Rev S
 House Type Av1 AA8931-2100 - Rev C
 House Type Av1 and Bv1 AA8931-2101 - Rev B
 House Type Av2 AA8931-2102 - Rev C
 House Type Av3 and Bv1 Plans AA8931-2103 - Rev C
 House Type Av3 and Bv1 Elevs AA8931-2104 - Rev C
 House Type Av3 and E Plans AA8931-2107 - Rev D
 House Type Av3 and E Elevs AA8931-2108 - Rev C
 House Type Av4 AA8931-2109 - Rev C
 House Type Av5 Plans AA8931-2110 - Rev C
 House Type Av5 Elevs AA8931-2111 - Rev C
 House Type Bv1 AA8931-2112 - Rev C
 House Type Bv1 and Bv2 AA8931-2113 - Rev C
 House Type Bv3 AA8931-2114 - Rev C
 House Type C AA8931-2115 - Rev C
 House Type Cv2 AA8931-2116 - Rev C

 House Type C and Cv2 AA8931-2117 - Rev C
 House Type D AA8931-2118 - Rev C
 House Type Dv2 AA8931-2119 - Rev C
 House Type Dv3 AA8931-2120 - Rev C
 House Type E AA8931-2121 - Rev C
 House Type G AA8931-2122 - Rev C
 Flat Block Plans AA8931-2123 - Rev E
 Flat Block Elevations AA8931-2124 - Rev E
 House Type Av3 and E Lowered Eaves AA8931-2125 Rev E
 House Type Bv3 Semi-Detached AA8931-2126 - Rev C
 House Bv3 and D AA8931-2127 - Rev C
 Schedule of Plots and House Types AA8931 - Rev C
 Schedule of Accommodation AA8931 - Rev L
 Street Scenes Block A, B AA8931-2200 - Rev A
 Street Scenes Block C, D, E AA8931-2201 - Rev C
 Street Scenes Block D, E AA8931-2202 - Rev A
 Street Scenes Block F, G AA8931-2203 - Rev B
 Street Scene Block F, G, H AA8931-2204 - Rev E
 Street Scenes - Clive Road/Southern Boundary AA8931-2205 - Rev J
 Street Scenes - Clive Road/Southern Boundary AA8931-2206 - Rev A
 Western Edge Street Scene
 Landscape Masterplan AL8931-02000 - Rev L
 Landscape General Arrangement Plan AL8931-02001 - Rev N

GROUND:

To secure the proper development of the area.

3.
 - A. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
 - B. The archaeological investigation and recording shall be carried out in accordance with the agreed specification and timetable.
 - C. Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
 - a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
 - c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.
 - D. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

GROUND:

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

4. Prior to the first occupation of the development hereby permitted a scheme of interpretation that includes information boards in public open space areas of the development should be agreed with the Local Planning Authority. The scheme should include the location for information boards, their content and timetable for their establishment. The interpretation boards will be established in accordance with the agreed scheme.

GROUND:

To ensure that the archaeological interest of the development site is appropriately interpreted and presented in the public realm, in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

5. No development shall commence until a site characterisation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the

approved remediation scheme shall be carried out in accordance with the following criteria (a) Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include o A survey of the extent, scale and nature of contamination:

- An assessment of the potential risks to
- Human health
- Property
- Adjoining land
- Groundwaters and surface waters
- Ecological system
- An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.(b) Submission of remediation scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.(c) Implementation of Approved Remediation Scheme The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

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

6. 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.

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

GROUND:

To ensure that the 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.

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

GROUND:

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

9. Within six months of works commencing (including site clearance), a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP will be based on the 'Landscape master Plan' (PRP October 2021) and include the following:
 - a) Description and evaluation of features to be managed (including a native-species only landscape scheme);
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;

- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan, and;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

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.

10. Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
 - b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
 - c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

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

GROUND:

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

11. 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.

12. Prior to the installation of the pumping station, details of its layout and design shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show the boundary of the pumping station a minimum of 15m from the nearest habitable room window within the nearest residential dwelling. The pumping station shall be installed in accordance with the approved details, and thereafter maintained.

GROUND:

To protect the amenity of future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan.

13. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy report (08 October 2021). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

GROUND:

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

14. No 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.

15. Prior to the occupation of the development hereby approved, details of an acoustic barrier, to be erected along the southern boundary of the site, and the eastern boundary of the equipped play area adjacent to no. 17 Clive Road, including details of its ongoing maintenance shall be submitted to and approved by the Local Planning Authority and once approved this shall thereafter be installed and permanently retained.

GROUND:

To protect the amenity of existing neighbouring properties and the future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan.

16. Prior to the occupation of the development hereby approved, the recommendations as set out within the Acoustic Associates Sussex Report dated Oct 2021 shall be implemented and thereafter retained.

GROUND:

To protect the amenity of future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan.

17. Prior to the commencement of the development hereby permitted, , an emissions mitigation assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance shall be submitted and approved in writing by the Local Planning Authority. The emissions mitigation assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

GROUND:

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

18. Prior to the commencement of the development hereby permitted, an air quality emissions statement that provides details of how the air

quality damage costs, as calculated within the emission mitigation assessment reference dated , are to be used to achieve air quality improvements through the development, 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 protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

19. 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.

20. 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.

21. The area shown on the approved plan numbered AA893102007 Rev T 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.

22. Prior to the first occupation of the flat block hereby permitted, the secure cycle parking facilities, as shown on approved drawing no. AA8931-2003 Rev S 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.

23. Prior to the first occupation of each individual dwelling the following works between that dwelling and the adopted highway shall be complete
- a) Footways and/or footpaths, with the exception of the wearing course;
 - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

GROUND:

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

24. Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered AA8931-2007 Rev T, shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

GROUND:

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

25. Prior to the first occupation of each residential unit, the associated vehicular access shall be provided and maintained with pedestrian visibility splays of 2m x 2m, with no obstructions over 0.6m above carriageway level within the splays.

GROUND:

In the interests of highway safety.

26. Prior to the first occupation of the development hereby permitted, a full 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 and SP43, and the advice contained within the NPPF.

27. No vehicular access shall be gained from Clive Road other than by emergency service vehicles, and retractable bollards installed prior to the first occupation of the development as shown on the approved plan numbered AA8931-2003 Rev S.

GROUND:

In the interests of highway safety.

28. Prior to the first occupation of the 70th unit within the development hereby permitted, a pedestrian/cycle connection point shall be provided onto the existing pedestrian/cycle path through the eastern boundary adjacent to unit no.141, as shown on plan numbered AA8931- 2003 Rev S.

GROUND:

To provide pedestrian and cycle connections, and improve sustainability, in accordance with Policies TP02 and TP03 of the Thanet Local Plan.

29. Prior to the first occupation of the block of self-contained flats, the doorstep playspace area associated with that block shall be made available for use, and fully enclosed with boundary treatment to a minimum height of 1.5m, with details to be submitted to and approved in writing by the Local Planning Authority. The doorstep playspace and boundary treatment shall thereafter be maintained.

GROUND:

In order to provide a safe doorstep play area in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

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

GROUND:

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

31. 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.

32. Prior to the first occupation of the development hereby permitted, full details of the local equipped area for play, as shown on plan numbered AL8931-02000 Rev N, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include how the play area is laid out, details of the equipment (to include a minimum of six pieces), and details of the boundary treatment. The equipped play area shall be provided in accordance with the approved details, and be operational and made available for use prior to the occupation of no more than 20% of the dwellings.

GROUND:

To provide an adequate equipped play space to serve the development, in accordance with Policy GI04 of the Thanet Local Plan.

33. The public right of way enhancement works to PROW TR32 within the site shall include its widening to 3m, and its resurfacing with a hoggin surface, or alternative as otherwise agreed by the Local Planning Authority. The PROW shall maintain this agreed surface material through the turning head in order to prioritise the PROW in the interest of pedestrian safety. The enhancement works shall be carried out prior to the first occupation of the development hereby permitted.

GROUND:

To enhance pedestrian movement and improve sustainability, in accordance with Policy TP02 of the Thanet Local Plan.

34. Prior to the provision of the community garden, details of the shed, planters, boundary treatment, and management plan shall be submitted to and approved in writing by the Local Planning Authority. The community garden shall be provided in accordance with the approved details and thereafter maintained in accordance with the management plans.

GROUND:

To provide community growing space, and to protect visual amenity, in accordance with Policies GI04 and QD02 of the Thanet Local Plan.

35. Prior to the commencement of development hereby permitted, an Open Space specification shall be submitted to and approved in writing by

the Local Planning Authority, to accord with principles shown in the landscape masterplan numbered AL8931-02000 Rev N. The Open Space Specification shall:

- Identify the location and extent of the main areas of formal and informal open space to be provided;
- Outline local play space to be provided;
- Detail how the relevant areas of public open space and play areas are to be laid out, paved, planted or equipped ; and
- Identify space for allotment use within or adjacent to the orchard area (or provide a justification as to why this provision is not achievable);

The landscaped areas, open space and play space in any phase shall be laid out and implemented in accordance with approved details and shall be permanently retained thereafter and used for and made available for public amenity and play space purposes only.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, and provide local play space, in accordance with Policies QD02, GI04 and GI06 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

36. All dwellings hereby permitted shall be provided with the ability for connection to Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity.

GROUND:

To serve the future occupants of the development in accordance with Thanet Local Plan Policy SP14 and the guidance within the National Planning Policy Framework.

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

GROUND:

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

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

GROUND:

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency

optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

39. The first floor kitchen/lounge window in the side elevation of the development serving flat 1.3 hereby approved shall be non-opening below 1.73m above the finished internal floor level, and provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent; and shall be installed prior to the first occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

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

40. The refuse storage facilities for the flats as specified upon the approved drawing numbered shall be provided prior to the first occupation of the flats and 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.

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

GROUND:

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

42. Prior to the installation of the windows and doors hereby approved, details and manufacturer's specification of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

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

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

GROUND:

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

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

Councillor Albon proposed and Councillor Keen seconded that the application be refused for the following reasons:

- The proposal, by virtue of its location and form, would result in the loss of countryside and harm to the characteristics of the Wantsum North Slopes Landscape Character Area and the rural character of the village, where the need for and the impact from development has not being demonstrated to outweigh the need to protect Thanet's landscape character and local distinctiveness. The proposal would result in an unsustainable form of development on the edge of a small village, where visual harm will result from the additional built form, which is not sufficiently outweighed by economic, social or environmental benefits, contrary to Policies SP01, SP24, SP26 and QD02 of the Thanet Local Plan 2020 and paragraphs 8, 135 and 180 of the National Planning Policy Framework;
- The proposed development would result in the irreversible loss of best and most versatile agricultural land. The proposal has failed to demonstrate that the benefits of the proposal would outweigh the harm arising from the loss of agricultural land, and that no other suitable sites of poorer agricultural quality could accommodate the development, or lead to likely accumulated and significant losses of high quality agricultural land. The proposal would therefore be contrary to Policy E16 of the Thanet Local Plan and paragraph 180 of the National Planning Policy Framework.
- The applicant has failed to enter into a legal agreement to secure affordable housing, and the delivery of the necessary planning obligations required in order to mitigate the impacts of the proposed development on the local infrastructure and make the development acceptable in all other respects. The application is therefore contrary to Policies SP23 and SP41 of the Thanet Local Plan and the National Planning Policy Framework.
- The proposed development will result in increased recreational 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, Paragraphs 180, 180 and 181 of the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).

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

(c) **D02 F/TH/23/1341 - Garage Block Rear of 161 to 213 Clements Road, Ramsgate**

PROPOSAL: Erection of 9No self-contained flats, comprising of 4No 1-bed and 5 No 2-bed, following demolition of existing garages together with associated access, landscaping and parking.

Mr Lemon spoke in favour of the application.

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

THAT the officer's recommendation be adopted, namely that the application be deferred and delegated to officers for approval subject to the transfer of the financial contributions towards the SAMM project and the safeguarding conditions; and being 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 1100 Rev P07, 1101 Rev P07, 1102 Rev P07, 1104 Rev P07, 2050 Rev P06, 2051 Rev P06, 2052 Rev P06, 2053 Rev P06,, 3010 Rev P06 received 07 October 2023, 3011 Rev P06, 3012, Rev P06 and 3013 Rev P06 received 11 October 2023 and, 1015 Rev P09, 1016 Rev P14, DPLC/CLE/LD001/B received, 08 December 2023.

GROUND:

To secure the proper development of the area.

3. Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
 - b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
 - c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND:

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

4. 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.

5. 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.

6. 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 SP14 of the Thanet Local Plan and the advice as contained within the NPPF.

7. Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1016 Rev P14 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.

8. The area shown on the approved plan numbered 1016 Rev P14 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.

9. 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.

10. All excavations within the existing spread of the trees to be retained shall be carried out manually; using only hand held tools and any roots exposed thereby shall be bridged over in the construction of the foundations.

GROUND:

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

11. Prior to the first occupation of the development hereby permitted, the communal garden as shown on the approved plan numbered 1016 Rev P14 shall be provided and thereafter maintained.

GROUND:

In order to provide suitable amenity space in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

12. Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local

Planning Authority and should be carried out in accordance with the approved details.

- a) 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 (Including mitigation measures set out in Appendix D of the Air Quality Assessment provided within the ES and IAQM Guidance dust from demolition and construction 2014.)
- 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.

13. The development hereby permitted shall be completed in accordance with the Geo-Environmental Assessment Report received 23 October 2023.

GROUND:

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

14. Prior to the first occupation of the development hereby approved details of the proposed ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority.

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.

15. The development hereby permitted shall be completed in accordance with the recommendations of the protected and details contained in section 5 of the Lloydbores Ecological Impact Assessment report (September 2023) received 07 October 2023.

GROUND:

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

16. The development hereby permitted shall be completed in accordance with the submitted landscaping plan DPLC/CLE/LD001/B received 08 December 2023 and thereafter maintained.

GROUND:

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

17. 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.

18. 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.

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

- (d) **D03 F/TH/23/1339 - Site of Former Dane Valley Arms, Dane Valley Road, Margate**

PROPOSAL: Erection of 4-storey building accommodating 7 No 1-bed and 6 No 2-bed self-contained flats, and erection of 4 No 2-storey 3-bed semidetached dwellings, together with associated access, parking, and landscaping.

Mr Lemon spoke in favour of the application.

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

THAT the officer's recommendation be adopted, namely that the application be deferred and delegated to officers for approval subject to the transfer of the financial contributions for the identified planning obligations and the safeguarding conditions; and being 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 1025 Rev P08 and 1026 Rev P15, received 05 December 2023; 1107 Rev P09, 3023 Rev P06, 3024 Rev P07, and S4 Rev P02, received 04 December 2023; 1105 Rev P05, 1106 Rev P05, 1108 Rev P07, 1109 Rev P07, 1110 Rev P06, 1111 Rev P07, 1112 Rev P05, 1113 Rev P05, 2025 Rev P03, 2026 Rev P03, 3020 Rev P05, 3021 Rev P05, 3022 Rev P04, 3025 Rev P04, 3026 Rev P05, and 3027 Rev P05, received 06 October 2023.

GROUND:

To secure the proper development of the area.

3. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Civil Drainage Design Strategy dated 15th August 2023 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered,

including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

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.

4. 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.

5. To assess and mitigate the impacts of development on significant archaeological remains:
 - A. Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
 - B. Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
 - C. The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

- D. Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
- a) a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - b) an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
 - c) a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.
- E. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

GROUND:

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

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

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.

7. Prior to the first occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

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

GROUND:

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

8. 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.

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 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.

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
 - 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.

12. Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto Dane Valley Road, as shown on the approved plan numbered 1029 Rev P01. should be completed and made operational.

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 approved, pedestrian visibility splays of 2m x 2m shall be provided to the driveway accesses onto Arlington Gardens and Dane Valley Road, and the vehicular access onto Dane Valley Road, as shown on the approved plan no. 1029 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.

14. Prior to the first occupation of the development hereby approved, visibility splays of 2.4m x 4.3m behind the footway on both sides of the vehicular access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained, as shown on the approved plan numbered 1029 Rev P01.

GROUND:

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

15. The area shown on the approved plan numbered 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.

16. Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1026 Rev P15 and 1107 Rev P09 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.

17. Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered 1026 Rev P15 shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

GROUND:

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

18. 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.

19. 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.

20. 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.

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

GROUND:

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

22. The lower half of the upper level windows in the northern and eastern elevations of the flat block hereby permitted, as indicated on plans numbered 3024 Rev P07, and 3023 Rev P06, shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the flats 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.

23. The refuse storage facilities as specified upon the approved drawings numbered 1029 Rev P01 and 1107 Rev P09, shall be provided prior to the first occupation of the flats 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.

24. The boundary wall along the eastern boundary of the site shall be erected to a height of 2m, as shown on the approved plan numbered S4-P02.

GROUND:

In the interests of neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan.

25. 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.

26. All dwellings hereby approved shall only be occupied to individuals or families who have been nominated by the Council, in accordance with its published allocations policy at the time.

GROUND:

To meet the exception criteria that omits the need to provide 25% first homes on development sites exclusively for affordable housing, in accordance with the Council's First Homes Interim Policy Statement (April 2022), Policy SP23 of the Thanet Local Plan, and the NPPF.

27. All dwellings hereby permitted shall be provided with the ability for connection to Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity.

GROUND:

To serve the future occupants of the development in accordance with Thanet Local Plan Policy SP14 and the guidance within the National Planning Policy Framework.

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

GROUND:

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.

29. The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of

110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND:

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

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

Meeting concluded : 10.21 pm

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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

17TH JANUARY 2024

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. Birchington-on-Sea Neighbourhood Plan
 6. The National Planning Policy Framework and the National Planning Practice Guidance issued by the Department for Levelling Up, Housing and Communities.

- (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:9th January 2024

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART A

TO: THE PLANNING COMMITTEE

DATE: 17 January 2024

Application Number	Address and Details	Recommendation
A01 F/TH/23/1359	<p>Domus (Formerly Plot 10 Of Land Adjacent To Clifftop) North Foreland Avenue BROADSTAIRS Kent</p> <p>Erection of four storey 5 bed detached dwelling (part retrospective)</p> <p>Ward: Kingsgate</p>	Approve
A02 FH/TH/23/1036	<p>Bleak House Fort Road BROADSTAIRS Kent CT10 1EY</p> <p>Erection of a glasshouse following partial demolition of courtyard walls together with regrading of south lawn following alterations to paved terrace and formation of steps (Part Retrospective).</p> <p>Ward: Bradstowe</p>	Approve
A03 L/TH/23/1248	<p>Bleak House Fort Road BROADSTAIRS Kent CT10 1EY</p> <p>Application for Listed Building Consent for the erection of a glasshouse following partial demolition of courtyard walls together with regrading of south lawn following alterations to paved terrace and formation of steps (Part Retrospective).</p> <p>Ward: Bradstowe</p>	Approve
A04 FH/TH/23/1469	<p>26 Prince Andrew Road BROADSTAIRS Kent CT10 3HD</p>	Approve

Agenda Item 5

Annex 1

Erection of a disability access ramp
together with handrail

Ward: Beacon Road

A05 FH/TH/23/1345

33 Nash Court Gardens MARGATE
Kent CT9 4DG

Approve

Erection of single storey garden annexe
to rear of garden following demolition of
2 no. existing outbuildings

Ward: Salmestone

THANET DISTRICT COUNCIL
REPORT OF THE DIRECTOR OF PLACE

PART B

TO: THE PLANNING COMMITTEE

DATE: 17 January 2024

Application Number	Address and Details	Recommendation
D06 OL/TH/22/0499	Land On The East Side Of Tivoli Park Avenue MARGATE Kent Outline application for the erection of 4No detached 4 bed dwellings including access, landscaping and scale Ward: Salmestone	Defer & Delegate
D07 F/TH/23/1352	Land At Staner Court Manston Road RAMSGATE Kent MAJOR Erection of 9No 3-bed and 2No 4-bed two storey dwellings, following demolition of existing garages, together with reconfiguration of parking area, alterations to informal play area and refuse storage space, and landscaping Ward: Newington	Defer & Delegate
D08 F/TH/23/1343	Garage Blocks At Tomlin Drive MARGATE Kent MAJOR Erection of 8No three storey 3-bed semi detached dwellings and 4No three storey 4-bed terraced dwellings, together with associated access, parking and landscaping Ward: Dane Valley	Defer & Delegate

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A01

F/TH/23/1359

PROPOSAL: Erection of four storey 5 bed detached dwelling (part retrospective)

LOCATION: Domus (Formerly Plot 10 Of Land Adjacent To Clifftop) North Foreland Avenue BROADSTAIRS Kent

WARD: Kingsgate

AGENT: Mr Philip Graham

APPLICANT: Mr and Mrs T Wagland

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 19-004-45C, 19-004-46E, 47A and 49.

GROUND;

To secure the proper development of the area.

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

GROUND:

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

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

GROUND:

In the interests of highway safety.

5 The area shown on the approved plans 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:

In the interests of highway safety.

6 Prior to the first occupation of the development hereby approved visibility splays of 2.4 by 25m shall be provided to the access on to North Foreland Avenue with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

GROUND:

In the interests of highway safety.

7 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.

8 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 Policies QD03 and SE08 of the Thanet Local Plan.

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

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

Ecological Enhancements

shall be submitted to, and approved in writing by, the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND:

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

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

GROUND:

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.

11 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.

12 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.

GROUND:

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

13 The windows above at first and second floors in the northern and southern elevations hereby approved shall be provided and maintained with non opening obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy QD03 of the Thanet Local Plan.

14 Prior to the occupation of the development hereby permitted the privacy screens shown on the approved plans 45C and 46E shall be installed and thereafter permanently retained.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

INFORMATIVES

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

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

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 to as set out in the unilateral undertaking submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

SITE, LOCATION AND DESCRIPTION

The application site is essentially rectangular in shape measuring some 980 sqm and lies to the west of North Foreland Avenue in Broadstairs.

The land between North Foreland Road and North Foreland Avenue slopes from west to east. It is not subject to any specific designations and at the time of the site visit for the application the site contains a substantially completed dwelling with the agent confirming that works started on site in October 2020.

RELEVANT PLANNING HISTORY

In 2012, an outline planning application was submitted for the erection of 13no. detached dwellings (OL/TH/12/0550) with all matters reserved. This application was refused in June 2012.

In 2013, an outline planning application was submitted for the erection of 10 no. detached dwellings, with all matters reserved (OL/TH/13/0473). This application was refused in June 2013.

Subsequent to the determination of the 2013 outline application, an appeal before the Planning Inspectorate on the 2012 outline planning application (for 13 no. dwellings on the site) was dismissed, however not for the reasons cited by the Local Planning Authority save

for one of the reasons that some of the protected trees on site would be lost, which would harm the character and appearance of the surrounding area.

Following that appeal decision, an outline planning application was refused for the erection of 12 no. detached dwellings with all matters reserved (OL/TH/14/0404) in August 2014. Planning permission was granted on appeal following this refusal in March 2016.

Planning permission was subsequently granted on the 14th May 2019 for the approval of all reserved matters to outline planning permission OL/TH/14/0404 for the erection of 1 No 4 bed detached dwelling (R/TH/19/0349 refers).

PROPOSED DEVELOPMENT

This application seeks planning permission for the erection of a four storey 5 bedroom dwelling with associated parking and amenity space.

The proposed dwelling is of a fairly traditional design with a pitched roof. Its ridge height would be some 10.6m above ground level and it would have a footprint of some 310 sqm (ground floor). The plans show that the roof would be slate roof tiles, with the walls rendered and aluminium doors and windows. It is proposed that the site would be excavated to provide a basement/lower ground floor level which would house a cinema room, home gym, boiler room, workshop, garden storage, garden room and garage. The ground floor would house a lobby/entrance hall, 2 lounge areas, a study, cloakroom and WC and an open plan kitchen, dining, breakfast, family and garden area. The first floor would accommodate 5 bedrooms (some with ensembles/dressing rooms) and a family. At this level, there would be 2 balconies to the front of the property and a larger balcony running the width of the property to the rear. There would be a series of rooms within the eaves comprising a library, lounge bathroom and study. This floor would also have a rear balcony, but this would be set in between the rear roof.

Areas for cycle and refuse storage are proposed together with off street parking. Vehicular access and pedestrian access to the site would be taken from North Foreland Avenue.

Whilst this is a stand alone application for a dwelling on site, the need for the application has arisen as the applicants have made changes when building out the previous planning permission R/TH/19/0349. It is, therefore, considered helpful to provide some information as to what was approved under that application in this report.

The approved dwelling was also of a traditional design with a pitched roof. It had a ridge height of some 10.7 metres above ground level and the same footprint (ground floor) as that now being considered. The materials for the approved dwelling are the same as those currently proposed under this current application. The approved dwelling also comprised 4 floors with land proposed to be excavated to produce a basement. That basement had a cinema room, home gym, wine cellar, boiler room, workshop, garden storage and garage. The ground floor had a lobby/entrance hall, 2 lounge areas, a study, cloakroom and WC and an open plan kitchen, dining, breakfast, family and garden area. The first floor would accommodate 4 bedrooms (two with ensembles and dressing rooms and one with ensuite only), a family bathroom and seating area. Three balconies were proposed to the front of

the dwelling at this level with a balcony running the width of the house at the rear at this level. There would be a series of rooms within the eaves comprising a library, lounge bathroom and study. At this level there was a balcony to the front and balcony set within the roof to the rear. The approved house was set in from the application site's northern boundary by 1.6m and from its southern boundary by 2m at its closest point and just over 15.5m from the rear of the application site and set back from North Foreland Avenue by approximately 9.5m. As with the current application, areas for cycle and refuse storage were proposed to serve it together with off street parking and vehicular access and pedestrian access to the site would be taken from North Foreland Avenue.

For ease, the main changes between the dwelling now proposed and the approved dwelling are set out below, but it should be noted that it falls for Members to consider whether the dwelling now proposed is acceptable in its own right and not just a consideration of the differences between the approved dwelling and the current submission, although the previous permission is a material consideration for this application.

The floor area of the basement has been increased to match that of the ground floor;

Alterations to fenestration;

The two front dormer windows to the second floor have been widened and the roof style varied from curved to flat;

The second floor front balcony space has now been enclosed with a central dormer window, with the originally approved, second floor rear balcony space, being reduced in size; and

The rear first floor balcony has been varied, originally the central balcony followed the line of the rear wall of the house with a recess in the centre, joining the two side wing balconies.

The balcony now bridges across the back such that the central section is joined to the balcony of the side wings. The side privacy screens which were conceived as glass, and have been changed to solid masonry walls.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP01 - Spatial Strategy - Housing

SP26 - Landscape Character Areas

SP27 - Green Infrastructure

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP30 - Biodiversity and Geodiversity Assets

SP35 - Quality Development

H01 - Housing Development

HE01 - Archaeology

QD01 - Sustainable Design

QD02 - General Design Principles

QD03 - Living Conditions

QD04 - Technical Standards

TP02 - Walking

TP03 - Cycling

TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan

BSP2 - Important views and Vistas

BSP3 - Protecting and Providing Important Trees

BSP4 - Seafront Character Zones

BSP7 - Areas of High Townscape Value

BSP9 - Design in Broadstairs and St Peters

NOTIFICATIONS

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

10 representations objecting to the proposal have been received with some people making more than one representation. They raise the following summarised comments.

- Have experienced construction works for some 3 years at this site and no idea when they will be completed;
- Property now proposed is larger and more overbearing than that previously approved under R/TH/19/0349;
- Application is essentially retrospective - changes having been made without the required planning consent;
- The 2nd floor balcony overlooks our garden and enables views into our ground and first floor windows which include bedrooms;
- 2nd floor balcony is not required as there is one on the 1st floor;
- Some changes between the previously approved application and the current application are not set out in the covering planning statement;
- Basement size has increased significantly - impact on ground stability of adjoining properties;
- Basement, 1st and 2nd floors are all larger than those of the previously approved dwelling;
- Dormers have increased in size and add negatively to the overall, bulk, scale and overbearing of the dwelling now proposed;
- The additional space now proposed when compared with the previous approved dwelling is not needed as that approval afforded ample accommodation;
- Not received any amended party wall act;
- The proposal is now for a 5 bed dwelling when previously it was a four bed dwelling;
- Cramped and congested, overdevelopment of the plot;
- The aesthetic detail of the previously approved dwelling has been stripped away;
- Loss of views to North Foreland Lighthouse and sea views from North Foreland road;
- Identified as an area of high townscape value in the Broadstairs and St Peters neighbourhood Plan;
- When the original outline for new dwellings was granted, existing residents were assured that they would be only 2 storey - this has not always been the case;
- Impact on biodiversity; and
- The proposed dwelling does not follow the rear building line of adjoining dwellings.

Broadstairs and St Peters Town council: No comment

Broadstairs Society: The Society remains of the view that the original objection by the Town Council is still valid - namely that it is overdevelopment of a tight site.

CONSULTATIONS

Environment agency: No comment.

KCC Highways: Non protocol application. Informatives suggested.

ANALYSIS

The application is reported to members as it has been called in by Cllr Munns to consider the changes made in terms of whether overdevelopment has occurred in an area of high townscape value and potential overlooking created.

Principle

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

Policy SP01 of the Local Plan (Spatial Strategy - Housing) states that the primary focus for new housing development in Thanet is the urban area. Policy H01 (Housing Development) states that permission for new housing development will be granted on sites allocated for this purpose and on non allocated sites within the confines of the urban area and villages.

The application lies within the defined settlement of Broadstairs and residential development of the site has been considered accepted previously by both the council and the Planning Inspectorate. On that basis, it is considered that residential development on the site is considered acceptable in principle.

Character and Appearance

Paragraph 135 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.

Policies BSP2, BSP4, BSP7 and BSP9 of the Broadstairs and St. Peter's Neighbourhood Plan are also relevant to this application. Policy BSP2 (Important View and Vistas) states that development proposals should respect and not detract from the views and views identified as important within Broadstairs and St Peter's. Policy BSP4 (seafront Character Zones) seeks to ensure that all development located within a seafront character zone accords with the development principles for that zone and includes a statement setting out how that has been achieved. It is noted that the application site lies within seafront character zone 5 which relates to stretches of coastline that are predominantly undeveloped where it is seen as important to protect the remaining unspoilt predominantly rural sections of the coast.

Policy BSP7 (Areas of High Townscape value) states that within such areas the conservation or enhancement of the local character will be the primary planning aim and that development will be supported only where the design, scale of development, separation between buildings, use of materials and landscaping are complementary to the special character of the area. Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan sets out that development proposals should conserve and enhance local character and design features, aim to strongly reflect the characteristics of the area, and to ensure that they do not lead to an unacceptable impact on neighbouring amenity.

The application site lies within the wider developed area of North Foreland and is not the rural undeveloped coastline that policy BSP4 seeks to protect.

As set out above, the proposed development is 4 storey with areas for cycle and refuse storage proposed together with off street parking. Vehicular access and pedestrian access to the site would be taken from North Foreland Avenue with areas of garden to the front and rear.

The proposed dwelling is fairly traditional in design with a pitched roof. It is noted that the individual design of properties within the area varies considerably, with a wide range of styles, proportions and materials. It is, therefore, considered that the dwelling would add to the variety that currently exists within the area and it is noted that the proposed dwelling would be constructed of a variety of materials (slate roof, render and aluminium fenestration) currently found within the North Foreland area. No objection is therefore raised to the approach adopted for the proposed dwelling or its proposed materials.

The dwelling would be set in from the application site's northern boundary by approximately 1.95m at its closest point and 2.4m from its southern boundary. It would sit just over 15.5m from the rear of the application site and would be set back from North Foreland Avenue by approximately 9.5m. It is considered that the degree of separation between the dwelling and the application site boundaries is comparable with the spaces around other dwellings in North Foreland Avenue. It is, therefore, not considered that the proposed dwelling would have an adverse effect on the spacing and openness of the area. The proposed development would be seen against the various residential development along North

Foreland Avenue, Cliff Promenade and surrounding roads and it is not considered that it would be overly dominant or imposing when seen in long or short views.

The proposed dwelling would be spread over four floors following the excavation of the site (lower ground floor, ground floor, first floor and a second floor with rooms within the roof) with a ridge height of 10.6m. Properties within this part of North Foreland Avenue are a mix of single storey, two storey and three storey and it is not considered that the proposed dwelling would appear out of keeping with the streetscene and the character of the area.

Concerns have been raised that the proposed dwelling does not follow the rear building line of the adjoining properties, it is not considered necessary that adjoining properties share the same rear building line from a character and appearance point of view (of often share the same front building line) as these are not readily visible.

It is, therefore, considered that the dwelling would not have an adverse impact on the character or appearance of the area and the application meets the criteria of Policies QD02 of the Local plan and BSP2, BSP4, BSP7 and BSP9 of the Broadstairs and St. Peter's Neighbourhood Plan and the guidance of the NPPF.

Living Conditions

Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Local Plan policy QD03 is 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.

Policies QD04 (Technical Standards) and GI04 (Amenity Green Space and Equipped Play Areas) are also relevant to this application. Policy QD04 seeks to ensure that all new residential development meet the standards set out in the National Described Space Standards (March 2015) and a water efficiency standard of 110 litres per person per day. Policy GI04 states that all new residential development should make provision for appropriate amenity green space to serve it. New dwellings with 2 or more bedrooms are required to provide doorstep playspace, which is playspace for young children which is immediately adjacent to, close visible and safely accessible from the dwelling served.

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

The application sits to the north of what was identified in the outline consent as plot 11 (North Foreland heights) and to the south of Oakside (plot 9) as identified in that same consent. Dwellings have now been erected on both those plots under permissions R/TH/18/0710 and R/TH/18/0806 respectively.

As stated above, the dwelling under consideration is set in some 2.4m from its southern boundary and it is noted that North Foreland Heights is set in some 1.4 metres from its northern boundary. It is also noted that there are no openings in the northern flank wall of North Foreland Heights, so whilst there are openings in the southern flank wall of the dwelling currently under consideration it is not considered that there would be any loss of light, sense of enclosure or overlooking from between the 2 properties. Concerns have been raised about the potential for overlooking from the remodelled balcony at first and second floor levels into the garden of the North Foreland Heights. It is noted that the views from the second floor balcony to the side are largely shielded by virtue of it being set within the roof and at first floor level privacy screens are proposed to the balcony which would concentrate views to the rear of the application site. Any views into the garden of North Foreland heights would be angled and to the end of its garden, away from the immediate area adjoining its rear which would be considered the most private amenity space.

In terms of the relationship with Oakside to its north, the dwelling sits some 1.95m from its northern boundary with Oakside sitting some 1.2m in from the shared boundary. As with North Foreland Heights, Oakside has been designed to have the majority of its windows and openings to the front and rear. It does, however, have two high level windows to its southern boundary (one serving a snug at ground floor and one an ensuite at first floor level). There are windows in the northern side elevation of the dwelling now proposed. The ground floor windows and openings would not result in overlooking due to the presence of boundary treatments between the dwellings and it is noted that the first floor side windows are either secondary windows to habitable rooms or serve ensuites, bathrooms or other non habitable rooms. It is considered that these could be obscure glazed to prevent any potential overlooking or sense of overlooking by planning condition. In relation to the balcony at first and second floor levels, the privacy screens at first floor and setting within the roof at second floor level will mean that no significant impact will occur on privacy at Oakside from the proposal. As with North Foreland Heights, any views will be oblique views of the end of the garden, which is an acceptable relationship within the area.

As stated above, the proposed dwelling sits some 9.5m back from North Foreland Avenue, with the dwelling opposite 'Woven' being offset from the application site frontage and setback from the road frontage some 6.5metres. Given the orientation between the properties, the distances involved and the fact that Woven sits at a lower land level than the application site, it is not considered that there would be an adverse impact on the residential amenities of the occupiers of Woven from the proposed development. The application site would have a more direct frontage with the rear of North Foreland Grange which fronts Cliff Promenade. Its rear boundary is at a lower land level again than Woven with a distance of over 55 metres between it and the frontage of the application site.

The application site's rear boundary is shared mainly with no. 28 North Foreland Road with a short stretch shared with no. 30 North Foreland Road. No.28 is sited at a higher land level

than the proposed dwelling, with the garden of the proposed dwelling set above ground floor level of the proposed dwelling due to the change in levels across the land. At its closest point the proposed dwelling would be 15.5 from its rear boundary, shared with no.28. The rear of no.28 North Foreland is then set over 22 metres from the shared boundary, meaning a total distance of approximately 37 metres back-to-back (with no.28's outbuilding at the rear of their garden). Whilst it is acknowledged that views from the windows and balconies to the rear would be directed towards the rear of the application site, given the distances involved and the changes in land levels, it is not considered that the proposed development would be overbearing or result in a loss of light or harmful overlooking to the residents of no. 28.

As stated above, no. 30 shares a limited amount of rear boundary with the application site, but is offset with the dwelling itself set mostly to the north of Oakside. There would be a distance of some 20 metres from the closest corner of the application site (shared boundary) to the closest corner of no. 30. Taking the offset between the two properties, the distances involved and the changes in level it is not considered that the proposed development would be overbearing or result in a loss of light or overlooking to the residents of no. 30.

In terms of the standard of accommodation provided in the proposed development, the proposed dwelling would provide large rooms with a high level of light and ventilation. It would also be served by off street parking and private residential amenity space which allows for cycle and bin storage. The Council is using the Nationally Described Space Standards for housing to assess the internal floor space size of new residential development to ensure that a good standard of accommodation for future occupiers is achieved. The proposed dwelling would have five bedrooms and be four storey. It is noted that the Space Standards only provide for 3 storey dwellings, but for a 5 bed 3 storey dwelling the required space standards range from 116 sqm (for a 5 person dwelling) to 134 sqm for an 8 person dwelling. The proposed dwelling comfortably exceeds the required floor space for a 3 storey dwelling and making allowance for the 4th floor. As such, it is considered that the proposed dwelling would provide a good standard of accommodation for residential amenity for future.

Highways

Paragraph 114 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 115). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 116). These aims are reflected in the Council's Local Plan policies.

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.

Due to the location of the site, the majority of trips generated by any development will be by car, as the site is not within close proximity of local services and facilities to promote non-car use.

North Foreland Avenue is a private road, subject to relatively low speeds. The development is for a single dwelling and it is not considered unlikely to have a significant safety on the adopted highway network.

The proposal makes provision for on site car parking spaces as well within the site together with cycle storage. It is considered that this amount of car and cycle parking is sufficient to serve the proposed development. It is not, therefore, considered that the proposed development would have an adverse effect in relation to highways and parking.

Biodiversity

The NPPF states at paragraph 180 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 ..." The NPPF then states that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

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

As stated above, the application site, along with others on the North Foreland Estate has been found acceptable for residential development by both council officers and the Planning Inspectorate and the proposal whilst seeing the site developed would provide areas of landscaping and a formal garden area within the site and it is considered that planting within these areas would provide opportunities to enhance the ecology/biodiversity within the plot. It is, therefore, considered that the proposed development would not have an adverse impact on the ecology.

Flooding and Drainage

Paragraph 165 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.

Foul and surface water drainage were the subject of conditions 6 and 7 of the outline planning permission (OL/TH/14/0404) granted on appeal. These conditions were complied with and drainage to serve the dwelling is in place on site.

Archaeology

Paragraph 203 of the NPPF states that In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. It goes on (paragraph 205) to state that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." In paragraph 207 the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy 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.

Kent's Historic Environment Record has been reviewed and no findings are shown in or adjacent to the application site and the previous outline and reserved matters consent on the site are recognised as material considerations. As such, 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.

A signed and completed undertaking for this contribution has been submitted.

Other matters

A number of concerns have been raised by local residents on the application that have not been addressed elsewhere in the report. These will be addressed in turn in this section:

- Ongoing construction works - whilst there is a time limit for applicants to commence development, but there is no provision for the Local Planning Authority to control how long development works take. They are normally still temporary in nature and expected that they would be carried out with respect to adjoining occupiers.
- Enlargement of the basement and impact on ground stability for surrounding occupiers - this is not a material planning consideration and any damage would be a civil matter between parties;
- Loss of views - not a material planning consideration;
- No amended party wall act has been received by adjoining occupiers - this is a private matter between the applicants and the adjoining neighbours;
- Not all of the changes between the application approved under R/TH/19/0349 and the current application are summarised in the supporting Planning Statement - there is no requirement for this to happen and the drawings clearly show the proposal under consideration; and
- When the outline application was granted - it was expected that all new dwellings would be 2 storey only - there is nothing in the outline planning permission which restricts development to two storey only.

Conclusion

The application site is within the built up area of Broadstairs and the proposal would make a small contribution to the District's housing land supply. 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, archaeology or 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

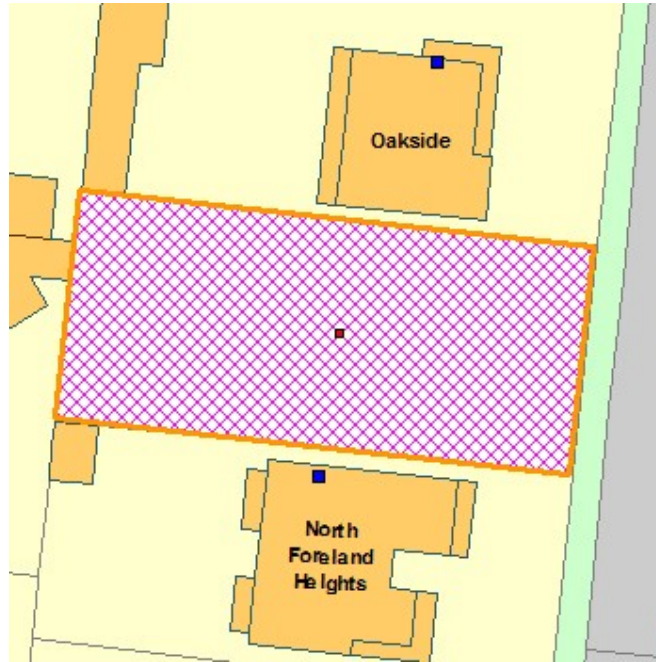
Agenda Item 5a

TITLE:

F/TH/23/1359

Project

Domus (Formerly Plot 10 Of Land Adjacent To Clifftop) North Foreland
Avenue BROADSTAIRS Kent



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A02

FH/TH/23/1036

PROPOSAL: Erection of a glasshouse following partial demolition of courtyard walls together with regrading of south lawn following alterations to paved terrace and formation of steps (Part Retrospective).

LOCATION: Bleak House Fort Road BROADSTAIRS Kent CT10 1EY

WARD: Bradstowe

AGENT: Phil Dadds

APPLICANT: Mike Dilkes

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 224/P10A and 224/P11A received 16 November 2023.

GROUND;

To secure the proper development of the area.

INFORMATIVES

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

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

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

Bleak House is a highly prominent grade II listed building currently in use as a single dwelling. The site has a pedestrian access on the corner of Church Road and Fort Road and a vehicular access from Church Road that is shared with the adjacent dwelling, Trotwood. Church Road is a narrow road with no pavement and is enclosed on both sides by walls and fences. Fort Road is a narrow footpath that wraps around the eastern and southern boundaries of the site which are enclosed by a wall. Whilst Bleak House is prominent across Broadstairs, views into the site are limited due to the existing boundary treatment.

RELEVANT PLANNING HISTORY

L/TH/23/1248 - Application for Listed Building Consent for the erection of a glasshouse following partial demolition of courtyard walls together with regrading of south lawn following alterations to paved terrace and formation of steps (Part Retrospective). Pending consideration.

L/TH/22/0863 - Retrospective application for Listed Building Consent for replacement of kitchen roof and internal alterations. Granted 29 July 2022

F/TH/22/0516 - Removal of flat roof and skylights to single storey garage/accommodation area to form an open walled parking courtyard with new gated access, infilling existing garage door and side door openings and relocation of existing metal gates together with the reinstatement of windows and door opening with installation of new doors and windows to the kitchen area. Granted 29 July 2022

L/TH/22/0079 - Part retrospective application for Listed Building Consent for external repointing to brickwork. Granted 02 March 2022

NM/TH/11/0711 - Application for non-material amendment to planning permission F/TH/05/1195 to relocate the boundary wall and gates fronting Church Road. Granted 01 November 2011

L/TH/11/0010 - Application for Listed Building consent for erection of glazed balcony screen to first floor. Granted 07 March 2011

L/TH/10/0801 - Listed Building consent for removal and erection of walls to workshop store, at ground floor, to create dining room, store and kitchen, together with insertion of ventilation duct and 2 No. roof lights. Alterations to ground floor utility and store room walls to provide toilets. Installation of fire door and erection of wall and insertion of door to provide en-suite facilities at first floor. Granted 02 December 2010

F/TH/10/0456 - Change of use from single dwelling to a mixed-use comprising a museum, hotel and ancillary owner's/manager's accommodation. Granted 23 July 2010

L/TH/06/0210 - Internal and external alterations to west elevational wall of garage to provide new garage door, opening and associated piers, including part removal of existing wall. Granted 12 April 2006

F/TH/02/1245 - Change of use of property from residential and museum use to residential use as single dwelling. Granted 12 March 2003

L/TH/02/0912 - Alterations to, and demolition of part of, existing building, together with alterations and additions to existing boundary wall. Granted 11 February 2003

PROPOSED DEVELOPMENT

The initial application proposed "Erection of a glasshouse following partial demolition of courtyard walls together with erection of entrance gates and walls and regrading of south lawn following alterations to paved terrace and formation of steps and a plunge pool (Part Retrospective)." Following the submission of the amended plans removing the erection of entrance gates and walls and plunge pool the description of the application was updated to the following: "Erection of a glasshouse following partial demolition of courtyard walls together with regrading of south lawn following alterations to paved terrace and formation of steps (Part Retrospective)."

No alterations are proposed to the access to the site or existing or approved boundary walls and gates as part of the amended application.

An internal courtyard wall that is located perpendicular to Church Road would be demolished and a glass house would be erected in the resulting space. The glass house would have a brick plinth with glazed walls and roof above. The existing boiler flues would be retained at the front of the glass house.

Amended plans have removed the plunge pool and steps from the western side of the rear garden. The amended plans show a wall to be erected alongside the existing steps on the eastern side of the garden and the rear garden regraded with grass banks and a central level section that extends east to west.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE02 - Development in Conservation Areas

HE03 - Heritage Assets

QD01 - Sustainable Design

QD02 - General Design Principles

QD03 - Living Conditions

TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peter Neighbourhood Plan

CC1 - Clean Air for Residents
CC2 - Biodiversity
BSP2 - Important Views and Vistas
BSP3 - Protecting and Providing Important Trees
BSP4 - Seafront Character Zones
BSP8 - Local Heritage Assets
BSP9 - Design in Broadstairs & St. Peter's

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.

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

- Right of access would be restricted
- Access to neighbouring property
- Highway Safety
- No consultation with neighbours prior to submission
- No assessment of impact upon neighbouring property
- Retrospective works are unclear
- Works have been completed without permission
- Impact upon listed building
- Impact upon conservation area
- Impact upon the character and appearance of the area
- No public benefits
- Accuracy of plans and documents
- Application form has not been amended

Broadstairs and St Peter's Town Council - Updated comments received 06 December 2023

The Committee unanimously recommends OBJECTION due to concerns of access to the neighbouring property and impact on parking.

Updated comments received 08 November 2023

The Committee unanimously recommends REFUSAL on the grounds that the amended plans for the removal of the plunge pool have not been submitted as stated on 2nd October 2023. The Committee also have concerns with regards to the restricted access to neighbouring property.

Initial comments received 03 October 2023

The Committee were unable to make a recommendation as the applicant informed the committee that changes had been made to the application. The applicant was advised to contact Thanet District Council Planning for an amended plans application.

The Broadstairs Society - The Society has a difficulty with this particular application. There have been several applications in the past and the Society has either raised no objection or supported them. The building was in a rotten state and the new owners have been exemplary in restoring the interior as well as improving aspects of the exterior.

Subject to the Conservation Officer's views, the Society is of the view that any building, structure or feature within the curtilage of a Grade II Listed Building is subject to the same strictures as the Grade II Listed Building itself. However, because of the District Council's failure to publish a District - wide strategy in accordance with Policy HE03 the Society believes the 19th Century gazebo that was in the garden has now disappeared.

If a plunge pool was agreed would any new owner be as cavalier with its removal as someone has with the gazebo?

What the owners propose to do with the entrance gates, etc seems acceptable but, again, the Conservation Officer must be consulted.

CONSULTATIONS

TDC Conservation Officer - Bleak House is a Grade II listed iconic property in a prominent location in Broadstairs, as well as being within the Broadstairs Conservation Area.

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

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

This application is for works to the internal grounds at the North elevation of Bleak House as well as hard landscaping proposed for the garden.

To the North of the site is proposed to add in a glass roof over an area that already exists as an internal courtyard within the grounds. No changes are taking place to the boundary wall which will affect the outlook of the site or the setting and appearance of the surrounding

conservation area. This is an area of modern construction and as such the additional roof encapsulating the space is acceptable. There is also evidence that a glass house of some form has existed in the grounds previously which further supports this stance.

Within the ground of the site the more contentious plunge pool has been removed from the scheme. Elsewhere, later additional concrete forms have also been removed from the site and the ground made good with no further elements being added to the garden or landscaping at this stage.

This comment largely focuses on the implication to the listed property itself rather than the setting and appearance of the surrounding conservation area given that the risk is higher to the building itself.

Overall I am satisfied that the proposed application preserves and enhances the setting and appearance of the iconic listed property whilst adapting the building in a way that is subservient to the existing architectural language. As such I do not object to the application submitted and consider it to comply with the aforementioned legislation.

ANALYSIS

This application has been called to Planning Committee by Cllr Bayford for Members to consider the impact of the development upon the character and appearance of the area and access to the neighbouring property.

Principle

The site comprises an existing dwelling located within the urban confines of Broadstairs. The principle of altering an existing dwelling and works within its curtilage are considered acceptable subject to all other material considerations.

Character and Appearance

The site is located within the Broadstairs Conservation Area the Council, therefore, 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 135 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place.

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

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines. Proposals which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported.

The site is located in seafront character zone 1 as defined by policy BSP4 of the Broadstairs and St Peter's Neighbourhood Plan. This policy states "All development applications that are located within a seafront character zone must accord with the development principles set out in Appendix 1 and provide a statement setting out how this has been achieved." Within Zone 1 this policy seeks to protect the built environment, discourage changes of use, improve visitor facilities and protect open spaces.

The existing courtyard wall that is set perpendicular to Church Road does not extend above the height of the boundary wall in this location and the proposed glass house would also be set below the height of this boundary wall. Given the enclosed arrangement of this part of the site, that no alterations are proposed to the Church Road boundary wall and that the existing wall and proposed glass house would not extend above the height of the existing boundary wall, these alterations and extensions are not considered to be highly prominent from the public realm and would have no significant impact upon the character and appearance of the area.

Glimpses of the rear garden can be obtained over the existing boundary wall, however due to the height of the wall along Fort Road, this area is not highly prominent from the public realm. The regrading of the garden and the wall alongside the existing steps on the eastern side of the garden would follow the change in land levels and would not extend above the height of the existing terrace. These alterations are therefore not considered to be highly prominent and would not result in any significant harm to the character and appearance of the area.

Overall the proposed alterations are not considered to result in any significant harm to the character and appearance of the area, in line with policies BSP2, BSP4, BSP8 and BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, policies HE02, HE03 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The proposed glass house would infill an internal courtyard area and would not extend above the height of the existing boundary walls. The glass house is therefore not considered to result in any significant overlooking, loss of light, sense of enclosure or noise and disturbance to the neighbouring property occupiers.

The wall alongside the steps and regrading of the rear garden would follow the change in land levels and would not extend above the height of the existing terrace. The proposed steps would be located on the eastern side of the site, adjacent to the footpath. Given the existing terrace and the scale of the alterations to the rear garden, these works are not considered to result in any significant overlooking, loss of light, sense of enclosure or noise and disturbance to the neighbouring property occupiers.

In light of the above the amended 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

Following the submission of the amended plans no alterations are proposed to the access to the site as part of this application. The proposed glass house and alterations to the garden would be located within the curtilage of the site and would not significantly alter the amount of accommodation on the site. The amended development is therefore not considered to result in any significant harm to highway safety.

Biodiversity

The site comprises an existing residential dwelling and would be located wholly within its curtilage. Whilst the plans would alter the arrangement of the site, given the use and scale of the proposed changes this development is not considered to result in any significant harm to biodiversity in the area.

Other Matters

Concern has been raised regarding the right or access for the neighbouring property. Rights of access are a separate matter that falls outside of the planning system and cannot be considered in the determination of this application, however following the submission of the amended plans no alterations are proposed to the access to the site.

Concern has been raised regarding the quality and accuracy of the submitted documents. The Council considers that sufficient information has been submitted to determine the application.

Concern has been raised regarding the lack of consultation with the neighbouring properties prior to the submission of the application. No consultation is required prior to the submission of this type of planning application.

Concern has been raised that works have been completed without permission. Retrospective applications are considered in the same way as proposed applications.

Concern has been raised regarding the lack of public benefits that result from this development, however this is not a material consideration of the application for planning permission.

Concern has been raised that the application form has not been amended. The description of the application has been amended in agreement with the applicant and the amended plans would be conditioned to control the development.

Conclusion

It is considered that this development would not result in any significant harm to the character and appearance of the area, the living conditions of the neighbouring property occupiers, highway safety or biodiversity. It is therefore recommended that this application is approved.

Case Officer

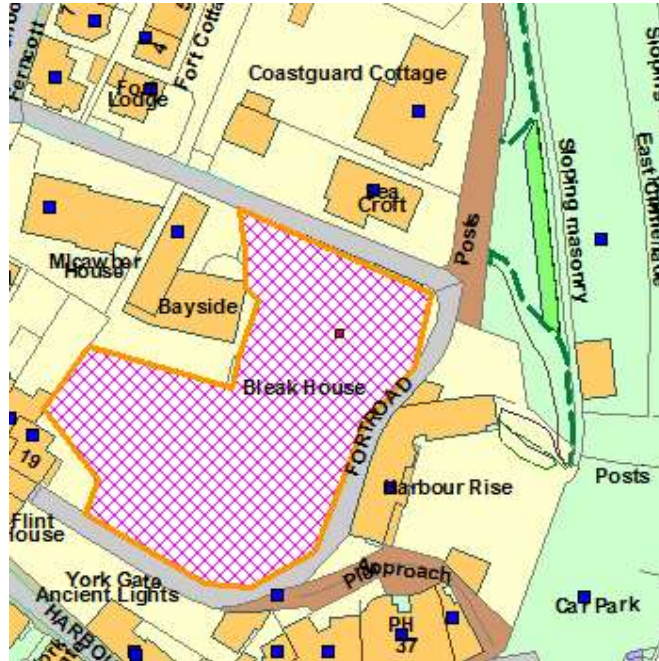
Duncan Fitt

TITLE:

FH/TH/23/1036

Project

Bleak House Fort Road BROADSTAIRS Kent CT10 1EY



A03

L/TH/23/1248

PROPOSAL: Application for Listed Building Consent for the erection of a glasshouse following partial demolition of courtyard walls together with regrading of south lawn following alterations to paved terrace and formation of steps (Part Retrospective).

LOCATION: Bleak House Fort Road BROADSTAIRS Kent CT10 1EY

WARD: Bradstowe

AGENT: Phil Dadds

APPLICANT: Mike Dilkes

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 erection of the glasshouse, details at a scale of 1:5 of the windows and doors to include sections through frames 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 HE03 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

3 The new sections of wall adjacent to the steps on the eastern side of the site shall be of the same colour, finish and texture as those on the existing wall.

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 contained within the National Planning Policy Framework.

INFORMATIVES

Please be aware that your project may also require a separate application for Building Control. Information can be found at:
<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

For the avoidance of doubt, the Council has determined the application on the following plans 224/P10A and 224/P11A received 16 November 2023.

SITE, LOCATION AND DESCRIPTION

Bleak House is a highly prominent grade II listed building currently in use as a single dwelling. The site has a pedestrian access on the corner of Church Road and Fort Road and a vehicular access from Church Road that is shared with the adjacent dwelling, Trotwood. Church Road is a narrow road with no pavement and is enclosed on both sides by walls and fences. Fort Road is a narrow footpath that wraps around the eastern and southern boundaries of the site which are enclosed by a wall. Whilst Bleak House is prominent across Broadstairs, views into the site are limited due to the existing boundary treatment.

RELEVANT PLANNING HISTORY

FH/TH/23/1036 - Erection of a glasshouse following partial demolition of courtyard walls together with regrading of south lawn following alterations to paved terrace and formation of steps (Part Retrospective). Pending consideration.

L/TH/22/0863 - Retrospective application for Listed Building Consent for replacement of kitchen roof and internal alterations. Granted 29 July 2022

F/TH/22/0516 - Removal of flat roof and skylights to single storey garage/accommodation area to form an open walled parking courtyard with new gated access, infilling existing garage door and side door openings and relocation of existing metal gates together with the reinstatement of windows and door opening with installation of new doors and windows to the kitchen area. Granted 29 July 2022

L/TH/22/0079 - Part retrospective application for Listed Building Consent for external repointing to brickwork. Granted 02 March 2022

NM/TH/11/0711 - Application for non-material amendment to planning permission F/TH/05/1195 to relocate the boundary wall and gates fronting Church Road. Granted 01 November 2011

L/TH/11/0010 - Application for Listed Building consent for erection of glazed balcony screen to first floor. Granted 07 March 2011

L/TH/10/0801 - Listed Building consent for removal and erection of walls to workshop store, at ground floor, to create dining room, store and kitchen, together with insertion of ventilation duct and 2 No. roof lights. Alterations to ground floor utility and store room walls to provide

toilets. Installation of fire door and erection of wall and insertion of door to provide en-suite facilities at first floor. Granted 02 December 2010

F/TH/10/0456 - Change of use from single dwelling to a mixed-use comprising a museum, hotel and ancillary owner's/manager's accommodation. Granted 23 July 2010

L/TH/06/0210 - Internal and external alterations to west elevational wall of garage to provide new garage door, opening and associated piers, including part removal of existing wall. Granted 12 April 2006

F/TH/02/1245 - Change of use of property from residential and museum use to residential use as single dwelling. Granted 12 March 2003

L/TH/02/0912 - Alterations to, and demolition of part of, existing building, together with alterations and additions to existing boundary wall. Granted 11 February 2003

PROPOSED DEVELOPMENT

The initial application proposed "Erection of a glasshouse following partial demolition of courtyard walls together with erection of entrance gates and walls and regrading of south lawn following alterations to paved terrace and formation of steps and a plunge pool (Part Retrospective)." Following the submission of the amended plans removing the erection of entrance gates and walls and plunge pool the description of the application was updated to the following: "Erection of a glasshouse following partial demolition of courtyard walls together with regrading of south lawn following alterations to paved terrace and formation of steps (Part Retrospective)."

No alterations are proposed to the access to the site or existing or approved boundary walls and gates as part of the amended application.

An internal courtyard wall that is located perpendicular to Church Road would be demolished and a glass house would be erected in the resulting space. The glass house would have a brick plinth with glazed walls and roof above. The existing boiler flues would be retained at the front of the glass house.

Amended plans have removed the plunge pool and steps from the western side of the rear garden. The amended plans show steps on the eastern side of the garden and the rear garden with grass banks and a central level section that extends east to west.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE02 - Development in Conservation Areas

HE03 - Heritage Assets

QD02 - General Design Principles

Broadstairs and St Peters Neighbourhood Plan

BSP8 - Local Heritage Assets

BSP9 - Design in Broadstairs & St. Peter's

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.

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

- Right of access would be restricted
- Access to neighbouring property
- Highway Safety
- No consultation with neighbours prior to submission
- No assessment of impact upon neighbouring property
- Retrospective works are unclear
- Works have been completed without permission
- Impact upon listed building
- Impact upon conservation area
- Impact upon the character and appearance of the area
- No public benefits
- Accuracy of plans and documents
- Application form has not been amended

Broadstairs and St Peter's Town Council - Updated comments received 06 December 2023

The Committee unanimously recommends OBJECTION due to concerns of access to the neighbouring property and impact on parking.

Updated comments received 08 November 2023

The Committee unanimously recommends REFUSAL on the grounds that the amended plans for the removal of the plunge pool have not been submitted as stated on 2nd October 2023. The Committee also have concerns with regards to the restricted access to neighbouring property.

Initial comments received 03 October 2023

The Committee were unable to make a recommendation as the applicant informed the committee that changes had been made to the application. The applicant was advised to contact Thanet District Council Planning for an amended plans application.

The Broadstairs Society - The Society has a difficulty with this particular application. There have been several applications in the past and the Society has either raised no objection or supported them. The building was in a rotten state and the new owners have been exemplary in restoring the interior as well as improving aspects of the exterior.

Subject to the Conservation Officer's views, the Society is of the view that any building, structure or feature within the curtilage of a Grade II Listed Building is subject to the same strictures as the Grade II Listed Building itself. However, because of the District Council's failure to publish a District - wide strategy in accordance with Policy HE03 the Society believes the 19th Century gazebo that was in the garden has now disappeared.

If a plunge pool was agreed would any new owner be as cavalier with its removal as someone has with the gazebo?

What the owners propose to do with the entrance gates, etc seems acceptable but, again, the Conservation Officer must be consulted.

CONSULTATIONS

TDC Conservation Officer - Bleak House is a Grade II listed iconic property in a prominent location in Broadstairs, as well as being within the Broadstairs Conservation Area.

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

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

This application is for works to the internal grounds at the North elevation of Bleak House as well as hard landscaping proposed for the garden.

To the North of the site is proposed to add in a glass roof over an area that already exists as an internal courtyard within the grounds. No changes are taking place to the boundary wall which will affect the outlook of the site or the setting and appearance of the surrounding conservation area. This is an area of modern construction and as such the additional roof encapsulating the space is acceptable. There is also evidence that a glass house of some form has existed in the grounds previously which further supports this stance.

Within the ground of the site the more contentious plunge pool has been removed from the scheme. Elsewhere, later additional concrete forms have also been removed from the site

and the ground made good with no further elements being added to the garden or landscaping at this stage.

This comment largely focuses on the implication to the listed property itself rather than the setting and appearance of the surrounding conservation area given that the risk is higher to the building itself.

Overall I am satisfied that the proposed application preserves and enhances the setting and appearance of the iconic listed property whilst adapting the building in a way that is subservient to the existing architectural language. As such I do not object to the application submitted and consider it to comply with the aforementioned legislation.

ANALYSIS

This application has been called to Planning Committee by Cllr Bayford for Members to consider the impact of the development upon the character and appearance of the area and access to the neighbouring property.

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 203 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."

An existing wall perpendicular to Church Road and forming an internal courtyard is proposed to be demolished. The submitted statement indicates that this section of the property is an extension to the existing property and the Council's Conservation Officer agrees with this assessment. The removal of this wall would result in the loss of some historic fabric, however as this is an extension to the property the resulting harm is considered to be limited.

The proposed glass house would infill the existing internal courtyard with the western elevation extending along the same line as the wall that is proposed to be removed. The glass house would be constructed with a brick plinth, glass to the western elevation and roof and an aluminium frame. Lead flashings would be used around the glass house and the

existing boiler flues would be retained in the same position. Whilst aluminium is a modern material it would provide a clear distinction between this new addition and the older sections of the property and the proposed design is considered to be in keeping with the age and character of the building.

In the rear garden the amended application includes the removal of part of the existing terrace and the regrading of the garden to form grass slopes. Historic images have been submitted with the amended plans showing grass banks to the rear garden. This evidence indicates that the existing terrace is an addition to the original property and the proposed arrangement would be similar to the historic arrangement. A new rendered wall would be formed along the existing steps on the eastern side of the garden. Given the similarities between the proposed arrangement and the arrangement shown in the historic images, the proposed arrangement is considered to be appropriate for the historic setting.

Other Matters

Concern has been raised regarding the right or access for the neighbouring property. Rights of access are a separate matter that falls outside of the planning system and cannot be considered in the determination of this application, however following the submission of the amended plans no alterations are proposed to the access to the site.

Concern has been raised regarding the quality and accuracy of the submitted documents. The Council considers that sufficient information has been submitted to determine the application.

Concern has been raised regarding the lack of consultation with the neighbouring properties prior to the submission of the application. No consultation is required prior to the submission of this type of planning application.

Concern has been raised that works have been completed without permission. Retrospective applications are considered in the same way as proposed applications.

Concern has been raised that the application form has not been amended. The description of the application has been amended in agreement with the applicant and the amended plans would be conditioned to control the development.

Conclusion

The amended development would result in the loss of some historic fabric through the alteration and demolition of parts of the property, however the areas that this application relates to are not original to the property. The harm resulting from the amended development is considered to be less than substantial. The design of the proposed glass house is considered to be appropriate for the age and character of the building and the alterations to the rear garden would give a similar appearance to the historic arrangement. The public benefits of the development are considered to be limited, however so is the level of harm and therefore this development is considered to comply with the guidance in the National Planning Policy Framework relating to heritage assets and Policies SP36 and HE03 of the Thanet Local Plan.

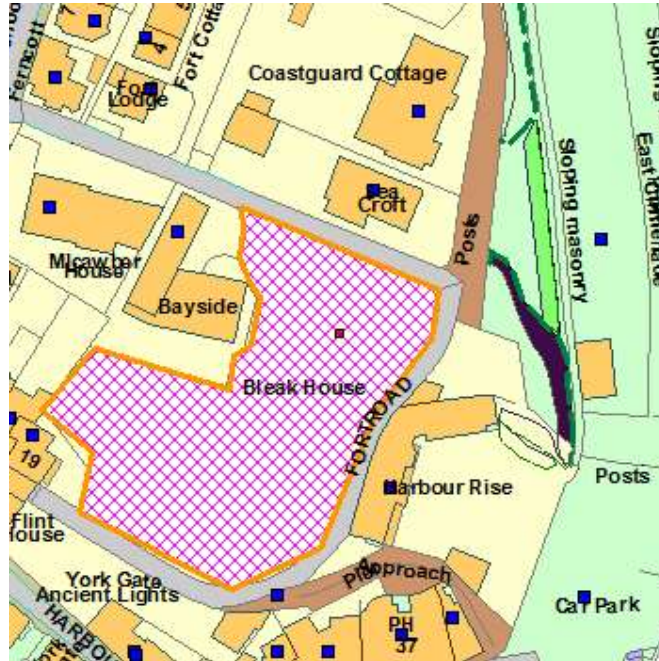
Case Officer
Duncan Fitt

TITLE:

L/TH/23/1248

Project

Bleak House Fort Road BROADSTAIRS Kent CT10 1EY



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A04

FH/TH/23/1469

PROPOSAL: Erection of a disability access ramp together with handrail

LOCATION: 26 Prince Andrew Road BROADSTAIRS Kent CT10 3HD

WARD: Beacon Road

AGENT: Mr Matthew Gerlack

APPLICANT: Thanet District Council Tenant and Leaseholder Service

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 23/632/JG/PR01 Rev A dated 20 November 2023.

GROUND;

To secure the proper development of the area.

INFORMATIVES

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

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

SITE, LOCATION AND DESCRIPTION

26 Prince Andrew Road, Broadstairs is a two storey mid terrace house. There is an existing shared footpath located between 24 and 26 Prince Andrew Road. The property is set back from the road with green open space located between the front gardens and the highway. The property is not a listed building or within a conservation area.

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a disability access ramp together with handrail.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

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

Broadstairs and St Peters Neighbourhood Plan

BSP9 - Design in Broadstairs and St Peters

NOTIFICATIONS

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

No letters of representation were received.

Broadstairs & St Peters Town Council: 06 December 2023 - The Planning Committee of the Town Council has considered this application and has resolved unanimously to make No Comment.

COMMENTS

This application is referred to the Planning Committee as the application is submitted on behalf of Thanet District Council Tenant and Leaseholder Services in connection with a tenant that has a disability and requires the alterations in order to secure the use of their tenancy.

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

Principle

The site comprises an existing dwelling within the urban confines and the principle of the proposed alterations to provide a disability access ramp to an existing dwelling is considered to be acceptable subject to all other material considerations.

Character and Appearance

Paragraph 135 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.

26 Prince Andrew Road is a mid terrace two storey house. There is an existing shared footpath located between 24 and 26 Prince Andrew Road. The property is set back from the road with green open space located between the front gardens and the highway. The property is not a listed building or within a conservation area.

The proposed disability access ramp slab measures approximately 2.4m wide and 1m depth. The access ramp measures 1.1m wide, 6.5m depth. The proposed railings measure approximately 1.2m high.

The proposed access ramp would be visible from the street. However, given the variation in boundary treatments, existing disability ramps and railings within the area and design and materials of the development it is not considered that it will have a significant impact upon the character and appearance of the area to warrant refusal and therefore the proposed development is in line with Local Plan Policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Local Plan policy QD03 (Living Conditions) is also relevant to this application. It states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

It is not considered that the proposed works will cause any significant impact to the amenity of the occupiers of the adjoining properties in terms of loss of light, overlooking or overbearing.

The proposal is, therefore, considered to be acceptable with regards to residential amenity in accordance with Policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

Policy QD02 outlines that new development proposals should 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.

It is not considered that there would be any adverse impact on highway safety or parking in the surrounding area from the proposed development.

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

Conclusion

The proposal would have an acceptable appearance in relation to the host property and the visual amenity of the street scene. It would not result in any harm to existing residential amenities or highway safety or parking. It is therefore considered that the proposal would comply with paragraphs 135 of the NPPF and policies SP35, QD02, QD03 and TP06 of the Thanet Local Plan, BSP9 of the Broadstairs and St Peters Neighbourhood Plan and it is therefore recommended that Members approve the application subject to safeguarding conditions.

Case Officer

Zoe Dobson

Agenda Item 5d

TITLE:

FH/TH/23/1469

Project

26 Prince Andrew Road BROADSTAIRS Kent CT10 3HD



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A05

FH/TH/23/1345

PROPOSAL: Erection of single storey garden annexe to rear of garden following demolition of 2 no. existing outbuildings

LOCATION: 33 Nash Court Gardens MARGATE Kent CT9 4DG

WARD: Salmestone

AGENT: Mr Jason Drew

APPLICANT: Ms Robinson

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 05167_OB02 Rev B, received 09 October 2023.

GROUND;

To secure the proper development of the area.

3 Prior to the construction of the external surfaces of the development hereby approved details 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 details unless otherwise agreed in writing by the Local Planning Authority.

GROUND

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

4 The annexe hereby approved shall be used as ancillary accommodation, incidental to the enjoyment of the main dwellinghouse.

GROUND:

To ensure that an independent residential use is not created that would fall below the Nationally Described Space Standards identified within Policies QD03 and QD04 of the Thanet Local Plan, and to safeguard the character, appearance and pattern of development

of the area, in accordance with Policies QD02 and paragraph 130 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The site consists of a 2-storey semi-detached dwelling. The proposal lies within the rear garden of the dwelling. The site is located to the south of Nash Court Gardens, and backs onto a housing development accessed from Nash Road. There are a number of properties with existing outbuildings to rear gardens on neighbouring sites.

RELEVANT PLANNING HISTORY

No relevant planning history

PROPOSED DEVELOPMENT

The proposal is for the erection of a flat roof outbuilding within the rear garden. The proposed outbuilding measures 6.3m x 5.6m, with a height of 2.8m. The outbuilding will be metal clad to the sides and rear, and vertical composite board clad to the front elevation. The outbuilding will accommodate a double bedroom, en-suite, lounge and dining/kitchen area, with the design and access statement confirming it will be used by an elderly family member.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

QD02 - General Design Principles

QD03 - Living Conditions

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. No letters have been received.

CONSULTATIONS

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

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways

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.

ANALYSIS

The application is brought before members as the applicant is a relative of a Council employee.

Principle

Policy HO23 of the Thanet Local Plan states that proposals to provide an annexe for ancillary accommodation will be permitted where the proposed annexe is:

- Within the curtilage of the principal dwelling and shares its vehicular access;
- Is occupied only in connection with the main dwelling in single family use;
- Is in the same ownership as the main dwelling;
- Designed in such a way as to easily allow the annexe to be used as an integral part of the main dwelling when it is no longer needed for independent occupation;
- Has no boundary demarcation or sub division of the land between the main dwelling and the annexe;
- Of a scale subservient to the principal dwelling and complies with the Council's design policies.

The proposed annexe is located within the rear garden of the application property, and therefore lies within its curtilage. There is no separate access to the outbuilding and it will fall within the same ownership as the application property, with the intention being that the annexe will be lived in by an elderly family member. When no longer required as an annexe for this purpose the outbuilding could be used for any alternative use incidental to the use of the dwelling. The submitted plans show no boundary demarcation or sub-division, and the annexe is modest in scale, with a height of only 2.8m, set within a deep garden.

The principle of the proposed development is therefore considered to comply with Policy HO23 of the Thanet Local Plan.

Character and Appearance

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

The proposed outbuilding is located at the end of the rear garden, and will not therefore be visible from Nash Court Gardens.

To the rear of the site, a housing development has recently been approved. The approved layout plan shows that the area adjacent to the proposed outbuilding will be an access road. It is therefore possible that the outbuilding would be visible above the existing boundary treatment; however, the proposed outbuilding is only 2.8m in height, and therefore it's likely that only the top of the outbuilding will be visible above the boundary treatment, assuming the final boundary will be 2m in height. There are a number of other outbuildings to the rear gardens of properties in Nash Court Gardens, and the proposed outbuilding will replace two existing outbuildings. The proposed outbuilding will therefore be in keeping with the existing character of the area.

A tree exists to the rear of no.35 Nash Court Gardens, and the plan for the neighbouring development suggests that a small corner of the proposed outbuilding could fall within the root protection zone of the tree. However, there are two existing outbuildings in the position of the proposed outbuilding, and therefore it's unlikely that the proposed outbuilding will have any greater impact than existing.

The impact on the character and appearance of the area is therefore considered to be acceptable, and in accordance with Policy QD02 of the Thanet Local Plan.

Living Conditions

Policy QD03 of the Thanet Local Plan states that 'all new development should be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure; be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04; include the provision of private or shared external amenity space/play space, where possible; provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass'.

The proposed outbuilding is single storey, and located at the end of a deep garden, and therefore will have no impact upon light to, outlook from, or privacy of the existing properties in Nash Court Gardens.

For the development to the rear the proposed outbuilding lies adjacent to a new access road rather than any proposed dwellings, and therefore given its single storey height and the distance to the nearest neighbouring window within the extant scheme, the impact upon neighbouring amenity for these future residents is considered to be acceptable.

The proposal is therefore considered to comply with Policy QD03 of the Thanet Local Plan.

Conclusion

The impact upon visual and neighbouring amenity is considered to be acceptable, and therefore it is recommended that Members approve the application subject to safeguarding conditions.

Case Officer
Tanya Carr

Agenda Item 5e

TITLE:

FH/TH/23/1345

Project

33 Nash Court Gardens MARGATE Kent CT9 4DG



D06

OL/TH/22/0499

PROPOSAL: Outline application for the erection of 4No detached 4 bed dwellings including access, layout and landscaping

LOCATION: Land On The East Side Of Tivoli Park Avenue MARGATE Kent

WARD: Salmestone

AGENT: Ms Clare Wright

APPLICANT: Mssrs. E & D Biela & Watts

RECOMMENDATION: Defer & Delegate

Defer and delegate the application for approval, subject to the submission of a signed legal agreement securing the land transfer to KCC and the highways and SAMM contribution, and the following conditions:

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

GROUND;

As no such details have been submitted.

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

GROUND;

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

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

GROUND;

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

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

GROUND;

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

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

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

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

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

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

a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;

b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;

c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

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

GROUND:

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

6 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.

7 Intrusive Investigation

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

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

Human health;

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

Adjoining land;

Ground waters and surface waters;

Ecological systems;

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

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

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

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

GROUND

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

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

GROUND

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

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

GROUND

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

10 The 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.

11 The area shown on the approved plan numbered (2-)02 Rev B 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

12 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. (2-)02 Rev B shall be provided and thereafter maintained.

GROUND

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

13 Prior to the commencement of any development on site, details to include the precautionary mitigation measures for bats, badgers, hedgehogs, and nesting birds set out in Section 11 of the Ecological Impact Assessment, along with the following, shall be submitted to, and approved in writing 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.

14 Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto the highway, as shown on the approved plan numbered (2-)02 Rev B should be completed and made operational.

GROUND

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

15 The gradient of the access hereby approved shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

GROUND

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

16 Prior to the first occupation of the development hereby approved, visibility splays of 2.4m x 33m to the west, and 2.4m x 30m to the east, shall be provided to the access on to Tivoli Park Avenue as shown on the approved plan no. (2-)02 Rev B, 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.

17 Prior to the first occupation of the development hereby permitted, a pedestrian footway into the site, as shown on the approved plan numbered (2-)02 Rev B, shall be provided and thereafter maintained.

GROUND

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

18 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 SE05 of the Thanet Local Plan and the advice as contained within the NPPF

19 Prior to the commencement of development hereby permitted, a Method Statement for the removal of the existing abutment wall structure and construction of any slope abutting the highway, shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved method statement.

GROUND:

In the interests of highway safety.

20 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 (which shall be based upon the landscape strategy numbered 0132/21/B/1A, and shall include a minimum of 6no. replacement trees);
- the treatment proposed for all hard surfaced areas beyond the limits of the highway (which shall be based upon the landscape strategy numbered 0132/21/B/1A);
- walls, fences, other means of enclosure proposed;
- ecological enhancements to be provided within the site (which shall be based upon the landscape strategy numbered 0132/21/B/1A, and the ecological enhancements set out within section 12 of the Ecological Impact Assessment;

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.

21 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

22 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

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 in the location shown on the submitted tree protection plan numbered L875TPP. 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 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
- d) Follows the precautionary mitigation measures set out in Section 11 of the Ecological Impact Assessment, and the recommendations within the Bat Conservation Trust's Bats and Lighting in the UK guidance.

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.

25 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

26 The development hereby approved shall be carried out in accordance with the submitted drawings numbered (2-)02 Rev B, received 08 January 2024.

GROUND;

To secure the proper development of the area.

INFORMATIVES

Thanet District Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and

businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

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

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

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

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

SITE, LOCATION AND DESCRIPTION

The site is located to the north of Tivoli Park Avenue, close to the junction with Tivoli Road. To the west of the site is open amenity land, adjacent to which is Margate Lawn Tennis Club. Opposite the site is a wooded area within Hartsdown Park, and allotment gardens. Within Tivoli Road, properties are predominantly terraced and 2-storey in height, with some evidence of 3-storey properties and detached dwellings further along the road.

The site is undeveloped land, and is occupied by a number of trees, some of which are covered by a Tree Preservation Order (to the front and eastern side boundary of the site). The site has been cleared in the past and a number of trees removed, which were not protected. Adjacent to the site to the west is a footpath that leads through to Tivoli Play Area. To the north of the site is the embankment of the disused railway.

RELEVANT PLANNING HISTORY

No relevant planning history

PROPOSED DEVELOPMENT

The application is in outline form, for the consideration of access, layout, and landscaping only, for 4no. detached 4-bed dwellings. The access is located to the south of the site onto Tivoli Park Avenue. The four detached dwellings are located to the centre of the site. Each dwelling is provided with two parking spaces, and an additional visitor parking space is provided. Landscaping is provided in the form of new tree and hedge planting around the site, and nine of the TPO trees are being retained. Part of the site is being offered to KCC for off site highway improvement works to the Tivoli Park Avenue/Tivoli Road junction, required under the Thanet Transport Strategy.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP45 - Transport Infrastructure
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
CC02 - Surface Water Management
SE04 - Groundwater Protection
SE05 - Air Quality
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

- Access will cause highway safety concern,
- Lack of parking,
- Loss of green spaces,
- Loss of trees,
- Impact on wildlife,
- Increased flooding due to history of flooding in the area and increased hard surfacing,
- Doesn't provide affordable housing,

- Ecology report is out of date,
- Impact on foraging bats,
- Very few woodlands remaining in Thanet,
- Restrictive covenant on site when sold stating it should be used for recreational use only,
- No details on how waste water will be dealt with.

CONSULTATIONS

KCC Highways and Transportation -

(Final Comment)

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

Further to my previous comments, a plan has now been submitted demonstrating the extent of the highway boundary, and I am satisfied that the applicants land fully abuts highway land. Our main concern with this application was how the proposed highway improvements on Tivoli Road (a component of the Thanet Transport Strategy) could either be implemented by this application, or how land that falls under the applicants ownership could be safeguarded to ensure the proposed highway improvements can be implemented at a later date. As such the applicant is proposing to safeguard the land required by Kent County Council, so that it will be available at such time the Tivoli Road highway improvements come forward. A plan has been submitted within the Technical Note that demonstrates the land to be offered to KCC.

Should the Local Planning Authority be minded to approve this application, this land will need to be secured via S106 Agreement according to the extents shown on the indicative plans. The costs of drawing up the required S106 would also need to be covered by the applicant.

The applicant will be required to contribute towards the proposed highway works at this junction, which forms part of the Thanet Transport Strategy. We have had an indicative costing from our Highway Improvements team, which estimates the works to be in the region of £7000, which should be secured through a Section 106 Agreement and Index Linked. The indicative road improvements shown on the submitted plans would provide an improvement to the free flow of traffic movements on Tivoli Road and will facilitate the opportunity for the Local Highway Authority to review local traffic routing arrangements in the future, which is a key component of the Thanet Transport Strategy. A pedestrian crossing across Tivoli Park Avenue is also shown, which will improve pedestrian safety close to the nearby primary school.

Prior to any works being undertaken to remove the existing bridge structure, and to ensure that the applicants land that will abut the highway has been constructed to an appropriate standard, the applicant will need to seek Technical Approval from our Structures team. Annotations on the submitted drawing 19/055-134 Rev O indicate that the slope adjacent to highway land will be no higher than 1.44m within 3.66m of the highway, and this is

acceptable. However our Structures team will need to review this and approve a Method Statement prior to any works commencing. I am satisfied that this can be covered by either a condition or planning obligation.

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.

(Initial Comment)

Thank you for your consultation in relation to the above planning application. Kent County Council as the local highway authority (LHA) has the following comments to make with respect to highway matters.

This application site has been subject to pre-planning application dialogue with the LHA, however the development proposals subject to this application differs to those considered during the pre-application process.

Whilst the LHA is satisfied with the principle of the proposals and the proposed development scale is limited, the site is in a traffic sensitive part of the local road network and as such it would not be unreasonable for proportionate highway-based mitigation to be sought either through the provision of highway mitigation works, or land (and associated site accommodation works) to facilitate future highway improvements.

The indicative road improvements shown on the submitted plans would provide an improvement to the free flow of traffic movements on Tivoli Road and will facilitate the opportunity for the LHA to review local traffic routing arrangements in the future, which is a key component of the Thanet Transport Strategy. A pedestrian crossing across Tivoli Park Avenue is also shown, which will improve pedestrian safety close to the nearby primary school.

As stated above, the submitted development proposals differ to those previously discussed with the applicant, as such it is not clear from the documentation whether the geometrical alterations to the surrounding highway actually form part of this application. Whilst the indicated highway geometry is largely consistent with that discussed during pre-application process, the submitted drawings lack the required detail to fully assess what is included within the proposals and the supplementary literature provides no further clarity.

If the highway layout improvements do not form part of the application proposals, then the LHA would require an option agreement on the land that has been identified for the highway alterations, to be included as a prerequisite to any potential planning consent. A revised layout plan would also need to be produced to demonstrate how acceptable access arrangements can be achieved in relation to the existing highway geometry.

It is relevant to note that there appears to be some inconsistency between the proposed highway improvements and the current red line boundary, which indicates that some of the highway improvements would be within the curtilage of No 84 Tivoli Road. Therefore further clarification is required.

Other points the applicant needs to address are as follows:

Visibility splays of 2.4m x 43m would be required for the new access, drawn to the nearside carriageway edge

Plans demonstrating tracking for a 13m long refuse vehicle will need to be submitted to demonstrate that a vehicle of this length can access the site and enter and exit in a forward gear. However, refuse collection details have not been clarified in the submitted documents, and if a roadside collection is preferred then there is a maximum drag distance of 30m for residents and 25m for refuse operatives that the applicant must take into account.

Currently there is an illuminated road sign in the location of the proposed new access, which has not been indicated on the submitted plans. Dependant on clarification of the highway improvements here, this may need to be re-sited, at the applicants expense.

Tracking should also be demonstrated for the most northerly plot, to show that a family size car can access the parking spaces as currently demonstrated.

Bicycle storage would be required for each dwelling, at a ratio of one space per bedroom.

One electric vehicle charging point is required for each dwelling.

The LHA recommends that applicant seeks a Transport Consultancy resource to assist with this application, as further detailed drawings and a short supporting Transport Statement may be required to provide the necessary clarity in relation to highway matters.

The LHA would be grateful to receive any amended plans or additional information for my further consideration.

KCC Biodiversity - We have reviewed the ecological information submitted as part of this planning application and we advise that sufficient information has been provided to determine the application.

Designated Sites

With the exception of recreational pressure, we are satisfied that due to the distance of the proposed development site from the designated sites and the types of habitats within the site we are satisfied that the proposal is unlikely to result in a significant impact on the designated sites.

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA), Special Areas of Conservation (SAC) and Ramsar Site. Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

Habitat of Principle Importance

Prior to 2019's Preliminary Ecological Assessment (PEA) of the proposed site, some of the broadleaved woodland was cleared, which MAGIC maps search revealed is likely to be a habitat of principle importance. Impacts to habitats of principal importance / BAP priority habitats are: "Capable of being a material consideration in the...making of planning decisions."

(Paragraph 84, Government Circular (ODPM 06/2005)). We advise that the vegetation clearance resulted in a direct loss of priority habitat and could have resulted in a breach of wildlife legislation. We advise that the works should not have taken place in advance of any planning application.

We acknowledge that the current plans show some of the remaining woodland on the red line boundary are to be retained and the embankment in the northern part of the site to be enhanced through additional planting. We recommend that no more trees than necessary for the highway's works be removed from this priority habitat and the retained and enhanced habitat is actively managed.

Under the current designs, the remaining trees on the western red line boundary framing the gardens may create shade, their roots may cause issues with foundations, and a health and safety aspect needs to be considered. These are all potential reasons why future residents may want to have them removed/pruned so these need to consider the presence of the trees in terms of final designs and ensure that there will not be a subsequent removal of whole trees or excessively pruning/pruning of large branches by future residents. Final designs also need to ensure that areas being retained as trees/shrub habitat do not get absorbed into the garden space and that these are managed appropriately and can be accessed for maintenance.

Bats

Surveys of the remaining trees on the site have low suitability for roosting bats due to thick ivy on the stems. The Bat Conservation Trust's guidance for low roosting suitability has been followed, where no follow up surveys are necessary but precautionary measures when removing trees have been recommended in Section 11 of the Ecological Impact Assessment (EclA). These need to be implemented during tree clearance works and incorporated in the

Construction Management Plan.

We understand that the retention of the wooded embankment and trees along the borders may provide suitable foraging and commuting opportunities if bats are in the area. However, future lighting from the proposed dwellings may impact on bats foraging and commuting. Currently there is no lighting plan or information submitted with the application and therefore if bats are present foraging/commuting within the site there is a risk that any lighting may have a negative impact. However, precautionary mitigation to minimise impacts of external lighting on bats is included in the EclA (Section 11). We recommend that details of the lighting are submitted as a condition of planning permission and are submitted as part of the reserved matters application. They must be designed to follow the precautionary

mitigation set out in the EclA and the recommendations within the Bat Conservation Trust's Bats and Lighting in the UK guidance.

Mammals

The surveys documented in the EclA state that there were no records or signs of badgers on site. Whilst the presence of badgers is unlikely, it cannot be ruled out. The EclA has set out precautionary mitigation for badgers in Section 11 and we recommend that if planning permission is granted measures these precautionary mitigation measures are incorporated in the Construction Management Plan.

Also, hedgehogs may be sheltering and foraging on site due to suitable habitat. We are satisfied that the proposed development will not significantly impact on local hedgehog populations. The EclA has provided precautionary mitigation for hedgehogs and, as with the badger precautionary measures, should planning permission be granted these should be incorporated into the Construction Management Plan.

Nesting birds

It has been identified in the EclA that the trees and shrubs on site offer suitable habitat for breeding birds. All breeding birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and therefore we advise that if planning permission is granted, precautionary measures will need to be implemented to avoid impacting nesting birds and their young. The EclA has provided precautionary mitigation for nesting birds and, should planning permission be granted, these should be incorporated into the Construction Management Plan.

Ecological Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". Many ecological enhancements have been suggested in the EclA and drafted into the Landscaping Detail. These include native tree and shrub planting along borders and wooded embankment, nectar-rich flower planting for invertebrates, log piles for invertebrates, small mammals and birds, integrated bat and bird boxes in buildings and boxes on trees. Suggested wording at the end of the report.

KCC Archaeology -

Archaeological Potential

Thanet is rich in archaeological remains, it's location at the gateway for the movement of peoples to and from the continental mainland has left rich, complex and often unique evidence of our past from prehistoric times to the present. Extensive buried archaeological landscapes can be seen in the fields of Thanet from the evidence of aerial photography and significant archaeological remains are regularly being encountered during investigations across the Isle.

The proposed development site lies in an area with significant archaeological potential. Extensive archaeological remains can be seen as cropmarks in the fields to the south of Hartsdown Academy including a number of ring ditches representing Bronze Age funerary monuments. Excavations at the Hartsdown Football Ground revealed significant Iron Age remains (amongst others) and the camber of a Roman road may cross Tivoli Park to the west of the present site. The remains of a possible Roman villa have been found to the north west on Tivoli Park Avenue.

Potential Impact

The development has been partially developed in the past through the embankment of the former railway that survives in its northern part. The remaining area in the south of the site has been less affected and mostly shown as open space albeit with some degree of landscaping and tree planting. New groundworks associated with development within this area could potentially affect significant archaeological remains given the potential of the area.

Recommendation

Given the above I do not raise an objection to the proposed development but recommend that provision is made in any forthcoming consent for archaeological evaluation to be followed by mitigation and / or further investigation as appropriate.

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

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme. - Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

TDC Environmental Health - Thanks for consulting Environmental Health on the above application and we offer the following comments and recommended conditions. Given the

proximity of the site at the disused railway line and possibility of contamination a contamination assessment is required at outline stage.

COMMENTS

The application is brought before members following a call in by Cllr Farrance (previous ward councillor), and Cllr Garner, to enable members to consider the impact upon ecology, loss of trees and potential for overdevelopment.

Principle

The Council has achieved a measurement of 73% for housing delivery against the identified housing targets in the 2022 Housing Delivery test results, which falls below the requirements set by the government under paragraph 79 and footnote 8 of paragraph 11 of the National Planning Policy Framework (NPPF). On this basis the Council are in presumption under paragraph 11 of the NPPF, which means when considering the planning application, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused".

The proposal is for the erection of 4no. dwellings on land within the urban confines. Policy HO1 of the Thanet Local Plan permits new housing on non-allocated sites within the urban confines, and Policy SP01 states that the primary focus for new housing is the district's urban area. The site is not covered by any allocation policies. The principle of development is therefore considered to be acceptable, subject to other material considerations.

Character and Appearance

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

The application is in outline form only, with consideration of the access, layout, and landscaping. The matters of scale and external appearance have been reserved for future consideration, although a section plan has been submitted showing the potential scale of the proposed dwellings, but the agent has confirmed that this plan is not for consideration.

The proposed layout plan shows a new vehicular access provided onto Tivoli Park Avenue, with the provision of four detached dwellings. Each dwelling is provided with a rear garden and two off street car parking spaces, with one additional space provided for visitors.

The site is currently open space. It was originally council owned, but has since been sold at auction. The site has no allocation within the Thanet Local Plan, so whilst it constitutes open green space it is not allocated as 'open space' or 'local green space' within the Thanet Local Plan, and therefore there is no formal protection of this space. The loss of the open space can therefore only be considered under Policy QD02 in terms of the impact it would have upon the character and appearance of the area.

Protected Trees

The site was originally covered by a number of trees, but these were not covered by a Tree Preservation Order (TPO). A number of trees have been removed from the site, which did not require permission. The remaining trees have been assessed by the Council's Arboricultural Officer, and a TPO was placed on a number of trees along the southern and eastern boundary of the site in Tivoli Park Avenue and Tivoli Road.

An Arboricultural Assessment has been submitted with the application that considers the condition of the remaining trees on the site. No category 'A' trees are identified and only 5no. category 'B' trees are identified. The remaining trees are either category 'C' or unclassified.

The proposal provides a new vehicular access into the site from Tivoli Park Avenue, which affects the trees on the southern boundary, requiring removal of trees in the location of the access, and works to the trees where they fall within the visibility splays to the access. In addition, KCC requires part of the site for off-site highway improvement works, which will impact upon the TPO trees located closest to the highway. The Arboricultural Assessment takes into account both the proposed development and the required highway works, and identifies the trees that would need to be removed as a result. Of the five category 'B' trees only one tree would need to be removed, which is in the location of the proposed highway improvement works, which would need to take place whether or not this application were approved. Of the 15no. trees covered by a TPO, nine of the trees would be retained. Six trees would need to be removed as a result of the proposed access and highway improvement works.

The Council's Arboricultural Officer has been consulted, whose advised that whilst collectively the trees make a significant contribution to the character of the immediate area and local visual amenity, from previous site visits he knows that as individuals, many of the trees are in poor condition, and most have grown up in close proximity with each other (particularly along the Tivoli Park Avenue boundary) resulting in suppressed and unbalanced canopies, structurally reliant on the shelter of their neighbours. He advises that selecting individual trees for retention from within such tight groups is rarely successful, and therefore some of those currently proposed for retention is optimistic (e.g. two mature Sycamore trees, T's 15 & 16, from the line along the front boundary, and Sycamore T25 - all have unbalanced canopies).

The Arboricultural Officer advises that if the principle of development is acceptable for this site, at the density proposed, significant numbers of trees will need to be removed, both to facilitate construction and to provide acceptable conditions (light, proximity and as a result of increased site occupation or "target"), and the tree report represents a reasonable assessment and proposal. He states that there would be scope for new/replacement planting

as suggested by the Landscape Strategy plan, but it is difficult to get new planting established beneath existing trees (shade/root competition), which could result in further justification for extensive removals.

The removal of the trees will result in environmental harm, but this needs to be balanced against any benefits of the proposed scheme.

Impact on visual amenity of the area

The site is not allocated for housing, but there is a need for housing within the district, and therefore the provision of new housing on the site will result in social and economic benefits for the area. The applicant has previously sought pre-application advice for a much higher number of units, including flat development, but following planning officer advice in which they were advised about the concerns regarding tree loss and the character of the area, this application has been submitted which is in low density form for the provision of only 4no. detached dwellings. Given the location of trees on the boundary of the site, the layout of the proposed development provides for housing to the centre of the site, which prevents street frontage development. The surrounding area is predominantly characterised by 2-3 storey terraced units, with a few detached units also identified. The proposed development would not comply with this surrounding pattern of development, but this is not a concern as the site is unique in its character, being located adjacent to open amenity space and Margate Lawn Tennis Club, and opposite a wooded area within Hartsdown Park and allotment gardens. Therefore any development on the site would need to be low density to act as a transition site from the higher density terraces within Tivoli Road to the open space surrounding the site. The loss of the space itself is not considered to be detrimental to the character of the area, given the extent of open space remaining adjacent to and opposite the site, but the retention of trees and the soft landscaped appearance of the site is considered to be an important characteristic of the site, which should remain. The provision of only four detached units within the site, where there is spacing between the units, and opportunity for new landscaping to enhance and reinforce the existing landscape, is considered to be an acceptable approach for the site.

The proposed footprint of the dwellings are modest in size, and are expected to be 2-3 storey in height, subject to their design, which has been reserved. They are each provided with garden space to the rear, and space to the front for refuse/cycle storage. In terms of parking, a parking court is located opposite the proposed dwellings, served from the internal access road. Further information has been sought regarding the hard surfacing material within the site and proposed landscaping, and a revised landscaping plan has been submitted. The plan shows that the access road will be constructed using grasscrete. The parking areas and footpath are not clear at this stage, but based upon the key within the plan are expected to be paving. The soft landscaping includes new tree and hedge planting along the southern and western boundary of the site, which includes native and flower rich species; ornamental shrubs and bulbs to amenity areas; new tree planting on the corner of the site to create a 'wooded feel' within a dense landscape buffer at a depth of 6-10m, with a double mixed row of mixed native hedge. The new planting will enhance the site and enable its character as a previously wooded site similar to that opposite to be maintained alongside the new housing proposed. The planting is therefore considered to help mitigate the harm

resulting from the loss of TPO trees and integrate the housing development into the visual context of the site.

The proposed layout and landscaping is therefore considered to be acceptable, and in accordance with Policy QD02 of the Thanet Local Plan.

Living Conditions

Policy QD03 of the Thanet Local Plan states that 'all new development should be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure; be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04; include the provision of private or shared external amenity space/play space, where possible; 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 site is located a minimum of 30m from the nearest neighbouring residential property, and as such there is not considered to be any impact upon neighbouring light, outlook or privacy, or any noise disturbance.

In terms of the future occupiers of the development, the units are stated on the plan as measuring 120sqm each, which would meet the nationally described space standard for a 4-bed 7-person 2-storey dwelling, or a 4-bed 6-person 3-storey dwelling. The proposal for 4-bed units would therefore comply with Policy SP29 of the Thanet Local Plan.

Each property is provided with a garden measuring 9-10m in depth, which achieves acceptable doorstep playspace, in accordance with Policies QD03 and G104 of the Thanet Local Plan. The gardens are not in overly close proximity to existing or proposed trees, and therefore significant shadowing of the gardens is not considered likely to result in unacceptable living conditions being created.

In terms of waste collection, each property would be provided with space to the front for refuse storage, which will be collected by a private waste company.

The impact upon existing and future residents is therefore considered to be acceptable, and in accordance with Policy QD03 of the Thanet Local Plan.

Transportation

The application proposes a new vehicular access into the site from Tivoli Park Avenue, and parking in the form of 2no. spaces per dwelling, with an additional visitor parking space.

KCC Highways originally raised concerns that visibility splays for the access of 2.4m x 43m had not been evidenced, along with tracking for a 13m long refuse vehicle, showing that it could turn within the site and exit in a forward gear. Other issues included the need for

electric vehicle charging, cycle storage and tracking for the parking serving the unit to the north.

A transport technical note has been submitted in response, along with associated plans and a road safety audit. In terms of the access and visibility splays, the transport note states that a visibility splay of 2.4m x 30m can be achieved to the south east, and the north west a visibility splay of 2.4m x 33m can be achieved. Whilst this falls below the requested requirement of 2.4m x 43m by KCC, this reduction is justified given the location of the access in relation to the junction with Tivoli Road, which will mean that car speeds will be lower in this location due to slowing down for the junction and turning into the road from the junction. KCC has raised no concerns with the proposed visibility splays provided, subject to a safeguarding condition securing them.

A pedestrian crossing has been proposed at the access into the site, with dropped kerbs and tactile paving, which will continue to support pedestrian movement along Tivoli Park Avenue. A pedestrian crossing across Tivoli Park Avenue is also shown as part of the off site highway improvement works, which will improve pedestrian safety close to the nearby primary school.

A road safety audit has been submitted, which has considered the potential impact from vehicles turning into Tivoli Park Avenue from Tivoli Road, and the impact should a car be waiting to turn into the application site. The audit has identified forward visibility of 25m from the junction, which they consider to be adequate to prevent an impact, and as such they advise no mitigation is required. KCC have raised no objections with the safety audit.

In terms of the vehicle tracking, tracking plans have been provided for a 8m long Box Van, a 7.7m long Fire Tender, and a 4.7m long estate car, showing that they can all enter and exit the site in a forward gear. Tracking has not been provided for a 13m long refuse vehicle, as there is not the space available for turning for this length vehicle; but the transport note confirms that the intention is to provide a refuse collection through a private company, which would use the smaller Box Vans that have been demonstrated as able to turn within the site. A condition securing the refuse collection in this form will be required in order to prevent future issues with the Council's Waste and Recycling team. KCC has raised no concerns with the tracking proposed on the basis that a private collection service will be provided.

In terms of other issues, the transport note confirms that each house will be provided with cycle storage and an electric vehicle charging point, in accordance with KCCs requirements.

The proposed access and layout is therefore considered to have an acceptable impact upon highway safety, in accordance with the NPPF.

Highway Improvement Works

The Thanet District Transport Strategy 2015-2031 includes land within the application site as necessary for highway improvement works. Figure 28 within section 9.6.10 identifies the junction of Tivoli Park Avenue and Tivoli Road for improvements in order to reintroduce two-way traffic flow on Tivoli Road. This improvement would help to reduce traffic queuing on Tivoli Road by providing a second lane that would allow vehicles heading towards Margate

Town Centre rather than Victoria traffic lights to gain access rather than queuing in a single lane of traffic with vehicles heading for the traffic lights.

In order to secure these junction improvements, part of the application site to the south and east is required to enable the road widening to take place. The applicant has agreed to offer the land to KCC for this purpose upon commencement of development.

In addition to this, KCC has requested a proportionate financial contribution of £7,000 towards the junction improvement works, which the applicant has also agreed to. This contribution will be secured prior to the first occupation of the development.

Both of these obligations will be secured within the required legal agreement prior to any permission being issued.

In order to secure the road widening, the existing abutment wall, which historically supported the bridge for the railway crossing, will need to be removed. KCC has requested a safeguarding condition requiring the submission of a method statement for its removal and any necessary mitigation for the land behind.

In considering the impact of the proposed development following the highway improvement works, the same visibility splays to the proposed access on Tivoli Park Avenue can be achieved, and therefore the highway improvement works do not impact upon highway safety for the proposed development.

Biodiversity

An Ecological Impact Assessment has been submitted with the application. The assessment has considered the potential for protected species within the site. In terms of bats, no potential roost features were visible, and due to the thick ivy on stems on some of the mature trees, roosting opportunities were considered to be of low suitability. The site is also considered to have moderate suitability habitat for foraging and commuting bats.

Within the assessment the site is considered to have a small amount of suitable habitat for dormice, unsuitable habitat for otters, brown hare, harvest mouse and reptiles, and no signs of badger.

Precautionary mitigation is recommended to avoid the risk of injury to roosting bats within the site, including trees being cut in sections and works to trees ceasing if any evidence of bats are found. Precautionary mitigation is also required for badgers, hedgehogs and nesting birds when clearing vegetation and during construction works.

Enhancement measures are also proposed within the assessment, and subsequent landscaping plan, including the planting of trees and hedgerow, native, flower rich plant species, creation of log piles within the planting areas, and the use of integrated bat and bird boxes.

KCC Biodiversity has been consulted, and advise that sufficient information has been submitted, but they recommend that no more trees than necessary for the highway's works

be removed from this priority habitat and the retained and enhanced habitat be actively managed. They accept the recommendations identified within the assessment, and advise that the precautionary measures recommended be included within a construction management plan condition. They further recommend an external lighting condition.

Subject to these safeguarding conditions the impact upon biodiversity is considered to be acceptable, and in accordance with Policy SP30 of the Thanet Local Plan.

Archaeology

No archaeological assessment has been submitted with the application. KCC Archaeology has been consulted, and advises that the proposed development site lies in an area with significant archaeological potential. Extensive archaeological remains can be seen as cropmarks in the fields to the south of Hartsdown Academy including a number of ring ditches representing Bronze Age funerary monuments. Excavations at the Hartsdown Football Ground revealed significant Iron Age remains (amongst others) and the camber of a roman road may cross Tivoli Park to the west of the present site. The remains of a possible Roman villa have been found to the north west on Tivoli Park Avenue.

Whilst the site has been partially developed in the past through the embankment of the former railway that survives in its northern part. The remaining area in the south of the site has been less affected and mostly shown as open space albeit with some degree of landscaping and tree planting. The proposed groundworks associated with the development within this area could therefore potentially affect significant archaeological remains given the potential of the area. A condition requiring an archaeological evaluation to be carried out, followed by mitigation and/or further investigation as appropriate is therefore recommended. Subject to this safeguarding condition the impact upon archaeology is considered to be acceptable, and in accordance with Policy HE01 of the Thanet Local Plan.

Special Protection Area Mitigation and Appropriate Assessment

European sites are afforded protection under the Conservation and Habitats and Species regulations 2010 (as amended the Habitat Regulations) and there is a duty placed upon the competent authority (in this case TDC) to have regard to the potential impact that any project may have on those sites.

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)', which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. 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) an appropriate assessment for every application proposing an increase in residential units must be undertaken and a financial contribution is required for all additional residential development to contribute to the district wide mitigation strategy. This approach is set out in the Local Plan under Policy SP29 (Strategic Access Management and Monitoring Plan (SAMM)).

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £530 per 4-bed unit, resulting in a total of £2,120. The applicant has agreed to this contribution. As the applicant is the Council, a unilateral undertaking to secure this contribution cannot be submitted, but the contribution can be transferred to the planning department from the housing department prior to the issuing of any planning permission. Subject to this financial contribution being secured, the impact upon the Special Protection Area will have been appropriately mitigated, with the application complying with the habitat regulations. An appropriate assessment has been carried out on this basis.

Other Issues

Drainage

The applicant has advised on the application form that proposed drainage to serve the dwellings will be via a sustainable drainage system using a proposed soakaway. No details of proposed foul drainage have been provided.

Southern Water has been consulted and raise no objections, but advise that a formal application for connection to the public foul sewer should be made.

The impact upon groundwater and flood risk is therefore considered to be acceptable subject to the standard drainage condition.

Contamination

Environmental Health has advised that given the proximity of the site to the disused railway line, and therefore the possibility of contamination, a contamination assessment is required at outline stage.

Covenant

Concerns have been received from neighbouring residents that the principle of developing the land should not be allowed, as there was a covenant attached to the land that prevented future development.

This query has been reviewed by the Council's legal team, who have confirmed that the land was not sold subject to any restrictive covenants.

They've advised that the original conveyance contained a restrictive covenant restricting the use of the land as a public park garden, recreation ground or for allotments; but following investigation it was determined that the covenant was unenforceable, as the covenant appeared to be personal to the original covenantees, who had more than likely ceased to exist due the original covenant being made in 1923.

Furthermore, disposal of the land (application site) was advertised under Section 123 of the Local Government Act 1972, and no representations or objections to the disposal were received at the time. As such, it has been considered that the statutory function under the Act released the Council from its obligations to hold the land as public open space.

Given the above, it is the Council's view that the land has not been sold subject to any restrictive covenants.

In any case, there is case law that shows the presence of a problematic easement would not prevent a planning permission from being issued on the same site, as it is not a material planning consideration.

Conclusion

The site is located within the urban confines, and therefore the principle of development complies with Policy HO1 of the Thanet Local Plan.

The site is not protected open space or local green space, and the proposal retains a number of protected trees along the southern and eastern boundary of the site. The proposal is for a low density scheme of only four detached dwellings, of a scale and size that is likely to appear in keeping with the character and appearance of the area. Substantial landscaping is proposed within the site that will provide ecological enhancements and visual benefit. There are considered to be no impact upon neighbouring amenity or highway safety, and land and a financial contribution of £7,000 is being offered through the application, which will secure necessary off site highway improvements that are sought through the Council's Transport Strategy 2015-2031.

Whilst the proposal will result in the loss of open space and 6no. protected trees on the site, resulting in some environmental harm, the proposal will provide four family dwellings for which there is a need within the district, highway improvements necessary to the Council's transport strategy, and landscape and biodiversity enhancements within the remaining site.

On balance, the proposal is considered to provide a sustainable form of development, and it is therefore recommended that members defer the application for approval, subject to the submission of a signed legal agreement securing the land transfer to KCC, and the highway/SPA contribution.

Case Officer

Emma Fibbens

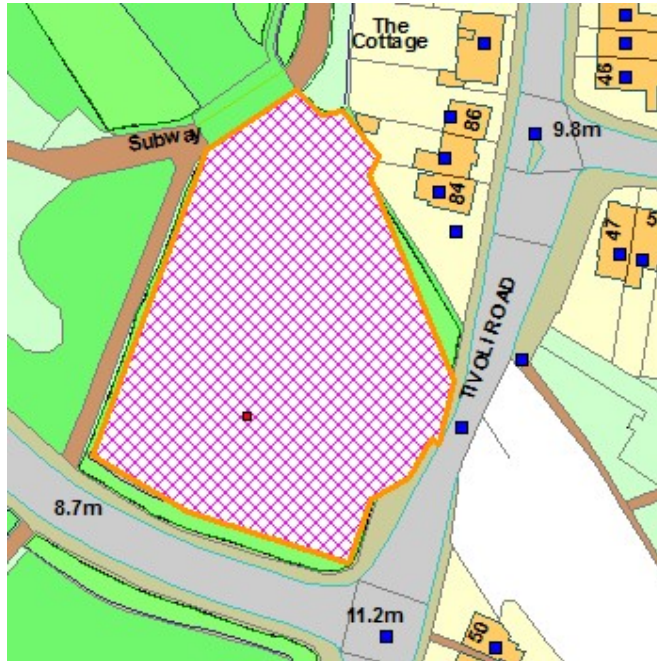
Agenda Item 5f

TITLE:

OL/TH/22/0499

Project

Land On The East Side Of Tivoli Park Avenue MARGATE Kent



D07

F/TH/23/1352

PROPOSAL: Erection of 9No 3-bed and 2No 4-bed two storey dwellings, following demolition of existing garages, together with reconfiguration of parking area, alterations to informal play area and refuse storage space, and landscaping

LOCATION: Land At Staner Court Manston Road RAMSGATE Kent

WARD: Newington

AGENT: Mr R Lemon

APPLICANT: Thanet District Council SHP

RECOMMENDATION: Defer & Delegate

Defer and delegate the application for approval subject to the transfer of the stated financial contributions as set out above to the Planning Department 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 :

1036 Rev P12

Received 18 December 2023

2035 Rev P03

2036 Rev P03

2037 Rev P03

2038 Rev P03

Received 13 October 2023

1120 Rev P06

1121 Rev P06

1122 Rev P06

1123 Rev P06

1124 Rev P06
1125 Rev P06
1126 Rev P06
1127 Rev P06
1128 Rev P06

2070 Rev P06
2071 Rev P06
2072 Rev P06
2073 Rev P06
2074 Rev P06
2075 Rev P06
2076 Rev P06

3030 Rev P06
3031 Rev P06
3032 Rev P06
3033 Rev P06
3034 Rev P06
3035 Rev P06
3036 Rev P06
3037 Rev P06
3038 Rev P06

Received 10 October 2023

GROUND;

To secure the proper development of the area.

3 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Civil Drainage Design Strategy prepared by Pick Everard (22/12/2023) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

4 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

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

GROUND

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

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

GROUND

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

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

GROUND

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

8 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.

9 Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

GROUND

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

10 Prior to the commencement of development hereby permitted, details of the measures to be taken to protect the public sewers shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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.

11 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.

12 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 sit, to include the measures recommended in section 9 of the Preliminary Ecological Appraisal (Lloyd Bore March 2023),
- details of the community garden,
- details of the informal playspace,

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.

13 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 and completed in accordance with a programme of works to be submitted to and approved in writing by 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

14 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

15 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 the mitigation measures as set out within

Appendix D of the Air Quality Assessment, along with the following details:

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

Development 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.

16 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.

17 The area shown on the approved plan numbered 1036 Rev P12 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 dwellings 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

18 Prior to the 1036 Rev P12 of the development, the secure cycle parking facilities, as shown on approved drawing no. 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.

19 The escape road/footpath as shown on the approved plan numbered 1036 Rev P12 shall only be used by vehicles when a fire tender is blocking the main access road. Removable bollards shall be installed at either end of the escape road, which shall only be removed when the escape road is in use by vehicles. The removable bollards shall thereafter be maintained.

GROUND

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

20 The area shown hatched (both existing and new) on the submitted site plan numbered 1036 Rev P12, shall be marked on site prior to the first occupation of the development hereby permitted, and thereafter maintained for emergency vehicles only.

GROUND:

In the interests of public safety by enabling access for fire tender vehicles.

21 Prior to the first occupation of the development hereby permitted, details of a pedestrian crossing point to be provided at the junction of Staner Court and Manston Road, shall be submitted to, and approved in writing by, the Local Planning Authority. The pedestrian crossing point shall be provided prior to the first occupation of the development.

GROUND:

In the interests of pedestrian movement and safety, in accordance with Policy TP02 of the Thanet Local Plan.

22 No further alterations or extensions to the roof of unit numbers 4-7, whether approved by Class 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.

23 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.

24 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.

25 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 SE05 of the Thanet Local Plan and the advice as contained within the NPPF

SITE, LOCATION AND DESCRIPTION

The site is located north of Manston Road. To the west of the site is a recently constructed housing development accommodating 2-4 storey residential development, with a mix of terraces, semi-detached units and flats. To the east and north of the site are semi-detached 2-storey dwellings. Opposite the site is a commercial development 'Flambeau', and Manston Tesco and petrol station. There is a mix of character in the area, with buildings that vary in scale and use. Within the site itself is a 15 storey block of flats to the centre, and three flat roof 3-storey blocks of flats to the front. The remainder of the site provides parking provision and amenity space to serve the units, with the parking consisting of both open bays, and a row of flat roof garages adjacent to the western boundary of the site. To the rear of the site is a substation, and small storage units are also located around the site that serve some existing residents.

RELEVANT PLANNING HISTORY

No relevant planning history.

PROPOSED DEVELOPMENT

The proposal is for the erection of 9No 3-bed and 2No 4-bed two storey dwellings at the rear of the site, and the reconfiguration of the parking area, following the demolition of the existing garages. Additional landscaping is proposed, along with an informal play area to the rear, new planting adjacent to the front boundary, and a new community garden area to the east of the site. An enlarged hatched area for emergency vehicles along with a new additional access for emergency use is provided.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP02 - Implementation
SP13 - Housing Provision
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP23 - Affordable Housing
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP41 - Community Infrastructure
SP43 - Safe and Sustainable Travel
SP45 - Transport Infrastructure
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
CC02 - Surface Water Management
CC04 - Renewable Energy
SE04 - Groundwater Protection
SE05 - Air Quality
SE06 - Noise Pollution
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

- Removing storage for tenants,
- will affect tenants quality of life

- Anti social behaviour from more residents being present,
- Loss of green space for tenants,
- Increased noise disturbance from more families living on site,
- Lack of parking, and concerns regarding the expectation that there is spare on street capacity, causing amenity and safety issues for residents who can't park within the site and are forced to park on street
- Removal of the CCTV outside of flats 108-113
- Formal parking in front of entrance to tower block will impact on access for deliveries and emergency vehicles,
- Impact on residents during construction works,
- Loss of light from development and proposed trees,
- Disabled parking space is a benefit.

CONSULTATIONS

KCC Highways and Transportation -

(Final Comment)

Additional comments have been requested following statutory comments from Kent Fire & Rescue which stated that while the emergency access to the newly proposed houses appears satisfactory, the operational response to an incident at Staner Court is likely to be impeded as a result of the proposal.

A revised plan has been submitted, thus illustrating the retention and expansion of the hatched area to the front of the 15 storey Staner Court building (1-89).

It is noted that the revision of the layout sees an overall reduction of 2 parking spaces across the site, which equates to 62 parking spaces across the site. The current Staner Court provides 40 spaces, with the parking beat survey seeing an additional 7 vehicles parked in the garage parking area. 14 spaces are retained for the new dwellings. In line with, two parking spaces could be lost without objection.

The amendments see the creation of a escape road / footpath to the east of Block A, thus providing an alternative access in the event of a fire or incident.

(Initial Comment)

Thank you for your consultation in relation to the above planning application.

The proposal seeks to provide 11 additional dwellings at Staner Court, following the demolition of existing garages at the site. Staner Court is located approximately 30 metres from the Manston Road / Tesco roundabout whereby a central splitter island is approximately 8 metres west of the access. Double yellow line parking restrictions are present along the B2050 Manston Road for its length west of Meridian Close and Princess Margaret Avenue. Double yellow lines are also present for approximately 25 metres of the access of Staner Court from the junction with Manston Road.

Staner Court currently has four blocks of flats, three of which are 3 storey in height, and one

block housing units 1-89 which is 15 storeys in height. It is understood that Staner Court is currently within the ownership of Thanet District Council and is not adopted by KCC Highways.

At the western parameters of the site are 23 garages which are considered to be under utilised.

The proposal seeks to redevelop this area to provide 11 dwellings where the garages are located and the northern section of the site where there is an area of hardstanding, while reconfiguring the the current parking arrangements.

Car Parking and Site Layout

64 car parking spaces are proposed throughout the site, retaining 50 spaces for the existing Staner Court residents and 14 spaces for the proposed 11 dwellings. All spaces are proposed to be unallocated.

The site currently has 36 parking spaces and 6 accessible spaces for the current flats. There are areas of informal parking within the site which appear to be utilised. To ascertain the car ownership 2011 Census data has been analysed to ascertain that affordable housing has a lower car ownership than outlined in IGN3 parking standards.

4 parking spaces are proposed on either side of the access, where full visibility should be maintained at all times.

Tracking for a 13 metres refuse freighter and a fire tender have been illustrated, which indicates sufficient turning within the site.

I suggest an improved pedestrian crossing with tactile paving is provided at the Staner Court/Manston Road junction. This should be secured by way of a suitable condition, and will be subject to a separate Section 278 Agreement.

Parking Beat Survey

A parking beat survey has been conducted to assess the parking available on the streets surrounding Staner Court at 04:30 on 23 February 2023 and 00:30 on 24 February 2023. The night surveys are considered appropriate to establish when the parking is likely to be most saturated in residential areas.

The survey indicates that spaces are available on Princess Margaret Avenue and Auckland Avenue.

Staner Court - 23 February only 1 bay was unoccupied and 6 additional cars parked not in bays. On 24 February only 2 bays were unoccupied with 6 cars not in bays. This indicates 38-39 parked vehicles for the existing residents.

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.

Kent Fire and Rescue -

(Final Comment)

Thank you for your letter advising of amended plans, dated 19 December 2023, your reference F/TH/23/1352, regarding means of access for the Fire and Rescue Service.

I can confirm that due to the amendments made (Drawing Number 02815-HMY-STA-XX-D-A-1036- Rev P12 Staner Court Rd-Site Plan-Proposed), it is my opinion that the emergency access requirements for the Fire and Rescue Service under the above Act have been met.

Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

(Initial Comment)

The Fire Statement dated 7 July 2023 confirms that Fire appliances will have access to within 45m of all points inside each individual dwelling.

Whilst it is my opinion that the Fire Service emergency access under the above Act to the newly proposed houses appears to be satisfactory, it is my opinion that an operational response to an incident at Staner Court is likely to be impeded as a result of the proposal. In accordance with the County of Kent Act, the proposed new buildings should not render inadequate existing means of access for the Fire Service to a neighbouring building.

KCC SUDs -

(Final Comments)

Kent County Council as Lead Local Flood Authority have reviewed the updated Civil Drainage Design Strategy prepared by Pick Everard (22/12/2023) and would raise no further objections at this stage. We would however raise the following points for consideration at detailed design:

1. For any existing drainage features proposed to be utilised a CCTV survey should be conducted to confirm their presence and condition.

2. We would seek for a full network model of the proposed drainage network to be carried out, using appropriate software. The following items should be considered when undertaking the modelling:

Simulations against the varying storm events that include the 1 or 2, 30 and the 100 year events.

Appropriate application of 'upper end' climate change percentages for both the 30 and 100 year events. The climate change rates to be applied can be found at:

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

The utilisation of the FEH 2022 rainfall dataset where possible. Should FEH not be used, the LLFA would request the M5-60 value is uplifted to 26.25mm.

The outputs as presented should also contain the pipe/ manhole schedule to

illustrate the design modelled through the simulations (the identification of pipes and manholes in the calculations should be reflected on the accompanying drainage layout drawings).

Inclusion of the critical summary events within the outputs.

No surcharging of the network should be experienced for the 1 or 2 year events, unless where unavoidable at features such as flow controls, and no flooding for the 30 year event.

Should the Local Planning Authority be minded to grant planning permission for the proposed development, the LLFA would request for the following conditions to be attached:

(Initial Comment)

Kent County Council as Lead Local Flood Authority have reviewed the Civil Drainage Design Strategy report prepared by Pick Everard (15/08/2023). We understand that surface water will be discharged via three soakaways across the site. We note that infiltration testing has been undertaken and the rates achieved support the use of infiltration at this site. As such we have no objection in principle to the proposals outlined however would require further information at this stage:

1. Section 2.1.4 of the report suggests the site is not located in any source protection zone, however it appears that the site is located within an SPZ 2. As such we would recommend consultation is undertaken with the Environment Agency's groundwater protection team regarding the use of infiltration on this site, and their comments included within the submission.

2. No details regarding pollution mitigation have been provided. With the utilisation of soakaways on site, suitable levels of pollution treatment are required. The LLFA would seek for the CIRIA SuDS Manual guidance to apply, notably Section E Chapter 26. This would require the inclusion of either SuDS features or proprietary treatment to remove pollutants, prior to the soakaway. This is to ensure that groundwater is protected and is of particular importance considering presence of a source protection zone.

3. It is unclear how the road/parking area will be drained. We would expect for this to drain to the soakaways, with sufficient pollution mitigation, and would require confirmation as to whether this is the case.

We would recommend a holding objection until the above points have been addressed.

Southern Water - This Planning Application is located within the Source Protection Zone 2 of our Manston2 groundwater abstraction, near the Source Protection Zone 1. Southern Water do not object to this planning application on the condition that the drainage report is revised to consider the highly sensitive groundwater setting of which the proposed development is located. The proposed soakaway system does not include adequate treatment systems to protect the groundwater quality within this sensitive groundwater location. Consideration of the groundwater flow mechanics is also required to inform upon

the drainage design, and this is currently missing from the Drainage Report and Plan. Southern Water would expect to see enhanced treatment included in the Surface Water design, prior to run-off entering soakaway features, as per the CIRIA C753 SuDS Manual guidance.

The revised drainage design will need to be reviewed and approved by Southern Water to discharge this condition.

It appears that the applicant is proposing to divert a public combined sewer. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act. An application should be made using Southern Water's Get Connected Service at developerservices.southernwater.co.uk

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

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

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

KCC Biodiversity -

We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided. We have taken this view due to a Preliminary Ecological Appraisal having been submitted which concludes limited potential for impacts on protected or priority species. Bat surveys have been completed at the site: no evidence of roosting bats was identified and bat commuting/foraging activity within the site was low. Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

If planning permission is granted, we advise the conditions below are included.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a

defence against prosecution under this Act.

There is limited potential for S41/Priority species hedgehog to occur within the site. Precautionary working methods are advised during construction, to be secured by condition.

Hedgerows and trees to be retained within the site and its boundaries shall be protected during construction in line with standard arboriculture best practice (BS5837:2012). We advise incorporating the above measures into the Construction Management Plan and to secure this as a condition of any planning permission approved.

Artificial lighting has been proven to significantly impact on the behaviour of insects, birds, bats, and other nocturnal mammals. This is relevant to retained vegetation within/bordering a site and any proposed enhancements such as native species landscaping and bat / bird boxes. We advise that the avoidance of increased artificial lighting impacts is secured through provision of a sensitive lighting plan. The Plan should be designed in accordance with National Planning Policy Framework 2023 and the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23'. Suggested wording:

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. Appropriate recommendations for breeding birds and invertebrates are detailed within Section 9 of the PEA report. Confirmation of the number, type and exact location of these features is required. The landscaping plans show a minor increase in greenspace under the proposals around the boundary and built areas. While we welcome the native tree and hedgerow planting scheme, we take the view that there is an unnecessary amount of nonnative shrub planting proposed. As shown by the recently published BSBI Plant Atlas 2020, non-native species now outnumber native species growing in the wild, contributing to widespread decline of insects and associated wildlife. The use of native species planting within developments provides an important opportunity to halt and reverse this trend. Many of the species proposed have negligible biodiversity value and we advise that the scheme is revised to include a higher proportion of native species, and the complete removal of potentially invasive species such as cherry laurel and cotoneaster. We also would prefer to see mixed species hedgerows in place of the single species hornbeam hedgerows proposed, and use of wildflower rich turf in amenity areas. As much of the site will comprise buildings and hardstanding, in order to achieve measurable net gain in accordance with NPPF 2023 we also advise that green walls are included as recommended within the PEA. We advise that a Biodiversity Enhancement Plan is secured by condition, and that the Plan includes revision of the planting scheme and associated documents

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Choose an item. will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying

out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

TDC Environmental Health -

Air Quality

The application has been supported by an air quality assessment which has been reviewed. The report has used appropriate methodology and baseline monitoring to consider operational and construction related air quality impacts. The nearest diffusion tube (TH90) in Meridian Close near Staner Court shows very low baseline levels of pollution 18ug/m3 in 2022. Operational Impacts associated with the development are negligible and construction impacts will require mitigation measures as specified in Appendix D of the report.

Contaminated Land

The application has been supported by Phase 2 land Contamination Assessment which includes intrusive investigation and soil sampling across the development site. The assessment indicates there is a moderate risk for end users exposed to lead and therefore remediation measures are required and the following condition recommended:

Kent Police - We recommend the applicant follows SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme;

1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site and the any parking areas/ courts to the rear of the. These areas must be well lit and covered by natural surveillance from neighbouring properties.
2. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line. I note on the plan that side access gates are shown, is it essential only residents can gain access to this space.
3. We generally advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting - the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
4. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m

rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.

5. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided."

6. Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

7. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2021 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

8. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2021 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

9. Bedroom windows on the ground floor require a defensive treatment, such as prickly planting/ knee railings, to deflect loitering, especially second bedrooms often used by children.

10. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

11. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

12. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats. We advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area and sheds of dwellings.

13. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. For the houses, we recommend SBD TS008. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs

on the ground floor to prevent access to all areas.

14. CCTV is advised for all communal entry points and to cover the mail delivery area.

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

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], North Kent Special Protection Area (SPA). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development. This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

ANALYSIS

The application is brought before Members as Thanet District Council is the land owner and applicant.

Principle

Policy HO1 of the Thanet Local Plan states that permission for new housing development will be granted on non-allocated sites within the confines of the urban area. The site lies within the urban area of Ramsgate, and is previously developed land, currently occupying garages and hard surfacing serving parking space, and as such the principle of housing development on the site is considered to be acceptable, subject to other material considerations.

The policy further requires that all development proposals comply with the relevant requirements of Policy SP14, whilst also demonstrating that adequate infrastructure will be in place to serve each unit.

Character and Appearance

Policy QD02 of the Local Plan outlines that the primary planning aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials and be compatible

with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The application is for the removal of a row of existing garages, and the erection of four blocks of 2-storey dwellings, which include both terraced and semi-detached units. The existing site accommodates a 15 storey block of flats to the centre of the site, and three 3-storey blocks of flats to the front of the site. The proposed dwellings would be located to the rear of the site and to the western side. In addition to the houses, a number of parking areas are proposed around the site to accommodate the replacement and proposed parking.

The proposal will result in the development of open hard surfaced space within the site that is currently poorly utilised. Whilst the proposal will intensify the use of the site, the site is located adjacent to a high density housing development to the west (where terraced units and flat blocks back onto the site), and semi-detached units back onto the eastern boundary of the site from Princess Margaret Avenue, and therefore the proposed housing development for terraced and semi-detached units within the site would appear in keeping with the surrounding pattern of development. The proposed houses are spread out, with sufficient spacing available between each block so to minimise the visual impact. The units are 2-storey in scale, in keeping with the scale of development outside of the site, and smaller in scale than the existing flat blocks within the site, thereby again minimising the dominance of the development.

The proposed development enables the retention of the sub-station, and the replacement of existing parking, whilst also providing 11no. affordable housing units for which there is a need. Each of the houses are of a good size, with garden and defensible space between the front windows and the pavement. Additional soft landscaping is being provided around parking areas and to the sides of the dwellings, which will help to soften the development, especially when compared to the existing situation on site, which is fully hard surfaced. New landscaping is also proposed to the front of the existing flat blocks to the front of the site, and within the community garden and informal playspace, significantly increasing the extent of soft landscape features within the site. As such it's not considered the proposed development would appear cramped within the site, or negatively impact upon visual amenity.

The proposed units have pitched roofs, with double bay features to the front elevations, and deep floor to ceiling windows. The windows have brick detailing above, and a wide entrance is proposed with a door and an adjoining floor to ceiling window. The buildings will be constructed using buff bricks, beige/grey windows frames, and grey tiles. The dwellings differ in design to the existing flat blocks on the site, but this is expected given that the proposal is for smaller dwellings. Whilst they differ they will complement the existing development and the quality of design proposed will seek to enhance the overall appearance of the site. The units will appear in keeping with the character of the surrounding area, with the materials and style of units not dissimilar in appearance to the dwellings on the adjacent housing development to the west.

Overall the layout, design, scale, and appearance of the development is considered to result in a good quality development that achieves optimum use of the site for affordable housing

provision, whilst enhancing and better utilising areas for existing residents. The proposal is therefore considered to comply with Policy QD02 of the Thanet Local Plan.

Living Conditions

Policy QD03 of the Thanet Local Plan states that 'all new development should be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure; be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04; include the provision of private or shared external amenity space/play space, where possible; 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'.

Proposed Block A is located to the rear of no. 51 Meridian Close, which is a flat above a garage block. The main habitable room windows of the flat appear to face towards the proposed Block A, however, there is a distance of 12.8m between the closest proposed unit and the neighbouring flat, and this distance is considered to be acceptable for avoiding a significant impact to neighbouring outlook.

The front windows within Block A face towards the parking area within the site, and there is a distance of 21m from the nearest rear window in Block A and the existing 3-storey block of flats to the front of the site, which is considered to be an acceptable distance to prevent significant overlooking. The impact of Block A upon neighbouring amenity is therefore considered to be acceptable.

Block B is located to the rear of the site, and backs onto properties in King Charles Avenue. The proposed dwellings back onto the parking court serving the units in King Charles Avenue, along with the rear gardens of nos. 12-14. There is a distance of 21m between the proposed rear elevation of Block B and the existing rear elevations of the neighbouring properties, which is considered to be, on balance, acceptable, given the distance achieved and the presence of surrounding properties that would have some views towards the gardens of the neighbouring properties (Staner Court and those in Meridian Way). The front windows to Block B face towards the parking area within the site and therefore raise no concerns. The impact upon neighbouring amenity from Block B is therefore considered to be acceptable.

Block C backs onto the same parking court within King Charles Avenue, and therefore the proposed windows in the rear elevation are not considered to result in any loss of privacy concerns. The front windows within Block C face towards the parking area within the site, and the external open space serving the overall site, which will provide some additional natural surveillance of the space, but no loss of neighbouring amenity. The impact upon neighbouring amenity from Block C is therefore considered to be acceptable.

Block D is setback further than Block C, and backs on to the rear gardens serving nos. 18-20 King Charles Avenue. Through the amended plans the buildings have moved closer to nos. 18-20, in order to accommodate additional parking to the front of the site, however, a

minimum distance of 21m from the proposed first floor rear windows and the nearest corner of no.18 can be achieved, which will limit the impact upon neighbouring privacy.

Block D lies adjacent to the rear boundary of the properties no.54-56 Princess Margaret Avenue. There is a distance of 18.5m between the proposed side elevation of Block D, and the main existing rear elevation of no.54. There is a closer distance of 13m to a single storey projection to the rear of no.54, but again this distance is considered to be acceptable for protecting outlook, and the single storey structure appears to be an extension of the existing garage in any case. In addition a tree is located within the neighbours garden between the single storey projection and proposed Block D, which will screen views of the proposed development. No side windows are proposed Block D meaning no overlooking will occur to no.54. The front windows in Block D face towards the parking area within the site and the external open space serving the overall site, which will provide some additional natural surveillance of the space, but no loss of neighbouring amenity. The impact upon neighbouring amenity from Block D is therefore considered to be acceptable.

Other issues have been raised by existing residents within the site regarding the increase in people living within the site, and the potential impact from additional noise, and anti-social behaviour, and the impact it could have upon their quality of life. It is accepted that a large number of people already live within the site, and this will increase the number further, but the application is only for 11no. dwellings, and therefore given they all have their own amenity space, it is not considered that the future occupiers from these units would have a significant impact upon the quality of life of existing residents.

A number of residents have raised concerns regarding their storage units and whether they will be replaced. If storage units are within the lease of a tenant, then the applicant has advised they will either remain in situ or be replaced in an alternative agreed location. This is being dealt with separately by the Tenant and Leasehold Services team and is not a material planning consideration.

In terms of the impact upon future occupiers, all of the houses are provided with doorstep play space, and therefore the proposal is considered to comply with Policies GI04 and QD03 of the Thanet Local Plan.

All units meet the nationally described space standards as set out within Policy QD04 of the Thanet Local Plan.

There is space to the front of the properties for refuse storage, and tracking plans have been submitted to prove that a 13m long refuse vehicle can enter and leave the site in a forward gear. Waste provision is therefore considered to comply with Policy QD03 of the Thanet Local Plan.

The reconfiguration of the external space within the site has resulted in an overall reduction in external amenity space, but the existing amenity space is currently poorly laid out with few facilities. The proposed layout incorporates an informal play area to the centre of the amenity space with the provision of new benches and tree planting. The plans also indicate the provision of a new community garden within a space to the front of the site that is currently soft landscaped, with the creation of new pedestrian access to the site, along with new

planting. The applicant has advised that the final design of the garden will be determined following further consultation with existing residents. Whilst there has been a loss of external amenity space for existing residents, including to the front and side of existing residential blocks fronting Manston Road, the remaining open space, through the enhancements proposed, is considered to result in an overall improvement to the quality and usability of the external open space, and as such the reduction in external amenity space is not considered to be detrimental to the amenity of residents.

The proposed development is considered to result in an acceptable impact upon amenity for both neighbouring and future occupiers. The proposal is therefore considered to comply with Policies QD03 and QD04 of the Thanet Local Plan.

Transportation

The proposed units will be served from the existing access into the site from Manston Road, which has good visibility, forming a safe access.

Trip Generation

A transport statement has been submitted with the application that considers trip generation from the proposed development. As the site accommodates affordable housing, the trip generation is expected to be lower than for market housing. The assessment shows that the proposal is likely to generate 8 two-way vehicle trips in the AM and 8 two-way trips in the PM peak hours, which is equivalent to one vehicle entering/leaving the network every 8 minutes in the AM and 8 minutes in the PM. As a result the statement confirms that there would be no adverse impact on the network generated by the proposed development. KCC agree with this conclusion and raise no objections to the impact upon the highway network from this proposal.

Parking

The application is removing the existing block of garages and informal car parking space within the site. Consideration has been given in the proposed block plan to both the provision of new parking to serve the new dwellings, in addition to the provision of replacement parking to serve existing residents following the removal of the garages and informal hard surfacing spaces.

There are 40no. parking bays within the site, including 5no. disabled spaces, in addition to the garage block, which provides another 23no. spaces if used for parking and not storage.

A parking beat survey has been submitted as part of the transport statement. The survey looked at existing on-site parking, and on-street parking within the local area. The survey was carried out over a two day period in the early hours of the morning. In both instances all but one or two of the parking bays were occupied within the site, proving the need for the replacement of at least the existing 40no. Bays. In surrounding roads spaces were consistently identified in Princess Margaret Avenue (approximately 41no. spaces) and Auckland Avenue (approximately 10no. spaces).

The proposal provides for 64no. spaces. They are all unallocated but equate to 50no. replacement parking spaces and 14no. spaces to serve the proposed 11no. dwellings. The transport statement considers this provision to be adequate to address the loss of garages and parking bays within the site, and to accommodate the necessary parking provision for the affordable units.

KCC Highways has been consulted and advise that night surveys are the most appropriate as they establish when the parking is likely to be the most saturated in residential areas, and therefore the submitted parking beat surveys are considered to be acceptable. Based on the information provided KCC advise that they are satisfied with the proposed parking provision, but they recommended that a pedestrian crossing with tactile paving be provided at the Staner Court/Manston Road junction. This has not been shown on the plan but has been agreed by the applicant to be provided on site, which can be secured by condition.

Amendments have since been made to the parking arrangement on site following comments by Kent Fire and Rescue, which has reduced the overall number of parking spaces to 62no. (48 replacement spaces and 14no. proposed). KCC have been re-consulted and advise that on the basis the parking beat survey had only identified 40no. parking bays and 7no. garages in use, the provision of 48no. replacement spaces would still accommodate the current need, especially given the capacity for on street parking in the surrounding area. As such, no objections are raised to the parking provision proposed.

Tracking

Tracking plans have been submitted within the transport statement for a 7.9m fire service vehicle, a 13m long refuse vehicle, and a 4x4 vehicle of 4.9m in length. The tracking plans prove that these vehicles can enter and leave the site in a forward gear. KCC Highways has raised no concerns with the proposed tracking.

Fire and Rescue

The originally submitted layout plan showed the provision of parking spaces to the front of Staner Court, and the loss of the hatched area that has previously been used to keep the area to the front of Staner Court clear for fire engines during emergency use.

Kent Fire and Rescue were consulted on the application, and raised concerns on the grounds that an operational response to an incident at Staner Court would be likely to be impeded as a result of the proposal, by affecting the existing access to the tower block.

A meeting took place between the Council and consultees in order to understand the concerns of Kent Fire and Rescue and resolve them. The two issues they raised were that the new parking to the front of the tower block would restrict access by the fire engine, including its ability to get as close as possible to the building, whilst also restricting access for evacuation. They recommended that the spaces to the front be removed and the former hatched area be reinstated and enlarged so that good access to the building could be maintained.

Their further request was for an additional access road to be provided to serve the proposed dwellings to the rear of the site, providing the ability for occupiers in vehicles to leave the site should a fire engine block the main access.

The amended site plan shows both of these amendments. Kent Fire and Rescue have been consulted and advise that on the basis of the amended plans the emergency access requirements for the Fire and Rescue Service under the County of Kent Act 1981 Section 53 have been met.

For the proposed dwellings a Fire Statement has been submitted (dated 7 July 2023), which confirms that Fire appliances will have access to within 45m of all points inside each individual dwelling. Kent Fire and Rescue advise that the impact upon the new dwellings is therefore satisfactory.

The proposed development is therefore considered to have an acceptable impact upon public safety.

Affordable Housing and Mix

Policy SP23 of the Thanet Local Plan requires that for residential development of more than ten units, 30% affordable housing is provided.

The application provides details of the affordable housing need in Ramsgate, and the immediately surrounding area, which consists of:

1 bed - 8 live applications on TDC's housing register in CT12 6HR

2 bed - 2 live applications on TDC's housing register in CT12 6HR

3 bed - 4 live applications on TDC's housing register in CT12 6HR

The overall need as identified on the TDC housing register is:

1-bed - 49%

2-bed - 18.8%

3-bed - 23.9%

4-bed - 6.7%

The proposal is for 100% affordable housing on the site, consisting of 9no. 3-bed houses and 2no. 4-bed houses, which will respond to the current need identified. The proposal will therefore comply with Policy SP23 of the Thanet Local Plan.

An Interim Policy Statement on First Homes provision was adopted by the Council in August 2022. The policy requires that of the affordable housing provision, 70% should be social/affordable rent, 5% should be intermediate housing, and 25% should be first time homes. The applicant is Thanet District Council, and therefore the proposal is for all units to be either social/affordable rent or intermediate, with no first time homes.

Within the Interim Policy Statement a list is provided for when first time homes are not required to be provided, which includes 'developments exclusively for affordable housing, entry-level exception sites, or rural exception sites'. As this site would be exclusively for affordable housing, there would not be a requirement for first time homes, however, there

will need to be a condition that will secure the provision of the 100% affordable housing, as without this the application would not comply with the Interim Policy Statement. On the basis that this condition is applied, which is considered reasonable given that the Council will be providing the affordable housing using grant money that is solely allocated for this purpose, greater weight can be applied to the social benefits of the proposal from the provision of this increased level of affordable housing above the policy requirement.

In terms of the size and type of units, the submitted evidence shows that there is a local need for 3-bed and 4-bed units in the immediate area, and as such the proposal, which provides both of these unit sizes, is considered to comply with Policy SP22 of the Thanet Local Plan.

Ecology

The site is previously developed land, and is hard surfaced. An ecological impact assessment has been submitted with the application that has found no suitable habitat on site for any protected species, and therefore no additional surveys have been recommended. In any case a bat survey report has been submitted with emergence survey results for bats, which indicates that bats are not using any part of the structure for roosting. It also advises that bat sensitive lighting is not required.

KCC Biodiversity has been consulted who advise that sufficient ecological information has been provided, which concludes limited potential for impact upon priority species, no evidence of roosting bats, and only low activity of commuting/foraging bats.

KCC advises there is limited potential for impact to hedgehogs, but recommends that precautionary working measures be taken during construction works.

In terms of ecological enhancements, KCC has advised that they support the new tree and hedge planting, but recommend more native species be introduced in order to increase biodiversity gain. A condition requiring a biodiversity enhancement plan submission, which should include the native species as well as the enhancement measures identified within section 9 of the Preliminary Ecological Appraisal, namely bird boxes and nest bricks.

The proposed development will result in the loss of grass area, but the increase in planting of trees and hedgerow will provide sufficient enhancement to biodiversity assets, and therefore subject to safeguarding conditions, the impact upon biodiversity is considered to be acceptable.

Drainage

A drainage design strategy has been submitted with the application. It states that the site does not lie within a Source Protection Zone, and therefore it is feasible to discharge water via infiltration, and that the site is at low risk of flooding.

Existing drainage on the site is to the existing combined sewer in Staner Road, or to a gravity pipeline that drains through existing soakaways within the site.

The proposed drainage will follow the same route, using the combined sewer and three existing soakaways across the site.

KCC SUDs has been consulted and advise they have no objections to the principle of the proposals, however, the suggestion that the site does not lie within a source protection zone is incorrect, with the site lying within source protection zone 2. As such they advised that the EA should be consulted, and that details of pollution mitigation be provided. Southern Water concur with this advice and have recommended the same.

Revised details have been submitted showing that a stormceptor would be used to separate oil, grease, and sediment from stormwater runoff, which would therefore deal with any pollution during infiltration.

KCC SUDs raise no objections to the additional details, but recommend safeguarding conditions requiring the submission of a sustainable surface water drainage scheme, in addition to details relating to infiltration. Southern Water also raises no objections subject to safeguarding conditions.

The Environment Agency has raised no objections to the proposed drainage strategy, subject to only clean uncontaminated water draining to the surface water system, which can be achieved with the use of the stormceptor.

The impact upon flood risk and water resources is therefore considered to be acceptable subject to conditions, in accordance with Policy CC02 of the Thanet Local Plan.

Special Protection Area Mitigation and Appropriate Assessment

European sites are afforded protection under the Conservation and Habitats and Species regulations 2010 (as amended the Habitat Regulations) and there is a duty placed upon the competent authority (in this case TDC) to have regard to the potential impact that any project may have on those sites.

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)', which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. 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) an appropriate assessment for every application proposing an increase in residential units must be undertaken and a financial contribution is required for all additional residential development to contribute to the district wide mitigation strategy. This approach is set out in the Local Plan under Policy SP29 (Strategic Access Management and Monitoring Plan (SAMM)).

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £202 per 1-bed unit, £320 per 2-bed unit, and £424 per 3-bed units, resulting in a total of £4,876. The applicant has agreed to this contribution. As the applicant is the Council, a unilateral undertaking to secure this contribution cannot be

submitted, but the contribution can be transferred to the planning department from the housing department prior to the issuing of any planning permission. Subject to this financial contribution being secured, the impact upon the Special Protection Area will have been appropriately mitigated, with the application complying with the habitat regulations. An appropriate assessment has been carried out on this basis.

Financial Contributions

KCC has requested the following financial contributions, which totals £97,693.53.

Community Learning and Skills £376.31
Integrated Children's Service £814.55
Libraries £688.93
Adult Social Care £1,989.68
Waste Disposal and Recycling £572
Special Educational Needs and Disabilities Provision £6,158.13
Secondary Education New Build £61,459.09
Secondary Education Land £25,634.84

Thanet District Council are the applicants for the site, with the sole purpose of providing affordable rent housing to meet the needs of residents who are currently on the housing register. The development is being funded by the Council through 55% borrowing, 40% capital receipts, and 5% brownfield grant. The development is not for profit, and will be provided at cost to the Local Authority, with no financial return for at least 21 years, which is the forecast breakeven year. Following this point any revenue generated will go back into the Housing Revenue Account to support future developments. The Council's Finance Manager has confirmed that the payment of any KCC contributions will result in additional borrowing being necessary, which would put pressure on the Housing Revenue Account revenue business plan, which is likely to either stall or require the scaling back of the housing proposed for delivery; however, upon further discussion the applicant has advised that it would be possible to commit to the smaller contribution amounts, which includes everything except the secondary education contribution for both building and land. The secondary education contribution totals £87,093.93, and the applicant has advised that payment of this contribution is likely to take the breakeven year close to 30 years, which is the point at which the scheme becomes unviable due to the financial risk to the Council. The applicant has also advised that the scheme has not yet been out to tender, and there is the possibility that the development costs in reality exceed the provisional figures used, which could again impact upon the payback period.

Government advice is that, where a development does not comply with planning policy for reasons of non-viability, the local planning authority is entitled to take a view on whether there are benefits from the scheme that justify flexibility. Policy SP41 of the Thanet Local Plan requires the provision of contributions towards the provision of new, improved, upgraded or replacement infrastructure and facilities 'where appropriate'.

The proposal will provide 100% affordable housing, for which there is a significant need, and which is set out as a priority within the Council's Corporate Objectives. The applicant has committed to all of the financial contributions other than the secondary school construction,

which would make this not for profit development scheme unviable for the Council. Furthermore, the housing will be delivered within a short timescale, with the delivery expected by December 2025.

On balance, given the benefits of the scheme, and the viability justification provided, the financial contributions offered are considered to be acceptable and in accordance with Policy SP41 of the Thanet Local Plan.

Other Issues

Air Quality

An air quality assessment has been submitted with the application, which advises that the nearest diffusion tube (TH90) in Meridian Close near Staner Court shows very low baseline levels of pollution 18ug/m³ in 2022, and that Operational Impacts associated with the development are negligible. Environmental Health has advised that the report has used appropriate methodology and baseline monitoring to consider operational and construction related air quality impacts.

The report has considered dust effects from construction, with the risk of dust soiling identified as 'Medium Risk', and the risks associated with human health deemed as 'Low Risk'. The dust nuisance can be mitigated through mitigation measures, which have all been listed within Appendix D of the Air Quality Assessment.

Environmental Health has recommended a construction management plan condition that includes the mitigation measures set out within the assessment. Subject to this the impact upon air quality is considered to be acceptable and in accordance with Policy SE05 of the Thanet Local Plan.

Contamination

The application has been supported by a Geo-Environmental Assessment report, which identifies only a low to moderate risk to human health from shallow contamination associated with made ground present on site from previous development, has been submitted. Further works are commended including the submission of a remediation strategy and a piling risk assessment. The Environment Agency has raised no objections subject to safeguarding conditions regarding unsuspected contamination, piling and drainage. Environmental Health has been consulted, and advised that safeguarding conditions requiring the submission of a remediation scheme and verification report to be submitted should be attached, and therefore subject to these conditions being attached, the proposal is considered to comply with Policy SE03 of the Thanet Local Plan.

Fire Safety

The Health and Safety Executive has been consulted on fire risk. They've reviewed the application and have advised that they are content with the fire safety design of the development, and do not consider that the proposed dwellings would pose an obstacle for

fire appliance access to Staner Court. The impact upon public safety is therefore considered to be acceptable.

Conclusion

The site is brownfield land within the urban confines, and the applicant can bring forward housing delivery with 100% affordable housing, which provides significant social and economic benefits.

The proposal will regenerate an area that currently accommodates dilapidated garages and a poor parking layout with unusable spaces. The proposal will re-provide the parking spaces plus provide additional parking to serve the new development, whilst achieving new housing and improved landscaping, along with an informal play area and community garden.

A good quality design is proposed which will appear in keeping with the surrounding pattern of development, whilst enhancing the character and appearance of the area. The impact to highway safety and neighbouring living conditions is considered to be acceptable.

The proposal is therefore considered to result in a sustainable form of development, with significant weight applied to the social, economic and environmental benefits of the proposal, including the provision of 100% affordable housing.

The proposal is therefore considered to comply with the Thanet Local Plan and the NPPF, and it is recommended that members defer and delegate the application for approval subject to the transfer of the financial contributions as set out above to the Planning Department and safeguarding conditions.

Case Officer

Emma Fibbens

D08

F/TH/23/1343

PROPOSAL: Erection of 8No three storey 3-bed semi detached dwellings and 4No three storey 4-bed terraced dwellings, together with associated access, parking and landscaping

LOCATION: Garage Blocks At Tomlin Drive MARGATE Kent

WARD: Dane Valley

AGENT: Mr R Lemon

APPLICANT: Thanet District Council SHP

RECOMMENDATION: Defer & Delegate

Defer and delegate the application for approval subject to the transfer of the required financial contributions as set out above to the Planning Department and 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 1130 Rev P07, 1131 Rev P07, 1132 Rev P07, 1133 Rev P07, 1134 Rev P07, 1135 Rev P07, 2080 Rev P06, 2081 Rev P04, 2085 Rev P06, 2086 Rev P06, 3040 Rev P06, 3043 Rev P06 and 3044 Rev P06 received 09 October 2023, 221510-PEV-TD-00-DG-C-0700 Rev P02, 221510-PEV-TD-00-DG-C-0510 Rev P04, 221510-PEV-TD-00-DG-C-1121 Rev P02, 221510-PEV-TD-00-DG-C-1120 Rev P02 received 11 October 2023, DPLC/TOM/LD001, DPLC/TOM/LD002, DPLC/TOM/LD003, DPLC/TOM/LD004 received 18 October 2023, DPLC/TOM/LD005/A received 08 December 2023, 1045 Rev P15, 1046 Rev P11 and 1047 Rev P09 received 03 January 2024.

GROUND;

To secure the proper development of the area.

3 The development hereby permitted shall be completed in accordance with the submitted landscaping plans DPLC/TOM/LD001, DPLC/TOM/LD002, DPLC/TOM/LD003, DPLC/TOM/LD004 received 18 October 2023 and DPLC/TOM/LD005/A received 08 December 2023

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 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

5 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.

6 All excavations within the existing spread of the trees to be retained shall be carried out manually; using only hand held tools and any roots exposed thereby shall be bridged over in the construction of the foundations.

GROUND

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

7 Prior to the first occupation of the development hereby approved details of the proposed ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority.

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.

8 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.

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

GROUND

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

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

GROUND

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

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

GROUND

To ensure that the 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.

12 The development hereby permitted shall be completed in accordance with the recommendations of the protected and details contained in section 6 of the Lloydbore Ecological Impact Assessment report (March 2023) received 11 October 2023.

GROUND

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

13 No Development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

GROUND

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

14 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

15 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.

16 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.

17 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 SP14 of the Thanet Local Plan and the advice as contained within the NPPF

18 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1045 Rev P15 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.

19 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 (including the mitigation measures set out in Appendix d of the Air Quality Assessment provided within the ES and IAQM Guidance dust from demolition and construction 2014.)
- (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.

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

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.

21 All dwellings hereby approved shall only be occupied to individuals or families who have been nominated by the Council, in accordance with its published allocations policy at the time.

GROUND

To meet the exception criteria that omits the need to provide 25% first homes on development sites exclusively for affordable housing, in accordance with the Council's First

Homes Interim Policy Statement (April 2022), Policy SP23 of the Thanet Local Plan, and the NPPF.

INFORMATIVES

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

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

Please be aware that your project may also require a separate application for Building Control. Information can be found at: <https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

No foul or contaminated drainage shall be discharged from the site into either groundwater or any surface waters, whether direct or via soakaways, shall be approved.

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

A formal application to requisition water infrastructure is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based at Atkins Ltd, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tel 01962 858688) or www.southernwater.co.uk

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

SITE, LOCATION AND DESCRIPTION

The red line of the site includes an area between William Avenue, Tomlin Drive and Broadley Road and currently comprises fifteen three storey blocks of flats containing 42 flats with associated parking, landscaping and amenity areas. The existing flats are constructed from a mixture of red and yellow brick with rendered panels and low pitched roofs. To the north and west of the site is a mixture of similar three storey flat blocks and two storey detached, semi-detached and terraced dwellings with pitched roofs.

The south eastern boundary of the site is shared with open agricultural fields and a small area of woodland towards the northern end of this boundary.

RELEVANT PLANNING HISTORY

F/TH/05/1090 - Erection of pitched roofs to existing three-storey blocks. Granted 13 October 2005

F/TH/04/1321 - Erection of pitched roofs to replace the existing flat roofs. Granted 02 December 2004.

PROPOSED DEVELOPMENT

The proposed development is the erection of 8 three storey three bed semi detached dwellings and 4 three storey four bed terraced dwellings, together with associated access, parking and landscaping.

The dwellings would be located on former garage blocks, clothes drying areas and amenity areas along the south eastern boundary of the site. Three of the pairs of semi-detached dwellings (Blocks A, B and C) would be located in the southern part of the site between the four existing blocks of flats. The four terraced dwellings would be located at the end of the large parking area towards the centre of the site (Block D) and the remaining pair of semi-detached dwellings (Block E) would be located on a triangular grassed area in the north eastern corner of the site.

The dwellings would be constructed from buff brickwork, brown roof tiles, UPVC doors and windows and white rendered bay windows.

The garages that were on the site have previously been demolished and the existing parking courts would be rearranged to provide parking for both existing and the new dwellings.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP01 - Spatial Strategy - Housing
SP13 - Housing Provision

SP14 - General Housing Policy
SP22 - Size and Type of Dwellings
SP23 - Affordable Housing
SP26 - Landscape Character Areas
SP27 - Green Infrastructure
SP29 - Strategic Access Management and Monitoring Plan
SP30 - Biodiversity and Geodiversity Assets
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds
SP35 - Quality Development
SP37 - Climate Change
SP41 - Community Infrastructure
SP43 - Safe and Sustainable Transport
SP44 - Accessible Locations
HO1 - Housing Development
HE01 - Archaeology
GI04 - Amenity Space/Equipped Play
GI06 - Landscaping and Green Infrastructure
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
SE04 - Groundwater Protection Zone
SE05 - Air Quality
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

One letter of support has been received. This letter queried if designated parking spaces would be provided for blue badge holders.

CONSULTATIONS

Environment Agency - We have reviewed the below documents and have the following comments:

o Phase II Geo-Environmental Report Provided by Ecologia (Ref: EES23.024.1, dated 24th August 2023)

It is noted that only drainage plans for Land at Tomlin Drive have been provided and as such these conditions only relate to the phase of development associated with Land at Tomlin Drive and that further documentation is required in regard to the other potential phases of development.

Environment Agency position

We have no objection to the proposed development, subject to the following conditions being included on any permission granted.

Without these conditions we would object in line with Paragraph 174 of the National Planning Policy Framework (NPPF).

Condition: Unsuspected Contamination

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

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.

Condition: Surface Water Drainage

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

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 caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Condition: Piling

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

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 caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Informative(s)

Surface Water Drainage

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system entering after the pollution prevention measures. Appropriate pollution control methods such as trapped gullies and interceptors should be used for drainage from access roads and car parking areas to prevent

hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Foul Drainage

It is understood that foul drainage is to be discharged via mains sewer. This is acceptable in principle, however we would wish to be consulted further should these proposals change.

Piling

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Waste on Site -

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- o excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - o treated materials can be transferred between sites as part of a hub and cluster project
 - o some naturally occurring clean material can be transferred directly between sites
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to:
- o the position statement on the Definition of Waste: Development Industry Code of Practice
 - o The waste management page on GOV.UK

Waste to be taken off-site -

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- o Duty of Care Regulations 1991
- o Hazardous Waste (England and Wales) Regulations 2005
- o Environmental Permitting (England and Wales) Regulations 2016

o The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

KCC Biodiversity - We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided.

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

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

Ecological Mitigation

Suggested condition wording:

From commencement of works (including site clearance), all protected and priority species mitigation will be carried out in accordance with the details contained in section 6 of the Lloydbore Ecological Impact Assessment report (March 2023).

Ecological Enhancement

Suggested condition wording:

Within three months of commencement, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. Details will be based on the measures contained in section 7 of the Lloydbore Ecological Impact Assessment report (March 2023) and include integrated and/or wall-mounted habitat boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long- term and

low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

Thanet and Canterbury SAMMP

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. This would be in line with the Thanet District Council Appropriate Assessment for the site.

KCC Flood and Water Management - The LLFA understand from the report that surface water runoff from the existing development is conveyed to a number of on site soakaways. The drainage proposal to serve the future development is for a continuation of this method for managing surface water flows from impermeable surfaces.

To support the continuation of utilising soakaways, preliminary ground investigations have been undertaken that includes infiltration testing. The results from the testing as contained within table 1 show that from the three locations undertaken that the rates obtained are favourable. We do note however that no locations have been provided of the tests in respect to the proposed soakaway locations and that the tests undertaken were not to the depths of the features designed. In consideration of this, the LLFA would view that further testing would be necessary as part of any detailed design stage. This is to ensure that the locations proposed are suitable.

In addition to the further soakaway testing, the LLFA are aware from the report that the soakaways would be designed to ensure they half drain within 24 hours for a corresponding 10 year rainfall event (Section 5.1). The LLFA would request that the half drain time be extended to include the 30 year return period.

In view of the above, we would request that a pre-commencement (excluding demolition works) detailed design condition is attached to any planning permission. This is to facilitate the undertaking of further testing at the soakaway locations and for full network design and simulations to be created. The wording to this condition and our verification report condition can be found below:

Condition:

No development except for demolition/ site clearance shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can

be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

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

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

Reason:

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

Condition:

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

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework.

KCC Highways - Updated comments received 13 December 2023

Further to my previous response, the applicant has submitted some additional information and plans. They have confirmed there are 42 existing properties within the area that is to be redeveloped.

The applicant states within the Transport Statement (point 5.2.1) that 26 car parking spaces would remain to serve the existing 42 properties on Tomlin Drive, however I can only count 24 spaces on the submitted plans. 22 spaces are to be provided for the 12 new dwellings.

I note the justification for a reduced parking allocation for the site, which demonstrates that the average car ownership for affordable housing is less than for private dwellings and I am content to accept this. The Census 2011 data shows that car ownership for a 3 bedroom house is 0.9 cars is per dwelling, on this basis 8 spaces would be required for the 8 three bedroom properties, and a maximum of 8 spaces for the four bedroom properties (2 vehicles per property). In addition 3 visitor parking spaces would be required to serve the 12 new properties. This makes a total requirement of 19 spaces required and the applicant is proposing 22 spaces.

A parking beat survey was conducted on two weekday nights, one at 4.45am on Thursday 23rd February and the second at 1.00am on the Friday 24th February. This showed that a maximum of 26 cars were parked in the existing parking areas serving the current flats on Tomlin Drive.

As such I am content to accept the parking provision as proposed, and that a potential overspill of one or two vehicles onto the existing highway in this location would not be of detriment to highway safety.

There are other outstanding matters that need to be addressed as follows :

1. Electric Vehicle charging points will be required to serve the new properties. As the parking spaces are to remain unallocated, we normally require 10% active / 90% passive provision. However given the proposed parking layout, this would result in some area's potentially not having EV charging provision in relation to the proposed properties. Given the proposed layout I would look for 4 EV charging spaces to be provided, one for each area where parking has been allocated for the new properties.
2. The drawings demonstrating tracking for refuse vehicles has no scale bar, and unfortunately I am unable to use the scaling facility on Thanet District Councils website.
3. I have been sent a drawing demonstrating pedestrian visibility splays for the three proposed pedestrian accesses onto Broadley Road. The applicant has stated that a mesh fence would used, however at certain angles this too obstructs visibility, I would prefer a low height fence to be provided. In addition the pedestrian access closest to Block E at the northwestern part of the site - the visibility splay passes over the fence line for the rear garden here. This will need to be amended.

Other matters for consideration

4. At present there are Street Lighting columns within the site area proposed for redevelopment that are owned by Kent County Council (KCC). The applicant has stated that Thanet District Council (TDC) will take over ownership of these lighting columns. As such there will be due process to transfer ownership of these assets from KCC to TDC, and I would require a suitably worded condition to ensure this process takes place prior to occupation of the site, should the LPA be minded to approve this application
5. Should planning approval be granted for this site, a robust Construction Management Plan would be required. Having conferred with the KCC District Operations Manager, he would

wish to see all construction traffic using Broadley Road to access the site, so that existing residents are disrupted as little as possible. In addition we would require a pre-commencement highway condition survey to be conducted, to ensure any highway defects resulting from construction traffic can be addressed. We would also require a Temporary Traffic Regulation Order to be implemented on Broadley Road for the construction period. This process can take from 3 months to implemented. All of these points can be addressed as part of the Construction Management Plan, however I wanted to bring these to the attention of the applicant.

Initial comments received 08 November 2023

The proposals are for 8 x 3 bedroom and 4 x 4 bedroom affordable houses to be constructed on land currently used as garages or unutilised green space for existing dwellings on Tomlin Drive.

As part of the development 26 parking spaces are proposed to serve the existing dwellings, along with 22 parking spaces to serve the 12 new dwellings.

A Transport Statement has been submitted and having reviewed this and other documents that have been submitted I have the following comments to make:

I would concur with the trip generation figures, and these are robust as they are based on privately owned dwellings as opposed to affordable housing. These show there would be 1 arrival and 4 departures in the morning peak and 3 arrivals and 1 departure in the evening peak. This would not be classed as having a severe impact on the local highway network and as such is not a reason to object to this application.

To ensure I can accurately assess the proposed new parking allocation, proposed site layout and the parking beat survey that has been conducted to support this application, I do require confirmation of the number of existing dwellings currently served by the existing parking layout. I note that currently there are 45 parking spaces serving these dwellings, and this will be reduced by 19 to 26 spaces. The planning statement states that 37 predominantly redundant garages are to be demolished, some of which has already taken place.

No scale bar has been provided on the drawings demonstrating the tracking - unfortunately I am unable to use the scaling facility on the TDC website.

Lighting - I note some lighting columns will need to be removed, however it is noted that there have been discussions between Kent County Council (KCC) and Thanet District Council (TDC) with regards to TDC potentially taking over control and ownership of these lighting columns, as they are currently sited on private land. Can the applicant please confirm whether a decision has been made on this aspect, as further details and plans may be required should KCC be expected to retain ownership and maintenance of these lighting columns (which KCC are not obliged to as they are on private land).

I note three pedestrian access points are proposed from the site onto Broadley Road, which runs adjacent to the site. I have no objections to this, however I do have concerns with the height of the proposed fence here that will border the site and Broadley Road. At 1.4m this

would obstruct visibility for any pedestrian exiting onto Broadley Road, and this path is often used by cyclists. As such pedestrian visibility splays of 1m x 20m should be provided with no obstruction over 0.6m within these splays. This will enable any pedestrians to view any pedestrians/cyclists using Broadley Road before stepping out on this path, and vice versa.

Kent Police - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

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

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend the applicant follows SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme;

1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site and the any parking areas/ courts to the rear of the. These areas must be well lit and covered by natural surveillance from neighbouring properties.
2. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line. I note on the plan that side access gates are shown, is it essential only residents can gain access to this space.
3. We generally advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting - the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
4. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
5. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can

be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided."

6. Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

7. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2021 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

8. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2021 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

9. Bedroom windows on the ground floor require a defensive treatment, such as prickly planting/ knee railings, to deflect loitering, especially second bedrooms often used by children.

10. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

11. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

12. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats. We advise on the use of ground/ wall SBD or solid secure anchors within the cycle storage area and sheds of dwellings.

13. Mail delivery to meet SBD TS009 is strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. For the houses, we recommend SBD TS008. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

14. CCTV is advised for all communal entry points and to cover the mail delivery area.

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

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

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], North Kent Special Protection Area (SPA). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the

European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

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

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

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

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.

TDC Environmental Health - Air Quality

The application has been supported by an air quality assessment which has been reviewed. The report has used appropriate methodology and baseline monitoring to consider operational and construction related air quality impacts. Operational Impacts are negligible and construction impacts are medium risk and so will require mitigation measures as specified in Appendix D of the report. It is noted that EV charging has been proposed. The new development is served by 22 parking spaces and in accordance with Policy SE05 Air Quality the following conditions are recommended:

Condition: EV Charging

Prior to the 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 respective units that they serve and thereafter maintained.

Condition - Construction Environmental Management Plan

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the mitigation measures set out in Appendix d of the Air Quality Assessment provided within the ES and IAQM Guidance dust from demolition and construction 2014.

Contaminated Land

The application has been supported by a Phase 2 intrusive land Contamination Assessment which finds that remediation scheme is required. The following conditions are recommended:

Condition - Remediation Scheme

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

Condition - Verification Report

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

Condition - Unsuspected Contamination

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

Condition - Piling

If piling foundation methodology is to be undertaken, a Piling Risk Assessment from a suitably qualified person must be submitted prior to commencing construction activities on site.

Condition - Unexploded ordinance

The recommendations on page 6 of the Detailed UXO Risk Assessment dated 20 February 2023 by Fellows shall be undertaken.

ANALYSIS

This application is brought before members as the application has been made by Thanet District Council.

Principle

Policy SP01 for the Thanet Local Plan states that; "The primary focus for new housing development in Thanet is the urban area."

Policy HO1 of the Thanet Local Plan states permission for new housing development will be granted on non-allocated sites within the confines of the urban area subject to meeting other relevant Local Plan policies.

The principle of development is therefore considered to be acceptable and the benefits of providing new housing to the district will be weighed against the impacts of the development.

Housing Mix

Policy SP22 states that proposals for housing development will be expected to provide an appropriate mix of sizes having regard to the Strategic Housing Market Assessment (SHMA) recommendations as may be reviewed or superseded.

The Council will encourage proposals for residential development to incorporate a higher ratio of houses to flats (as recommended in the SHMA as may be reviewed or superseded). Proposals for developments incorporating a higher proportion of flats will need specific justification.

Policy SP23 states that "Residential development schemes for more than 10 dwelling units, including mixed use developments incorporating residential and developments with a combined gross floor Thanet Local Plan Adopted July 2020 60 area of more than 1,000 square metres shall be required to provide 30% of the dwellings as affordable housing. The affordable housing shall be provided in proportions set out in the Strategic Housing Market Assessment or successive documents.

The above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable."

Policy QD05 states that accessibility provision in new developments as required by Building Regulations Part M4 shall be provided as follows:

1) 10% of new build developments will be expected to be built in compliance with building regulation part M4(2) accessible and adaptable dwellings;

The above requirements will only be reduced if it would make the proposed development unviable or site specific factors prevent their inclusion.

Within the Interim Policy Statement a list is provided for when first time homes are not required to be provided, which includes 'developments exclusively for affordable housing, entry-level exception sites, or rural exception sites'. As this site would be exclusively for affordable housing, there would not be a requirement for first time homes, however, there will need to be a condition that will secure the provision of the 100% affordable housing, as without this the application would not comply with the Interim Policy Statement. On the basis that this condition is applied, which is considered reasonable given that the Council will be providing the affordable housing using grant money that is solely allocated for this purpose, greater weight can be applied to the social benefits of the proposal from the provision of this increased level of affordable housing above the policy requirement.

This development comprises 12 dwellings split into four 4 bedroom units and eight 3 bedroom units. All of the dwellings would be affordable housing, built to M4(2) standards and contribute to the Council's housing need register. The SHMA indicates that the greatest need for affordable housing is for one and two bedroom properties. As this development only provides three and four bedroom houses this proposal would not comply with the mix of housing set out within the SHMA, however this must be balanced against the benefits of this development, the general need for housing in the district and that this scheme would provide 12 affordable dwellings.

Character and Appearance

The NPPF states that planning 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 and appropriate landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; and provide a high standard of amenity for existing and future users (Paragraph 130).

Policy QD02 of the Thanet Local Plan provides general principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. In this regard development must relate to the surrounding development, form and layout and strengthen links to the adjacent areas.

Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design.

The area to the south east of the site is designated as open countryside under policy SP24, Green Wedge under policy SP25 and the St Peters Undulating Chalk Farmland Landscape

Character Area by policy SP26 of the Thanet Local Plan. The south eastern boundary of the site along Broadley Road also forms the boundary with the Broadstairs Neighbourhood Plan Area.

The proposed dwellings would all have a similar design and would be arranged over three storeys with the second floor partially located within the roof. The buff brickwork would be arranged with a stretcher bond and recessed panels with projecting headers. The doors and windows would be floor length and constructed from grey UPVC. Composite infill panels would be used around the buildings and solar panels would be located on the roof. The four terraced dwellings would have white brickwork to the bay windows on the ground floor front elevation. The proposed dwellings would measure 11.3 and 11.1m in height. The site drops in level from north east to south west, however the proposed dwellings will appear taller than the existing flat blocks. The submitted site sections indicate that, adjacent to the closest blocks, the proposed dwellings would exceed the height of the existing flats by between 0.1m and 2.2m. The proposed dwellings would have a different appearance to the existing flat blocks on the site and would exceed them in height, however given the variation in properties in the immediate vicinity, the variation in land levels and that space would be retained on the boundary with the open countryside they are not considered to result in significant harm to the character and appearance of the area.

Views from the open countryside towards the new dwellings would be available from Broadley Road and the footpaths to the south and east of the site, however it is considered that the dwellings would not significantly alter the urban edge and would be viewed against the existing development. This development is therefore not considered to result in any significant harm to the character and appearance of the adjacent countryside or green wedge.

There are some small trees located on the site close to the boundary with Broadley Road. Following concerns raised by Officer's regarding the loss of existing trees on the site the applicant has confirmed that the two existing trees close to proposed block A and existing block 208, would be retained.

The large parking court at the centre of the site would be reconfigured in front of block D and additional parking areas would be provided in front of blocks A and B. New bin stores would be erected across the site and new landscaping would be formed to replace sites of the former garages and clothes drying areas.

Surfacing around the site would include black asphalt to the main access road, buff coloured asphalt to the parking and turning areas, grey asphalt to the footpaths and buff concrete flag paving to the communal garden. Given the existing grey concrete and tarmac across the site, these materials would be considered appropriate for the area.

The proposed dwellings would have a different appearance to the existing flat blocks on the site and would exceed them in height, however given the set back from the boundary with the surrounding roads, the variation in properties in the immediate vicinity, and whilst there would be views across the open countryside, they are not considered to result in significant harm to the character and appearance of the area.

Living Conditions

In terms of the living conditions of adjacent neighbours, Policy QD03 requires all new development to be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions through overlooking, overshadowing, loss of natural light or a sense of enclosure. In terms of the living conditions for the future occupiers of the proposed residential units, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04. Paragraph 130 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users.

The existing flat blocks appear to have habitable room windows in all elevations. At the closest point there would be a separation distance of 9.4m from block A, 4m from block B, 4.8m from block C, 4.8m from block D and 8m from block E to the closest existing building.

Block A is set at an angle in the site to face between the two closest blocks and there would be a separation distance of 9.4m to the existing block to the west and north. Whilst these dwellings would be prominent in views from windows in the southern and eastern elevations of these closest blocks, given the separation distance, the dwellings are not considered to result in a significant loss of light and outlook to warrant refusal of the application.

Blocks B and C would be located in spaces between the existing flats and due to their position in the site would have a limited overlap with the closest existing flats. These blocks are therefore not considered to result in any significant loss of light or sense of enclosure to the existing neighbouring dwellings.

Block D would be set 8m from the corner of the closest existing flats to the north east and 10.4m from the existing flats to the west. Similar to block A, these dwellings would be prominent in views from the windows in the eastern elevation of the blocks to the west, however given the separation distance, the dwellings are not considered to result in a significant loss of light and outlook to warrant refusal of the application.

Block E would be set 8m from the closest point of the flats to the north, however there would be 10m to the main elevation of this existing block that would face these dwellings. There would be a separation distance of 19m to the closest existing. Similarly to the other blocks, these dwellings would alter the outlook from the existing properties, however given the distance, any loss of light and outlook is not considered to be significant enough to warrant refusal of the application.

Habitable room windows are proposed in the front and rear elevations of the proposed dwellings, the ground floor left elevation of blocks A, B C and the ground floor right elevation of block E. With the exception of the front bay windows, no side facing windows are proposed in block D.

The front elevations of blocks A, B and C would face through the spaces between the existing flat blocks. There would be a separation distance of 39m from the front elevation of block D to the closest existing dwelling and 19m from the front elevation of block E to the closest existing dwelling. The rear elevations of all dwellings would face towards the

agricultural fields to the south east of the site and are therefore not considered to result in any significant overlooking. The proposed ground floor side windows, due to their height and location, are not considered to result in any significant overlooking. The proposed first floor side windows would all serve bathrooms or toilets and as these are not considered to be habitable rooms, would not result in any significant overlooking. Given the arrangement of the proposed dwellings and their openings, they are not considered to result in any significant overlooking to the existing neighbouring dwellings.

The use of the proposed buildings as dwellings is not considered to result in a significant increase in noise and disturbance to the existing property occupiers.

The proposed dwellings would all exceed the floor space standards set out in policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light, outlook and ventilation. Private amenity spaces would be provided at the side and rear of each dwelling. These spaces would be considered suitable doorstep playspace and would provide space for, refuse and cycle storage and clothes drying. The proposed dwellings are, therefore, considered to provide an acceptable standard of accommodation for the future occupants.

Transportation

The site is considered to be positioned in a sustainable location and cycle storage would be provided within the curtilage of each new dwelling. Access to each dwelling would be from footpaths and parking areas formed at the end of existing access roads.

The submitted documents indicate that there are currently 45 parking spaces on the site serving the existing 42 dwellings, however many of these appear to be sited in the location of the 16 garages that were previously located on the site. A total of 46 spaces would be provided on the site following the development including two disabled parking bays. On street parking along Tomlin Drive, William Avenue, Dane Valley Road and the surrounding streets is unrestricted and there appears to be capacity for additional parking in these areas that would not result in harm to highway safety.

The application is supported by a transport assessment that includes a survey of the existing parking. This survey identified capacity on the existing site and surrounding roads for additional parking. This report also outlines that census data indicates that affordable housing occupiers generally have a lower level of car ownership. This report concludes that the proposed development would provide sufficient parking for the existing and proposed dwellings and would not result in a significant increase in traffic. KCC Highways have reviewed his assessment and agree with the conclusions that the proposed parking is sufficient to avoid harm to highway safety.

The applicant's agent has confirmed that the fencing proposed to the Broadley Road boundary of the site would be mesh fencing and an amended plan has been submitted altering the boundary of plot 12 to ensure that adequate visibility can be obtained onto Broadley Road. There is currently a variety of boundary treatments along Broadley Road and the amended arrangement is considered sufficient to allow visibility for pedestrians using these accesses.

An updated vehicular tracking plan has been submitted demonstrating that a 13m long refuse lorry can enter and exit the site in a forward direction.

A total of 12 electric vehicle charging points are shown on the proposed plan, exceeding the 4 requested by KCC. Details of these charging points would be secured by condition.

KCC Highways have raised concerns about the ownership and maintenance of the lampposts on the site. The planning agent has confirmed that the lampposts on the site are TDC's responsibility. Any transfer of ownership would be a separate matter that falls outside of the planning process.

Given the number of existing dwellings on the site a construction management plan is considered reasonable and necessary in this instance to minimise disruption to existing residents.

The proposed development would not provide the number of parking spaces set out within KCC guidance, however given the evidence submitted regarding parking demand, the proposed on site parking and the capacity in the unrestricted parking in the surrounding area, this development is not considered to result in any significant harm to highway safety or parking amenity of residents in the area.

Biodiversity

The site comprises areas of hard standing and managed gardens around the existing flat blocks on the site.

An ecological impact assessment has been submitted with the application and this report concludes that the site is of low ecological importance and now additional measures are required above the inclusion of native species within any soft landscaping, and the provision of boxes for nesting birds and shelter for insects that are proposed.

KCC Biodiversity have reviewed the application and agree with the conclusions of the report and raise no objection to the development, subject to conditions requiring the development to be completed in accordance with the Ecological Impact Assessment, and details of the proposed ecological enhancements to be submitted to the Council.

Given the existing arrangement of the site and subject to the recommended conditions, this development is not considered to result in any significant harm to biodiversity in the area.

Flooding and Drainage

The site is located within Flood Zone 1 and is therefore at a low risk of flooding. A flood risk assessment has been carried out as this is a major application and has been submitted alongside a Drainage Design Strategy.

KCC Flood and Water Management have reviewed the proposed drainage strategy and have indicated that there appears to be capacity within the existing soakaways on the site for any additional surface water. Whilst some further clarification is required, they have raised no objection to the proposed development subject to the submission of a detailed

sustainable surface water drainage scheme prior to the commencement of development and a verification report demonstrating that the drainage system constructed is consistent with that which was approved.

Given the location of the site and subject to the conditions requiring details of the surface water drainage scheme, this development is not considered to result in any significant increased risk of flooding and would provide adequate drainage.

Contamination

The site has been in residential use since the 1970's and before this was recorded as open land. These previous uses are unlikely to result in any significant contamination of the site. The applicant has taken a precautionary approach in terms of assessing contamination of the site and has submitted a Geo-Environmental Assessment Report with the application. This report concludes that there is a low to moderate risk and has recommended that a remediation strategy is provided and a piling methodology is provided if piled foundations are proposed.

The Environment Agency have reviewed the application and have raised no objections subject to conditions requiring any unsuspected contamination to be suitably remediated and piling and drainage of surface water to the ground to only be used when agreed with the local planning authority.

The Council's Environmental Health Department have also reviewed the application and raised no objection in terms of contamination subject to conditions. These conditions include the submission of a detailed remediation scheme and remediation report, any unsuspected contamination to be suitably remediated, submission of a piling foundation methodology if piling is proposed and for the recommendations of the unexploded ordnance risk assessment to be carried out.

Given the existing and previous uses of the site and subject to the recommended conditions, this development is not considered to present any significant risk to health.

Air Quality

An air quality assessment has been submitted with the application and identified the construction phase, changes in traffic pollution and suitability of the location for residential development as key factors in terms of air quality. The report concludes that there is a medium risk of dust nuisance that can be mitigated through appropriate measures, the additional road traffic is not considered to be significant and the area is considered suitable for residential development. The Council's Environmental Health Department have reviewed the assessment and have raised no objection to the development in terms of air quality subject to conditions requiring details of the proposed electric vehicle charging points and a Construction Environmental Management Plan to be submitted and approved. Given the proposed use and location, and subject to the recommended conditions, this development is not considered to result in any significant harm to air quality.

Financial Contributions

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

Thanet District Council produced the 'The Strategic Access Manage the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA)ment and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The applicant has agreed to provide the required £5,512 SAMM contribution and therefore it is considered that the impacts of the development upon the Special Protection Area would be mitigated.

KCC has requested financial contributions towards secondary education, special education, adult education, adult social care, libraries, children's services, and waste, which totals £106,574.76.

Thanet District Council are the applicants for the site, with the sole purpose of providing affordable rent housing to meet the needs of residents who are currently on the housing register. The development is being funded by the Council through 56% borrowing, 40% capital receipts, and 4% brownfield grant. The development is not for profit, and will be provided at cost to the Local Authority, with no financial return for at least 11 years, which is the forecast breakeven year. Following this point any revenue generated will go back into the Housing Revenue Account to support future developments. The Council's Finance Manager has confirmed that the payment of any KCC contributions will result in additional borrowing being necessary, which would put pressure on the Housing Revenue Account revenue business plan, which is likely to either stall or require the scaling back of the housing proposed for delivery; however, upon further reflection the applicant has advised that it would be possible to commit to the smaller contribution amounts, which includes everything except the secondary education contrition for both building and land. The secondary education contribution totals £95,011.56, and the applicant has advised that payment of this contribution is likely to take the breakeven year close to 30 years, which is the point at which the scheme becomes unviable due to the financial risk to the Council. The applicant has also advised that the scheme has not yet been out to tender, and there is the possibility that the development costs in reality exceed the provisional figures used, which could again impact upon the payback period.

Government advice is that, where a development does not comply with planning policy for reasons of non-viability, the local planning authority is entitled to take a view on whether there are benefits from the scheme that justify flexibility. Policy SP41 of the Thanet Local

Plan requires the provision of contributions towards the provision of new, improved, upgraded or replacement infrastructure and facilities 'where appropriate'.

The proposal will provide 100% affordable housing, for which there is a significant need, and which is set out as a priority within the Council's Corporate Objectives. The applicant has committed to all of the financial contributions other than the secondary school construction, which will make this not for profit development scheme unviable for the Council. Furthermore, the housing will be delivered within a short timescale, with the delivery expected by 2026.

On balance, given the benefits of the scheme, and the viability justification provided, the financial contributions offered are considered to be acceptable and in accordance with Policy SP41 of the Thanet Local Plan.

Other Matters

The proposed development would be conditioned to ensure that the new dwelling meets the water and energy efficiency standards set out within policies QD01 and QD04 of the Thanet Local Plan.

The use of the property for residential development is not considered to result in any significant increase in anti-social behaviour in the area.

Kent Police have provided comments giving a number of suggestions to design out crime in the development. This development would provide additional surveillance to the amenity spaces and communal parking area. Defensible space and planting is proposed around the building and the applicant has indicated that they have considered secure by design principles in the layout of the site. An informative would be added advising the applicant to consider the use of doors, windows, gates, postboxes and entry systems that meet secure by design standards. Full details of the landscaping and any proposed lighting for the site would be secured by condition.

Conclusion

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

The proposed dwellings would be of a different character to the existing properties and there would be some reduction in amenity spaces around the site. There would also be some change to the outlook from the existing properties due to the erection of the dwellings nearby and the scheme would not provide the required parking set out in KCC guidance. The harm to the living conditions of the existing property occupiers and the character and appearance of the area is not considered to be significant and the proposed dwellings would provide an acceptable standard of accommodation for the future occupants. This development would also provide some public realm improvements through the removal of public areas that are

subject to anti-social behaviour and it has been demonstrated that there is capacity within the site and the surrounding roads for parking without harm to highway safety.

This development would result in a net increase of 12 dwellings in a sustainable location and all of these dwellings would contribute to the district's affordable housing supply. Therefore given the limited harm to the character and appearance of the area, the living conditions of the existing neighbouring property occupiers and highway safety, any adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits of the proposed development when assessed against the Thanet Local Plan and the National Planning Policy Framework.

It is therefore recommended that members defer and delegate the application for approval subject to the transfer of the financial contributions as set out above to the Planning Department and safeguarding conditions.

Case Officer

Duncan Fitt

TITLE:

F/TH/23/1343

Project

Garage Blocks At Tomlin Drive MARGATE Kent



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