

Date: 4 March 2024
Our ref: Planning Committee Agenda
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PLANNING COMMITTEE

13 MARCH 2024

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 13 March 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** (Pages 5 - 18)

To approve the Minutes of the Planning Committee meeting held on 14 February 2024, copy attached.

4. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 19 - 24)

To consider the report of the Director of Place, copy attached for Members of the Committee.

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

- 4a **A01 F/TH/23/1359 - DOMUS (FORMERLY PLOT 10 OF LAND ADJACENT TO CLIFFTOP) NORTH FORELAND AVENUE, BROADSTAIRS** (Pages 25 - 42)
- 4b **A02 F/TH/23/1234 - 38 EFFINGHAM STREET, RAMSGATE** (Pages 43 - 54)
- 4c **A03 F/TH/23/1618 - UNIT 8 LAND NORTH OF SPITFIRE WAY AND EAST OF COLUMBUS AVENUE, RAMSGATE** (Pages 55 - 68)
- 4d **A04 F/TH/24/0007 - STANER COURT, MANSTON ROAD, RAMSGATE** (Pages 69 - 78)
- 4e **A05 F/TH/24/0006 - INVICTA HOUSE, MILLMEAD ROAD, MARGATE** (Pages 79 - 88)
- 4f **A06 FH/TH/23/1668 - 2 TIDEWELL MEWS, WESTGATE-ON-SEA** (Pages 89 - 102)
- 4g **A07 L/TH/24/0040 - VICTORIAN SHELTER MARINE TERRACE, MARGATE** (Pages 103 - 108)
- 4h **A08 L/TH/23/1641 - 64 GROSVENOR PLACE, MARGATE** (Pages 109 - 114)
- 4i **R09 F/TH/23/1600 - LAND REAR OF 67 STONE ROAD, BROADSTAIRS** (Pages 115 - 130)
- 5. **UPDATE FOR F/TH/22/0919 - LAND REAR OF 20 TO 22 WESTFIELD ROAD, BIRCHINGTON** (Pages 131 - 148)



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](#).

Public Document Pack Agenda Item 3

Planning Committee

Minutes of the meeting held on 14 February 2024 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

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

In Attendance: Austin, Bright and Pope

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Moore and Councillor Driver (who was substituted by Councillor Huxley).

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES OF PREVIOUS MEETING**

Councillor Albon proposed, Councillor Matterface seconded and Members agreed that the minutes of the meeting held on 17 January 2024 be approved as a correct record.

4. **SCHEDULE OF PLANNING APPLICATIONS**

The Chair informed Committee Members that any site visits would take place on the morning of 1 March 2024.

(a) **A01 R/TH/23/0156 - Land Adjacent to Salmestone Grange, Nash Road, Margate**

PROPOSAL: Application for the reserved matters of outline permission OL/TH/16/1765 "Outline application for residential development of up to 250 dwellings and alterations to the surrounding highway network, including details of Access with all other matters reserved" for the approval of appearance, landscaping, layout and scale.

Mr Iain Livingstone, Planning Applications Manager gave an update on conditions for the planning application as follows.

In reference to the Landscape masterplan, all conditions are updated with reference to Rev PO7.

For condition 6, this condition is updated to link the provision of cycle parking to the dwelling to which the cycle parking must be provided for i.e. an individual dwelling cannot be occupied until the cycle parking is provided for it.

Condition 9 - Provision of playspace is updated to require a phasing plan to be submitted outlining when the playspace must be provided in occupation - required to be agreed prior to occupation of any dwelling.

“The play space as identified on the open space plan numbered P21-2467_DE_14_V_01 shall be provided in accordance with the plan numbered 3041-APA-ZZXX-LA-L-1001 Rev P07 and The Landscape and Public Realm Strategy and made available for use in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority to identify at what point in occupation the play area will be provided by, which must be agreed prior to the occupation of any dwelling hereby approved.”

Condition 11 - addition of wording on provision of drop/off bays - specifically to require the parking to be in place at the earliest possible point:

11 Prior to the first occupation of any dwelling on Street 02 or Street 03 or the full removal of the parking on Manston Road as identified on plan 14-011-007 Rev C (of the outline permission) whichever is the earlier, the 12 school drop off spaces and the pedestrian route from the spaces along street 02 and 03 to the north east corner of the site shall be provided and available for use as shown on P21- 2467_DE_14_C_12 and thereafter maintained.

Thereafter the Chair opened the session for public speaking.

Mr Collins’s representative spoke on behalf of Mr Collins in favour of the application.

Mr Dickman spoke against the application.

Mr McGrath spoke against the application.

Mr Walker spoke against the application.

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

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

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

P21-2467_DE_15 Sheet 21 and P21-2467_DE_15 Sheet 22 Rev A received 27 June 2023

P21-2467_DE_09__05, P21-2467_DE_09_B_01,
P21 2467_DE_09_B_02, P21- 2467_DE_021__01,
P21-2467_DE_14_C_12, P21-2467_DE_14_E_06,
P21- 2467_DE_14_E_11, P21-2467_DE_14_E_13,
P21-2467_14_G_05, P21- 2467_DE_14_H_02,
P21-2467_DE_14_J_10, P21-2467_DE_15__32_BD,

P21- 2467_DE_15__33_BD, P21-2467_DE_15__34_WB,
P21-2467_DE_15_A_13_BD, P21- 2467_DE_15_A_35_BD,
P21-2467_DE_15_B_01_BD, P21-2467_DE_15_B_06_BD,
P21- 2467_DE_15_B_07_BDH, P21-2467_DE_15_B_08_BDH,
P21-2467_DE_15_B_09_BD, P21-2467_DE_15_B_11_WBH,
P21-2467_DE_15_B_12_WB, P21- 2467_DE_15_B_14_BD,
P21-2467_DE_15_B_15_WB, P21-2467_DE_15_B_16_WB,
P21- 2467_DE_15_B_17_BD, P21-2467_DE_15_B_18_B,
P21-2467_DE_15_B_20_WB, P21- 2467_DE_15_B_22_BD,
P21-2467_DE_15_B_24_WB, P21-2467_DE_15_B_25_BD,
P21- 2467_DE_15_B_26_B, P21-2467_DE_15_B_27_BD,
P21-2467_DE_15_B_28_B, P21- 2467_DE_15_B_29_WBC,
P21-2467_DE_15_B_30_WBHC, P21-2467_DE_15_C_19_BD,
P21-2467_DE_15_C_31_WB, received 08 November 2023

BHNASHROAD.1/TK45 Rev P2 23 received November 2023

P21-2467_DE_14_C_22, P21-2467_DE_020_B_01,
P21-2467_DE_20_B_03 and P21- 2467_DE_20_B_04
received 05 December 2023

SL/BHNASHROAD-LD.2/LIGHT-01 Rev P3, 3041-APA-ZZ-XX-SK-L-0001
Rev P01 and 3041-APA-ZZ-XX-DS-L-4100 Rev P05, LR1 Rev P3 (spine
road) and LR2 Rev P3 (residential) received 14 December 2023

P21-2467_DE_020_C_02, P21-2467-DE-14__17,
P21-2467_DE_15__36_BDH, P21-2467_DE_15__37_WBH
received 15 January 2024

P21- 2467-DE-23_A_01 received 24 January 2024

3041-APA-ZZ-XX-LA-L-1001 Rev P06, 3041-APA-ZZ-XX-SK-L-0002 Rev
P00.01 and P21-2467_DE_14_V_01 received 01 February 2024,
P21-2467_DE_14_J_03 received 05 February 2024

BHNASHROAD.1/TK47 Rev P1 BHNASHROAD.1/TK46 Rev P2,
BHNASHROAD.1/93 Rev P1 BHNASHROAD.1/94 Rev P1
BHNASHROAD.1/95 Rev P1 BHNASHROAD.1/96 Rev P1
BHNASHROAD.1/97 Rev P1 received 06 February 2024

GROUND:

To secure the proper development of the area.

2. 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.

3. Prior to the first occupation of any dwelling within the development hereby permitted, the vehicle parking spaces relating to that dwelling, including the garage, car port and adjacent visitor parking spaces, as shown on the approved plan numbered P21- 2467_DE_14_J_10 shall be provided and permanently retained.

GROUND:

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

4. The vehicle turning areas shall be carried out in accordance with drawing numbered P21-2467_DE_14_C_12. The relevant vehicle turning areas will be provided prior to the occupation of the associated dwellings.

GROUND:

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

5. Visibility and pedestrian visibility splays shall be provided to the access roads and parking areas in accordance with the submitted plan numbered BHNASHROAD.1/95 Rev P1 prior to the use of the respective access road/parking. The visibility splays shall thereafter be maintained.

GROUND:

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

6. Prior to the first occupation any dwelling within the development hereby permitted, the secure cycle parking facilities for that dwelling, as shown on approved drawing no. P21- 2467_DE_14_J_10 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.

7. Prior to the first occupation units 91-101 and 226-236 within the development hereby permitted, details of the proposed secure cycle parking facilities within the area shown on approved drawing no. P21-2467_DE_020_C_02 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 unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

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

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

GROUND:

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

9. The play space as identified on the open space plan numbered P21-2467_DE_14_V_01 shall be provided in accordance with the plan numbered 3041-APA-ZZ-XX-LA-L-1001 Rev P07 and The Landscape and Public Realm Strategy and made available for use prior to the first occupation of any dwelling hereby permitted.

GROUND:

To provide equipped play space in accordance with Policy GI04 of the Thanet Local Plan.

10. All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the submitted plan 3041-APA-ZZ-XX-LA-L-1001 Rev P07 and The Landscape and Public Realm Strategy. 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.

11. Prior to the first occupation of any dwelling on Street 02 or Street 03 or the full removal of the parking on Manston Road as identified on plan 14-011-007 Rev C (of the outline permission) whichever is the earlier, the 12 school drop off spaces and the pedestrian route from the spaces along street 02 and 03 to the north east corner of the site shall be provided and available for use as shown on P21- 2467_DE_14_C_12 and thereafter maintained.

GROUND:

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

12. Prior to the first occupation of any dwelling on Street 02, details of any road markings and signage relating to the 12 school drop off spaces shown on P21-2467_DE_14_C_12, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwellings on Street 02 and thereafter maintained.

GROUND:

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

13. Prior to the first occupation any dwelling within the flat blocks hereby permitted, the refuse storage facilities, as shown on approved drawing no. P21-2467_DE_020_C_02 shall be provided and thereafter maintained.

GROUND:

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

14. Prior to occupation of any dwelling on street 02, details (including a detailed site plan) of the footpath and any gate adjacent to the school boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The footpath and any gate shall be provided in accordance with the approved details concurrently with the landscaping of the area in question.

GROUND:

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

15. Prior to the commencement of development hereby approved details of the existing and proposed land levels within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

GROUND:

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

16. Prior to the commencement of development hereby approved a Stage 1 Road Safety Audit for the crossing on the link road shall be submitted to, and approved in writing by, the Local Planning Authority. Any recommendations of this report shall be implemented prior to the first operation of the crossing.

GROUND:

In the interests of highway safety and to mitigate any adverse transport impact in accordance with Policy TP01 of the Thanet Local Plan and the advice contained within the NPPF.

17. Prior to the first occupation of the dwellings 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.

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

The Chair adjourned the meeting at 8.43pm to give the Committee a short break.

Councillor Keen sought permission from the Chair to be excused from attending the rest of the meeting and thereafter left the Council Chamber.

The meeting resumed at 8:51pm.

(b) **A02 F/TH/23/1174 - 12 Queen Street, Ramsgate**

PROPOSAL: Change of use of first and second floors from 4-bed flat to 5-bed HMO together with installation of replacement of shop front (Part Retrospective).

Councillor Austin 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 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 Compulsory Purchase Act 2004).

2. The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 1149 received 09 November 2023 and 1149-2 received 31 January 2024.

GROUND:

To secure the proper development of the area.

3. No more than five persons shall occupy the property as their principal or main residence at any one time.

GROUND:

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

4. Prior to the first occupation of the development, the refuse storage facilities, as shown on approved drawing no. 1149-2 received 31 January 2024 shall be provided and thereafter maintained.

GROUND:

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

5. Prior to the first occupation of the development, dry waste compactors and sink macerators, as confirmed in correspondence from the applicant's agent received 31 January 2024 shall be provided and thereafter maintained.

GROUND:

In the interests of visual amenity and the living amenity of the neighbouring property occupiers in accordance with policies QD02 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

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

(c) **A03 F/TH/23/0622 - 26 Ramsgate Road, Broadstairs**

PROPOSAL: Change of use from single dwelling residential to 9 bed House in Multiple Occupation (HMO).

Councillor K. Bright 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 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 Compulsory Purchase Act 2004).

2. The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered GA201 (received 22/08/23), GA203 (received 27/07/23), GA204 (received 27/07/23) and GA205 (received 27/07/23).

GROUND:

To secure the proper development of the area.

3. No more than nine persons shall occupy the property as their principal or main residence at any one time.

GROUND:

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

4. Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. GA201 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.

5. Prior to the first occupation of the development, the vehicle parking space, as shown on approved drawing no. GA201 shall be provided and thereafter maintained.

GROUND:

To promote cycling as an alternative form of transport, in accordance with Policy TP06 and SP43 of the Thanet Local Plan.

6. The refuse storage facilities shall be provided prior to the first occupation of the units hereby approved as shown drawing numbered GA201 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.

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

(d) **A04 F/TH/23/1557 - Kennedy House and Trove Court, Newcastle Hill, Ramsgate**

PROPOSAL: Installation of external wall insulation, erection of roof screen, and replacement roof lining, together with alterations to windows, doors, existing balconies, and entrance.

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

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 Kennedy House 01102 Rev P01 received 07/12/2023, 05100 Rev P01, 05101 Rev P01, 05102 Rev P01, 05103 Rev P01, 05200 Rev P01, 05300 Rev P01, 05301 Rev P01 received 29/11/2023 and, Trove Court: 01102 Rev P01 received 07/12/2023,, 05100 Rev P01, 05101 Rev P01, 05102 Rev P01, 05103 Rev P01, 05200 Rev P01, 05300 Rev P01, 05301 Rev P01 received 29/11/2023.

GROUND:

To secure the proper development of the area.

3. Prior to the commencement of the development, a noise impact assessment shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with guidance found in BS5228 - 1:2009+A1:2014 Noise and Vibration Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

GROUND:

To protect the amenities of residential and nearby occupiers, in accordance with the aims of Policy QD03 of the Thanet Local Plan and the guidance contained in the NPPF.

4. Prior to the commencement of construction activities, 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:

- a. Details of: hours of construction working; measures to control noise affecting nearby residents
- b. Wheel cleaning/chassis cleaning facilities including access and egress locations
- c. Dust control measures
- d. Lighting control measures
- e. Pollution incident control
- f. Arrangements for a direct and responsive site management contact for nearby occupiers during construction (signage on hoardings, newsletters, resident's liaison meetings, etc.)
- g. Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.

The 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:

To protect against harmful environmental impacts and the amenities of residential and nearby occupiers, in accordance with the aims of Policy QD03 of the Thanet Local Plan and the guidance contained in the NPPF.

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

(e) **A05 F/TH/23/1562 - Harbour Towers, Hertford Street, Ramsgate**

PROPOSAL: Installation of external wall insulation, erection of roof screen, and replacement roof lining, together with alterations to windows, doors, existing balconies, and entrance.

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

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 05300 Rev P02, 05301 Rev P01, 01102 Rev P01, 05100 Rev P01, 05101 Rev P02, and 05200 Rev P01, received 26/11/2023.

GROUND:

To secure the proper development of the area.

3. Prior to the commencement of the development, a noise impact assessment shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with guidance found in BS5228 - 1:2009+A1:2014 Noise and Vibration Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

GROUND:

To protect the amenities of residential and nearby occupiers, in accordance with the aims of Policy QD03 of the Thanet Local Plan and the guidance contained in the NPPF.

4. Prior to the commencement of construction activities, 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 including access and egress locations.
- Dust control measures
- Lighting control measures
- Pollution incident control
- Arrangements for a direct and responsive site management contact for nearby occupiers during construction (signage on hoardings, newsletters, resident's liaison meetings, etc.)
- Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.

The 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:

To protect against harmful environmental impacts and the amenities of residential and nearby occupiers, in accordance with the aims of Policy QD03 of the Thanet Local Plan and the guidance contained in the NPPF.

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

- (f) **A06 L/TH/23/1411 - Theatre Royal, Addington Street, Margate**

PROPOSAL: Application for listed building consent for repairs to the roof, parapets and chimney, together with the creation of new access hatch above seating area into the loft space.

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

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

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

GROUND:

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

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

(g) **A07 F/TH/23/1468 - 91 Staner Court, Manston Road, Ramsgate**

PROPOSAL: Erection of balcony with access ramp following removal of existing balcony.

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

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 Compulsory Purchase Act 2004).

2. The development hereby approved shall be carried out in accordance with the submitted drawings numbered 23/633/MG/PL01.

GROUND:

To secure the proper development of the area.

3. The external materials and external finishes to be used in the balcony slab and balustrade hereby approved shall be of the same colour, finish and texture as those on the existing property.

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 **CARRIED**.

Matters raised in the meeting related to procedural issues:

Councillors requested for a KCC Highways Officer to be in attendance at future Planning Committee meeting(s) to advise Councillors on the KCC process(es) of decision making related to highways recommendations on planning applications.

Councillors requested for a Councillor Briefing or Planning training on what the different Housing teams do and how Councillors could use those services.

Meeting concluded : 9.51 pm

THANET DISTRICT COUNCIL

PLANNING COMMITTEE

13TH MARCH 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:5th March 2024

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART A

TO: THE PLANNING COMMITTEE

DATE: 13 March 2024

Application Number	Address and Details	Recommendation
A01 F/TH/23/1359	Domus (Formerly Plot 10 Of Land Adjacent To Clifftop) North Foreland Avenue BROADSTAIRS Kent Erection of four storey 5 bed detached dwelling (part retrospective) Ward: Kingsgate	Approve
A02 F/TH/23/1234	38 Effingham Street RAMSGATE Kent CT11 9AT Change of use from residential dwelling (Use Class C3) to 6-bed HMO (Use Class C4) together with bin store and cycle storage Ward: Central Harbour	Approve
A03 F/TH/23/1618	Unit 8 Land North Of Spitfire Way And East Of Columbus Avenue RAMSGATE Kent Change of use from light industrial (use class B2) to Ambulance Community Response Post unit (sui generis) together with proposed first floor mezzanine and alterations to fenestration Ward: Thanet Villages	Approve
A04 F/TH/24/0007	Staner Court Manston Road RAMSGATE Kent CT12 6HR Installation of external wall insulation, erection of roof screen, alterations to	Approve

windows , doors and existing balconies,
together with external and internal
alterations

Ward: Newington

A05 F/TH/24/0006	Invicta House Millmead Road MARGATE Kent CT9 3RN	Approve
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Replacement of windows and doors to
all elevations with aluminium double
glazing, including insertion of glazed
louvre vents to east and west elevation,
replacement of metal balcony railings,
installation of roof screening system,
installation of aluminium cladding to all
floors and rainscreen cladding system
to ground, first and second floor level,
together with application of render to all
elevations.

Ward: Dane Valley

A06 FH/TH/23/1668	2 Tidewell Mews Westgate On Sea Kent CT8 8PX	Approve
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Erection of a two storey side extension
following demolition of existing shed

Ward: Westgate-on-Sea

A07 L/TH/24/0040	Victorian Shelter Marine Terrace MARGATE Kent CT9 1XJ	Approve
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Application for Listed building consent
for repairs to Nayland Rock Promenade
Shelter following fire damage.

Ward: Westbrook

A08 L/TH/23/1641	64 Grosvenor Place MARGATE Kent CT9 1UY	Approve
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Application for Listed Building Consent
for the replacement of balcony to front
elevation together with repairs to front
facade and roof following demolition of

Agenda Item 4

Annex 1

existing balcony

Ward: Margate Central

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART B

TO: THE PLANNING COMMITTEE

DATE: 13 March 2024

Application Number	Address and Details	Recommendation
R09 F/TH/23/1600	Land Rear Of 67 Stone Road BROADSTAIRS Kent Erection of 2 bed single-storey detached dwelling with associated landscaping and parking. Ward: Bradstowe	Refuse Permission

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 19-004-45D, 19-004-46F, 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 ensuites 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.

Amended plans were received following clarification at the Committee site visit that the applicants wish to retain the second floor rear dormer/balcony as built, which did not reflect what was shown on the application drawings.

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

REPRESENTATIONS

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.

Nine representations were received following the consultation on the amended plans. The responses are summarised below.

- Overbearing and loss of light to North Foreland Heights and Oakside from the extension of the side walls at first floor levels;
- Wrought iron railings with obscure glazed privacy screens as per the previous permission should be insisted upon not the solid walls now being considered;
- Noise from summer parties and other events on the balcony and/or garden;
- The balcony at 1st floor level is ample and there is no need for the 2nd floor balcony;
- Impact on the day to day lives of residents to the rear - restricting use of the garden and parts of the house;
- Second floor balcony can be seen from North Foreland Road;
- Domus is significantly taller and bigger than its neighbours;
- Nothing has changed in these amended plans other than the rear elevation and its second floor balcony now shown as built;
- A skylight to the rear elevation would be sufficient to bring the light to the roof rooms - no need for the balcony at second floor level;
- Second floor balcony only 18 metres from the rear elevation of no. 28 North Foreland Road;
- Second floor balcony overlooks every room in our house (including our children's rooms) and our garden;
- Need to ensure that children are protected;
- The second floor balcony as built and now shown on the plans is closer to the edge of the roof overlooking North Foreland Heights, Oakside and the properties to the rear fronting North Foreland Road;
- Construction work has been ongoing for 3 years and is still ongoing; and
- The applicants are not willing to compromise with neighbours in terms of impact of the proposed development or amend the development as suggested by neighbours.

Broadstairs 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.

COMMENTS

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 1.7 solid walls 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. Concerns have also been raised as to the fact that the side walls to the first floor balcony are now proposed to be solid rather than wrought ironing railings with obscure glazed privacy screens as previously approved under R/TH/19/0349 and the impact in terms of loss of light. Whilst it is appreciated that railings and glazing would allow more light to pass through when compared to the solid walls now proposed, it is not considered that the reduction in light would be so significant as to warrant a recommendation for refusal.

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 with North Foreland Heights, concerns have been raised about the fact that the 1st floor balcony would now have solid walls to a height of 1.7m to its sides rather than railings and glass privacy screens. As above, it is not considered that given the relationships between the two dwellings and their separation distances and the amount of light that would be lost that it would be significant as to warrant a recommendation for refusal.

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 15.3 from its rear boundary, shared with no.28. The rear of no.28 North Foreland is then set over 21 metres from the shared boundary, meaning a total distance of approximately 36 metres back-to-back (with no.28's outbuilding at the rear of their garden). Concerns have been given about the impact of the second floor balcony in particular and its impact on the privacy of the occupiers of no. 28 and their ability to freely use their garden and rooms within the property. From the site visit it was noted that views of the second floor balcony could be achieved from both the garden and some of the rooms of no. 28 and 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 sat 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 (SAMP)' 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;

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; and

The applicants have failed to take compromise or accept measures that surrounding residents consider would make the scheme acceptable - it is for an applicant to propose the scheme they wish to be considered and this is the proposal currently before members.

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.

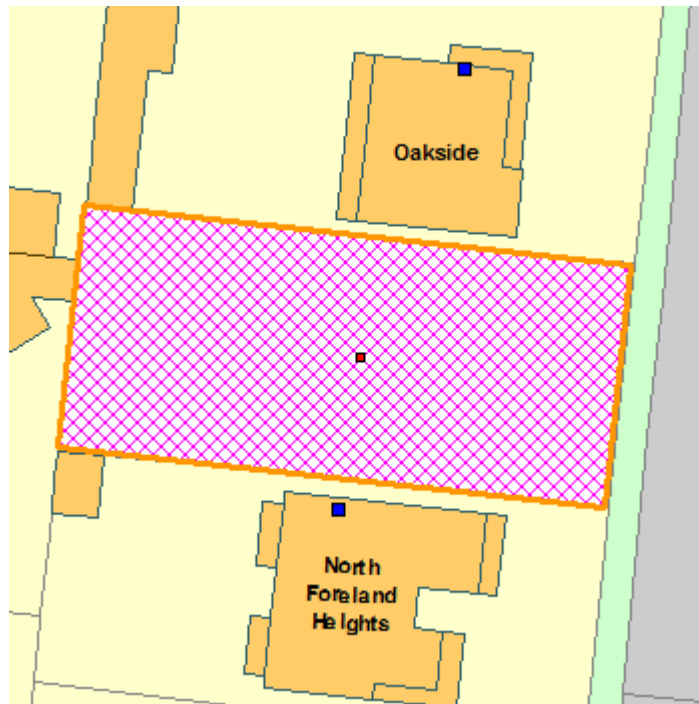
It is therefore recommended that members approve this application, subject to safeguarding conditions and reference to the submitted unilateral undertaking.

Case Officer

Annabel Hemmings

TITLE: F/TH/23/1359

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



A02

F/TH/23/1234

PROPOSAL: Change of use from residential dwelling (Use Class C3) to 6-bed HMO (Use Class C4) together with bin store and cycle storage

LOCATION: 38 Effingham Street RAMSGATE Kent CT11 9AT

WARD: Central Harbour

AGENT: Mr Paul Simms

APPLICANT: Mrs Sarah Ene

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 P2010, P2011 and P2110, received 22 December 2023.

GROUND:

To secure the proper development of the area.

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

GROUND:

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

4 The refuse storage facilities as specified upon the approved drawing numbered P2010 received 22 December 2023 shall be provided prior to the first occupation of the HMO 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.

5 Prior to the first occupation of the HMO hereby approved, the secure cycle parking facilities within the basement, as shown on approved drawing numbered P2010 received 22 December 2023, shall be provided and thereafter maintained.

GROUND:

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

INFORMATIVES

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

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

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

SITE, LOCATION AND DESCRIPTION

The site is a three storey terraced dwelling with basement fronting onto Cavendish Street. The property has a small garden to the front enclosed by metal railings. The garden to the rear extends toward the boundary with Ramsgate Library. The site lies within the Ramsgate Conservation area and is not heritage listed. However, the neighbouring property (No 36) is Grade II heritage listed and the first and second floors of the application building extend into the neighbouring property above the entrance door to No 36.

PROPOSED DEVELOPMENT

The application was originally submitted for a change of use to a 7-bed HMO under sui-generis use, but amended plans have been submitted reducing the number of bedrooms within the HMO to six.

The application now seeks to change the use of a 5-bed residential dwellinghouse to a 6-bed HMO, under use class C4. The internal layout is to be altered to change the existing lounge to an additional bedroom, and the existing kitchen/diner is being changed to a kitchen/diner/lounge area. Additional en-suite and shower room facilities are also provided, and a new internal wall to separate the main living space from the stairwell is proposed. Externally there are no alterations proposed to the property.

DEVELOPMENT PLAN POLICIES

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP43 - Safe and Sustainable Travel

HE02 - Development in Conservation Areas

HE03 - Local Heritage Assets
HO19 - House in Multiple Occupation
QD03 - Living Conditions
QD04 - Technical Standards
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Neighbours have been notified, a site notice posted and an advert placed in the newspaper and 9 representations have been received raising the following summarised concerns:

- No planning notices have been affixed in the local area
- We have not been personally notified of the application
- Effingham Street is an important and unique street with a substantial number of listed buildings of historic interest - The proposed conversion will not have a positive effect on the existing community.
- It's a blue plaque Road bordering on a conservation area.
- Multiple occupancy inevitably leads to unkempt outdoor areas and this impacts on the conservation area.
- There should be restoration of the front garden, path, railings, rainwater goods through the conversion.
- The architects wrongly state that its facade is partly red brick and 'rendered from the second floor up'
- Over concentration of HMOs
- Effingham Street is not a suitable location to put a HMO in - It is a family area
- Seven bedrooms - negative impact of up to 14 persons in the dwelling in each double bedroom
- Object to the intensification of use
- The dining and living room is inadequate for 8 tenants.
- The kitchen is too small for seven individuals
- Building Regulations need to be followed
- Concerns regarding the condition of building and heating.
- The house is not suitable for conversion.
- The rooms and associated spaces are too small.
- Cramped bed sitting rooms
- The two 2nd floor front bedsits have shared lavatory/shower arrangements.
- Wellbeing of potential occupants and how might this impact relationships with other people living in the street.
- My garden will be overlooked by more people.
- Impact on privacy - my living room and bedroom will be opposite the 7 new rooms.
- Noise nuisance from the significant increase in people
- Noise transfer between bedrooms
- Physical noise nuisance arising from the inadequate soundproofing, causing undue public nuisance.

- Existing noise and disturbance from the building is outrageous and HMO with even more residents will be worse.
- The residents of 36 Effingham Street with the flying freehold with no.38. will experience increased noise and disturbance within his property.
- Loss of single family dwelling
- There is already a shortage in the local area of rentable houses that can accommodate families.
- The family currently living in it would be likely to become homeless should the proposal be approved.
- Larger dwellings should be retained for families
- It should be kept as a family dwelling as originally designed.
- Police check on the applicant and the management of HMO.
- Type of occupier given that there is a girls school opposite and old Firestation is an Art building used for kids projects.
- Has consideration been given to the health and safety of school children opposite and other children or adults living in the neighbourhood.
- Has a risk assessment been looked into because of the potential issues?
- The area to the front of the property is inadequate for the amount of bins required given the number of occupants - the bins and recycling would be overflowing
- The bin area is not of an adequate size to accommodate 8 people or more
- Object to the wooden bin enclosure - out of keeping
- Pedestrian safety opposite the school
- A 7 bedroom house would mean more issues with the parking on the street which is extremely limited already
- Further pressure on the available parking in the local area.
- Narrow street and pavement with illegal parking causing traffic chaos - increase in residents is likely to make this even worse.
- Increase in residents is likely to make traffic worse - proximity to school entrance and a busy/dangerous road junction.
- Effingham Street is very narrow - it should be one way, or have speed humps.
- Vehicles mount the kerb at present to pass each other - the building work will exacerbate this
- Lack of parking
- Car parks are too expensive for most residents.
- New flats in Cavendish Street have already led to social conflict within the conservation area because of the limited parking.
- This application with its multiple occupants will likely exacerbate these conflicts.
- Inadequate space to provide cycle racks for all occupants.
- Basement bicycle storage will be challenging to use because of the steep steps and low ceiling.
- Bicycles will be locked to the railings causing obstruction.
- There will be a massive increase in dirt/ dust/ traffic build up due to the proposed works, a rise in air pollution, by the fumes from vehicles.
- The property is a terraced house with no access to the rear - how will residents escape in case of fire.
- The fire risk to neighbouring properties is exacerbated.

- Fireproofing and means of escape
- HMO may reduce property prices.

Ramsgate Heritage and Design Forum - There was concern that the number of rooms proposed exceeds that allowed for a single kitchen facility. As this is a conservation area, it is felt that the bin store in the front garden was not appropriate as this should be an area that is served with seagull proofed bags. General sense of the building being overdeveloped. Objection.

Ramsgate Town Council - Objects to this application on the grounds of it being considered as overcrowding of the property, the size of the bin store and its location would be an eye sore in an historic street in the Conservation Area.

CONSULTATIONS

TDC Conservation Officer - Following a review of the proposed application and the lack of external proposed changes to the property I do not believe there to be a negative implication on the setting and appearance of the surrounding conservation. As such I do not object to the proposed.

Senior Housing Licensing Officer, Private Sector Housing - final comment - Based on the amended floor plans we would look to propose a maximum permitted occupation of 6 persons, 6 households.

There are no licensed HMOs within 100m of the property. I have no information as to whether there are any smaller HMOs with shared accommodation (up to 4 persons) in the vicinity. As such smaller HMOs are not licensable, we have no records as to their whereabouts.

Senior Housing Licensing Officer, Private Sector Housing - Initial comment - From an HMO licensing point of view, we work to the principle of allowing five persons per one shared kitchen, one shared bathroom and a separate WC. The proposed floor plans show that there is only one shared kitchen available therefore, we would propose a maximum permitted occupation of five persons, five households.

I have some concerns regarding the proposed layout in terms of fire safety. The floor plans show an open plan living room with no separation between the hallway/staircase leading from the ground floor to the first floor, creating an inner room scenario. I would suggest that adequate separation is provided to provide a safe means of escape in the event of a fire. This is something that can be discussed directly with the applicant, if appropriate.

There are no licensed HMOs within 100m of the property. I have no information as to whether there are any smaller HMOs with shared accommodation (up to 4 persons) in the vicinity. As such smaller HMOs are not licensable, we have no records as to their whereabouts.

COMMENTS

This application is reported to the Planning Committee at the request of Cllr Austin to enable Members to consider the impact of the over development of the site in an already highly populated area of Ramsgate, and by Cllr Wing to enable Members to consider the impact of the development on the Conservation Area, overdevelopment and impact on neighbours.

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

The proposed development is to change the use of the property from a 5 bedroomed dwelling to a 6 bedroom HMO. There are no physical changes to the external appearance of the property and the timber bin enclosure within the front garden has been removed from the scheme. The application has been amended since its initial submission and the number of bedrooms reduced from 7 to 6 bedrooms. The main planning issues relating to this development are the principle of the use of the building as a HMO, impact on the character and appearance of the Conservation Area, living conditions of future occupier and impact on neighbouring residential occupiers, and impact upon highway safety.

Principle

The site is located within the urban confines within the Ramsgate Conservation Area.

Policy HO19 of the Thanet Local Plan allows for the provision of Houses in Multiple Occupation (HMO's) through conversion of existing buildings where the development:

- 1) does not give rise to an unacceptable impact on the living conditions of neighbouring residents through noise or general disturbance;
- 2) does not result in an intensification or concentration of such uses which is detrimental to the amenity and character of the neighbourhood (having regard to the criteria set out in para 11.34 by way of guidance)
- 3) provides suitable arrangements for car parking, or adequate on-street parking is available within the vicinity of the site and
- 4) provides suitable arrangements for the storage and collection of waste

With regards to paragraph 2 of the HMO policy the Council's Housing Licensing Officer is not aware of any licensed HMOs within 100m of the property and the use of the property as an HMO in this instance does not amount to an intensification of HMOs in the vicinity.

The principle of development is therefore considered acceptable subject to the requirements of paragraphs 1-4 above and all other material considerations which are considered below.

Character and Appearance

The property is a three storey terraced property with basement, located within the Ramsgate Conservation Area. The property is not heritage listed, however the adjacent building, No 36, is a Grade II listed building. The Design Summary submitted with the application indicates how the property has a flying freehold that extends into the neighbouring building at first and second floor level.

The alterations are limited to the erection of internal walls and reorganisation of the internal space to provide bedrooms and bathroom facilities. There are no alterations proposed to the principal elevation of the building and as such there would be a neutral impact on the listed building and its appearance within the conservation area and the streetscene would remain the same as existing.

Initially it was proposed to erect a timber enclosure to contain the refuse bins to the front of the site, however following feedback it was considered that a large bin store structure would have a far greater visual impact within the street than freestanding recycling bins. Refuse bins and seagull proof refuse sacks appear to have been present within the front garden, and the untidiness of the garden has been commented upon through the public consultation process. The proposed scheme shows 4 bins within the garden and whilst this would be an increase on the current number of refuse receptacles it is not unusual to see a number of refuse bins within front gardens in the vicinity, particularly for larger properties. Furthermore, bins of adequate size for the property are likely to negate the need for seagull proof bags. Black metal railings currently exist to the front boundary of the site, which are being retained and will provide some screening of the bins from the street.

It is not possible, or appropriate, to control the general upkeep of private gardens through the planning process, however it is reasonable to assume the formalisation of refuse collection is likely to achieve an overall improvement in the appearance of the property within the street.

The rear elevation is mostly screened by surrounding properties and there are no alterations proposed to this elevation.

As there are no external alterations proposed to the property to facilitate the change of use, there would be no significant visual harm to the setting of the adjoining listed building, or impact on the character and appearance of the conservation area, and the development therefore accords with the requirements of policies HE02 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

Concerns have been raised that the development would amount to overdevelopment of the site, with the living space and bathroom facilities being inadequate. The number of bedrooms has been reduced since its initial submission and the internal spaces altered to comply with fire regulations.

The individual bedrooms are a reasonable size with each room benefitting from natural light and ventilation. Most rooms have a private shower and WC, or have access to a communal shower room or bathroom and WC facilities. A kitchen, living room and dining room is provided on the ground floor, towards the rear of the property, with direct access into the rear garden. A store room is available within the basement for the storage of cycles with access from the ground floor hallway. The Council's Housing Licensing Officer has been consulted and confirms that the amended layout which shows a 6 bed occupancy, would meet the requirements of the HMO Amenity Guidelines.

Concern has been raised that the change of use from a single family dwelling to a HMO would intensify the use of the property leading to noise and disturbance. In this regard Paragraph 11.29 (Local Plan Policy HO19) recognises that shared living accommodation, such as that offered through HMOs, is typically more intense than single family occupation, and can give rise to noise, nuisance, more callers, a higher parking requirement and visual deterioration of buildings and gardens. Whilst there may be a small intensification of use of the property through the HMO use, the property currently has a total of 5 large bedrooms with a number of en-suites and bathrooms and, therefore, the addition of one further bedroom is unlikely to result in a significantly greater level of noise nuisance and general disturbance from comings and goings, compared to that of the existing use of the property.

With regards to paragraph 4 of the HMO policy there is space within the property and rear garden for the storage of waste, however for ease of access and collection this has been shown within the front garden, where there is likely to be a total of 4 refuse bins. Properties along this part of the terrace would not have the benefit of refuse collections from the rear of the property, and there is evidence that seagull proof bin bags and red/blue recycling receptacles used in this location. The waste storage and collection facilities for this property would therefore be likely to continue as existing with the benefit of improved facilities, and therefore the HMO use is able to demonstrate adequate waste storage facilities.

There is space within the large rear garden for clothes drying and additional storage for occupiers of the HMO. There are no additional external window or door openings proposed and the proposed development would not result in overlooking or loss of privacy above the potential mutual overlooking that may already exist between residential gardens and from the windows facing onto the front garden and public highway.

Given the above it is considered that the living conditions for future occupiers of the HMO and surrounding residential occupiers would not be significantly harmed as a result of the proposed use. The use, with its reduced number of bedrooms, is considered to be compatible with the adjacent residential properties, and the proposal therefore accords with the requirements of Thanet Local Plan policies QD03 and the NPPF and Policy HO19 which requires proposals to be compatible with the living conditions of neighbouring residents.

Planning Obligations

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.

Whilst the proposed HMO increases the number of bedrooms in the property from 5 to 6, the HMO would be restricted to a maximum of 6 residents at any one time. Furthermore the use of the existing rooms could be altered to bedrooms without the need for planning permission if the property was to remain as a single dwelling. It is therefore considered that given the size and number of bedrooms within the existing property, and the restriction of 6 residents within the C4 HMO use (rather than the 7 residents who would have been occupying the site through the previous sui generis use), that there would not be an increase in the number of people accommodated within the dwelling above the number that would typically accommodate a single dwelling. A contribution to mitigate against increased recreational pressure upon the special protection area normally required by Local Plan Policy SP29 has therefore not been requested in this instance.

Highway Safety

Concern has been raised that the change of use would lead to additional on-street parking and risks to pedestrians, particularly being close to the junction and nearby school. Paragraph 3 of Policy HO19 requires the development to provide suitable arrangements for car parking, or ensure adequate on-street parking is available within the vicinity of the site. There is no off-street parking associated with the existing dwelling and off-street parking provision is not proposed for the change of use. The proposed use would retain a similar number of bedrooms to the existing dwelling and therefore there would not be a significant increase in demand for parking. Furthermore, the property is located in a very sustainable location within walking distance of the town centre of Ramsgate and within a short walking distance to public transport connections. In addition the site is within easy walking distance of the Leopold multi-storey car park and smaller car parks in Meeting Street, Cavendish Street and Queens Road.

Concerns relating to existing inconsiderate parking problems within Effingham Street are a civil matter and not considered through this planning application. The change of use is unlikely to lead to a significant increase in on street parking demand above that of the existing dwelling for which no off-street parking is provided, and the proposal therefore accords with the requirements of policy TP06.

Within the basement there is a 14 metre square storage area for the secure storage of bicycles. Whilst there are concerns that it would be difficult to reach the basement to store bicycles, and that the ceiling height is low, the basement store would nevertheless provide a secure store, capable of accommodating a number of bicycles that meets the requirements of the cycling policy TP03. In addition there is further space within the rear garden that could be used to store bicycles if required.

Given the above it is considered there would be no significant increase in demand for parking or harm to highway safety and the development therefore accords with the requirements of Local Plan policies HO19, TP03 and TP06.

Other Matters

Concern has been raised that the public site notice has not been displayed and that members of the public have not been consulted. It is confirmed that owners/occupiers immediately adjacent to the site have been consulted by letter, a public site notice has been displayed close to the site and the application has been advertised in the Thanet Extra newspaper. Occupiers of the application site have not been separately notified of the application as Certificate A has been signed on the application form declaring that the applicant is the sole owner of the site. Consultation of the application has been properly carried out in accordance with the Council's notification procedure.

Concerns raised that a property might be devalued as a result of the development cannot be taken into account through the planning process.

Additional vehicle movements associated with the internal alterations are regarded as temporary in nature and noise nuisance complaints associated with future occupiers of the property are dealt with by Environmental Health and would be a civil matter, and is therefore not a material consideration in the determination of this planning application.

The internal alterations to facilitate the conversion of the property, including sound insulation and fire safety would be covered through Building Control Regulations.

Concerns regarding inconsiderate parking are civil matters and cannot be considered through the planning process.

Conclusion

The use of the property as a House in Multiple Occupation would not result in any physical alterations to the external appearance of the property and there would be a neutral impact on the setting of the adjoining listed building and the character and appearance of the Ramsgate Conservation Area, with waste satisfactorily stored within the site.

The living accommodation would provide a reasonable standard of living for future occupiers of the HMO and the use would not significantly impact upon the living conditions of neighbouring residential occupiers, or highway safety. The proposal would therefore comply with Policies HO19, QD02 and QD03 of the Thanet Local Plan, and the requirements of the NPPF.

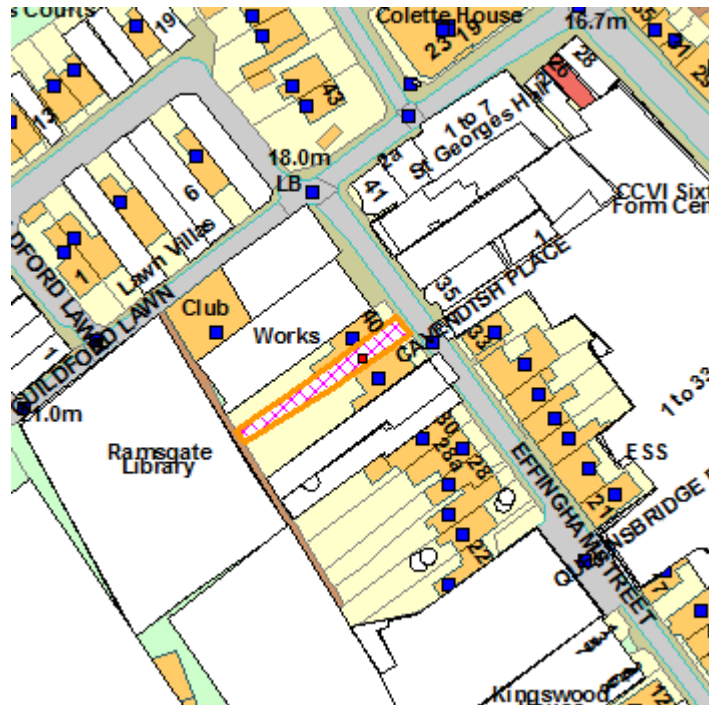
It is therefore recommended that Members approve the application subject to safeguarding conditions.

Case Officer

Rosemary Bullivant

TITLE: F/TH/23/1234

Project 38 Effingham Street RAMSGATE Kent CT11 9AT



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A03

F/TH/23/1618

PROPOSAL: Change of use from light industrial (use class B2) to Ambulance Community Response Post unit (sui generis) together with proposed first floor mezzanine and alterations to fenestration

LOCATION: Unit 8 Land North Of Spitfire Way And East Of Columbus Avenue RAMSGATE Kent

WARD: Thanet Villages

AGENT: Ms Karen Banks

APPLICANT: Mr Jeff Smith

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 020, 021 Revision A (proposed) and 024 Revision A.

GROUND

To secure the proper development of the area.

3 The area shown on the drawing number 020; as vehicle parking space shall be provided before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development.

GROUND

Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

4 The premises shall be used for the purpose of an Ambulance Community Response Post and for no other purpose.

GROUND

In recognition of the terms of the application and in the interests of safeguarding the business park.

INFORMATIVES

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

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

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

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

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

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

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

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

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

SITE, LOCATION AND DESCRIPTION

The application site relates to a purpose built unit (8) on the Manston Industrial Estate. It is located close to the Columbus Avenue and Invicta Way roundabout. The unit is located on the corner of an access road leading onto Merlin way and an internal access road. The unit is of a two storey height but currently only has floor space at ground level. The building has two allocated parking spaces associated with it that are located to its side elevation.

RELEVANT PLANNING HISTORY

F/TH/23/0661 Erection of 29No general industrial units (Use Class B2), and 8No 2-storey office units and 3-storey office block with roof terrace (Use Class E(g)), together with associated access road, parking and landscaping. Granted 22/09/2023

F/TH/23/0514 Erection of part 2-storey, part single storey building for office and light industrial use (use class E(g)), general industrial use (use class B2), and storage use (use class B8), with first floor roof terrace and solar panels to roof, together with associated parking, landscaping, installation of plant and substation, and vehicular access onto Spitfire Way. Granted 13/11/2023

F/TH/23/0461 Variation of conditions 2, 14 16 and 25 of planning permission F/TH/22/0118 for the "Erection of 53no. General industrial units with associated access road, parking and landscaping" to allow alterations to layout to accommodate changes in levels and drainage. Granted 14/07/23

F/TH/22/0118 Erection of 53no. General industrial units with associated access road, parking and landscaping. Granted 09/09/2022

PROPOSED DEVELOPMENT

Full planning consent is sought for the change of use from light industrial (use class B2) to Ambulance Community Response Post unit (sui generis) together with proposed first floor mezzanine and alterations to fenestration.

An Ambulance Community Response Post is a place which provides rest facilities for staff between emergencies. They normally accommodate one crew at any one time. Unit 8 will be used as a response unit on a 24 hour a day 365 days a year basis. The supporting information details that this was a major factor in considering Manston Business Park as an ideal location away from residential areas and with good access to the principal highway network.

In addition a meaning is proposed to create a first floor area to provide a break room office, kitchen area and W.C. The overall floor area would increase from approximately 90 sqm to 180 sq m. Fenestration changes include a new entrance added to the side elevation to give access to the first floor and alterations to the windows within the rear elevation to create more openings to serve the newly created rooms at first floor,

REPRESENTATIONS

Letters were sent to the neighbouring occupiers and a site notice was posted near the site. No representations have been received.

THANET LOCAL PLAN POLICIES

CC02 - Surface Water Management
E01 - Retention of existing employment sites
QD01 - Sustainable Design
QD02 - General design Principles
QD03 - Living Conditions
SE04 - Groundwater Protection
SE05 - Air Quality
SE06 - Noise Pollution
SP04 - Economic Growth
SP05 - Land Allocated for Economic Development
SP06 - Manston Business Park
SP26 - Landscape Character Areas
SP38 - Healthy and Inclusive Communities
SP43 - Safe and Sustainable Travel
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

CONSULTATIONS

Southern Water: The applicant has not stated details of means of disposal of foul drainage from the site.

Please note that the nearest public sewer is 230 metres away from the proposed development. Under New Connections Charging it is the responsibility of the developer to provide the sewerage infrastructure up to the point of practical connection. The applicant is advised to investigate the feasibility of this connection or examine alternative means of foul sewage disposal in consultation with the appropriate authorities.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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.

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

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.

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

KCC Highways The proposal seeks a change of use of Unit 8, whereby the wider site currently has planning permission (LPA reference: F/TH/22/0118) for 53 light industrial units.

The site is located close to the junction of the access road to the wider site off Columbus Avenue, whereby ambulance parking is proposed to the eastern boundary of the site. Should the proposal have been for conventional parking for vans or cars, I would recommend refusal. However, due to the infrequency of ambulance movements and that they will have blue lights / sirens activated, I am minded to accept the proposal and raise no objection on behalf of the local highway authority.

Informatives:

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

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

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

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

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

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

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

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

KCC PROW: I have no comments to make.

KCC Flood and Water Management: The application falls outside the definition of major development and also falls outside of KCC's remit as a statutory consultee.

KCC Ecological Advice Service: We previously commented on this site as part of application F/TH/22/0118. When we commented on that application we advised that we were satisfied that no ecological information was required and we recommended that the hedgerow on the northern boundary be enhanced.

This application is for the change of use of one of the plots within that site and we advise that we are satisfied that this application does not impact any enhancements agreed as part of application.

We advise that we are satisfied that no ecological information is required as part of this application.

COMMENTS

This application is referred to the Planning Committee as it would represent a departure to policy SP05 of the Local Plan.

Principle

The NPPF in section 8 talks about promoting healthy and safe communities. Paragraph 96c) details planning decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. Further paragraph 97 b) details planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

The site lies within Manston Business Park, and is an allocated employment site. The site is located close to the roundabout with access to the site, Invicta Way and Columbus Avenue.

The proposal is for the change of use from light industrial (use class B2) to Ambulance Community Response Post unit (sui generis) together with proposed first floor mezzanine and alterations to fenestration.

The principle of development is therefore at odds with Policy SP05 of the Thanet Local Plan, which restricts development to use classes B1 (business, which now falls under use class E(g)), B2 (general industry) and B8 (storage and distribution) Policy SP06 of the Thanet Local Plan, which only permits employment uses (B1, B2 and B8 use classes) within Manston Business Park, subject to acceptable transport and green infrastructure provision; and Policy E01 of the Thanet Local Plan, which seeks to retain the site as an employment site, supporting uses falling within Use Classes B1, B2 and B8, where they would not harm the living conditions of neighbouring occupiers of land or buildings. In addition SP38 (Healthy and Inclusive Communities) which seeks to promote, protect and improve the health of Thanet's residents, and reduce health inequalities.

In terms of background information the agent was asked to provide information during the application process to justify the use against these policies. They have confirmed:

"The Application proposes the use of 'Unit 8' as an Ambulance Community Response Post (ACRP) by the Southeast Coast Ambulance Service NHS Foundation Trust...

The Trust was formed as a result of the merger of the former ambulance services of Kent, Surrey and Sussex and covers a geographical area of some 3500 miles. The Trust provides emergency services to a population of over 4.3 million people in Kent, Surrey and Sussex and to selected geographic areas within Berkshire and Northeast Hampshire. Within its catchment area, the Trust services both urban and rural areas as well as having some of the busiest stretches of motorway in the country.

The Trust has been rolling out an operationally-led restructuring programme (since 2008) which is replacing many of the existing ambulance stations with larger 'make-ready centres' (MRCs). These MRCs are located at strategic locations across the southeast together with a greater number of strategically placed, smaller (patient demand-led) Ambulance Community Response Points (ACRPs)...

Make-ready is a vehicle preparation system which sees specialist teams of staff employed to clean, restock and maintain vehicles, which means that the Trust's staff, who routinely undertake such tasks, can spend more time treating patients. A make-ready centre is where the vehicle and equipment maintenance and preparation takes place with staff beginning and ending their shifts at the makeready centres before being sent to Ambulance Community Response Posts from which they will respond to 999 emergencies during their shift. Response Posts are located in places where they can reach as many patients as quickly as possible."

In terms of alliance with policy SP06 it is detailed:

"The reasoned justification to Policy SP06, at Paragraph 1.34, advises of the fact that Manston Business Park is a prime business investment location, "...being strategically located at the centre of Thanet ... has easy accessibility from the centres of population, the port at Ramsgate and excellent road links to the rest of Kent and the UK via the A299 and M2." Whilst this may not, in itself, provide full justification for the development proposal in this location, you are asked to consider this fact as a material consideration in the determination of this application. It is, of course, the highly sustainable location of the business park at Manston, and in relation to the central urban areas of Thanet and the QEQM Hospital that renders "Unit 8" an ideal location for such a use.

We also draw your attention to the reasoned justification to Policy SP06 at Paragraph 1.36 wherein the Local Plan advises that "some mixed use, including additional business support services and training facilities...will be considered appropriate." Whilst the proposed use of "Unit 8" does not directly support business or training facilities, the use is evidently a support service to the NHS and will result in the employment of staff with which to operate the response unit. This being the case, the proposed use would not conflict with the general provisions of Policy SP06 given that it is a use which will generate employment opportunities. In addition, the Sui generis nature of the use will, in fact, incorporate the former Use Class B1 (now E(g)) - that comprising the office element at first floor, in addition to an element of Use Class B8 (given that storage will occur on the ground floor and that the Response Unit will, in fact, act as a 'distribution centre'.

Given the specific wording of the Policy, and in the strictest sense, the proposed Sui generis use will conflict with the policy requirement but will not, it is submitted, be to such an extent that would warrant a refusal of planning permission given the support for mixed uses in the policy's preamble and the material considerations that exist.

With the Unit having been considered acceptable as part of the larger 'estate' Masterplan under the original permission (F/TH/22/0118), due consideration has already been given to the provision of green infrastructure. In acknowledging that the provision of two ambulance parking spaces will result in a, very, minor change to the approved landscaping scheme, details of ecological enhancement works have yet to be provided to satisfy pre-occupation conditions and will take this into consideration. As such, the use of this particular Unit for the purposes proposed would not impact upon the green infrastructure that will be coming forward as part of a detailed package of measures. The scheme is therefore compliant with Criterion (1) of Policy SP06.

Turning to Criterion (2) of Policy SP06, the occupation of the unit for business purposes would have been considered in relation to the estate as a whole and dealt with at the time of the original application. Given that the proposed 'end-user' of the unit is the NHS which itself is a recipient of requested contributions towards development related infrastructure, the Planning Authority is asked to consider this fact as a material consideration."

Taking into account the above and balancing out the improvements made to access to emergency responders, it is considered the building is currently approximately 90 sqm an additional mezzanine would be created at first floor doubling this figure. Whilst not use class B1- now E(g), the scheme will provide elements of the former B uses within it- office space and storage, albeit small. In addition the site would create employment, as detailed within

the supporting statement although not acknowledged within the submitted application form. Weight is also attached to the fact that this use will support the NHS and community in line with policy SP38 and the development of community facilities should be actively pursued and it is important that the local area of Thanet is adequately covered with ambulance services as well as supporting well-being and health which is supported within the NPPF. The location being on a business park ensures that it is in prime location to access the main arterial roads to get to any given point in relation to the area it serves and would therefore seem suited to this location.

It is also considered that due to the specifics of this proposal it should not set a precedent for any future applications. The justification for the Ambulance Community Response Post would be on the basis that this is a business park within the rural area that is highly accessible to other areas of the district and not close to residential areas. The proposal is only one unit out of fifty three units proposed for the site, and therefore in terms of the scale the proposal would occupy only a small percentage of the business development planned for the site.

On balance, and on this occasion taking into account the specific and unique details of this proposal the principle of development is therefore considered to be an acceptable departure from policy subject to 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 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 SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design. Policy QD01 relates to sustainable design and sets out that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate. Policy QD02 is a general design policy and sets out that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases.

The building has a dual frontage, with the main elevations fronting the access road and another internal access road. In terms of physical alterations to the building; external to the rear elevation one window will be replaced by two windows at first floor; serving a kitchen and W.C (newly created mezzanine level). These changes are not considered to result in material harm to the visual characteristics of the area especially given the set back position to the access road.

Overall the physical design changes of the building, is considered to result in an acceptable impact upon the character and appearance of the area, in accordance with Policy QD02 of the Thanet Local Plan.

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. Paragraph 135 f) details planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

The nearest neighbouring residential properties are a significant distance away from the site, outside of the business park. Given the distance there is unlikely to be a significant impact from noise and disturbance.

The impact upon neighbouring amenity is considered to be acceptable and in accordance with Policy QD03 of the Thanet Local Plan.

Highways

Paragraph 114 of the NPPF says that in assessing applications for development it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) 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.

Local Plan Policies TP02 and TP03 concern walking and cycling. They require that new development will be expected to be designed to facilitate safe and convenient movement by pedestrians and the safety of cyclists and facilities for cyclists. Policy TP06 states that proposals for development will be expected to make satisfactory provision for the parking of vehicles, including disabled parking. Suitable levels of provision will be considered in relation to individual proposals taking account of the type of development, location, accessibility, availability of opportunities for public transport, likely accumulation of car parking, design considerations.

The application proposes two new parking spaces onto the access road adjacent to the side facade of the building. With the exit being onto the new internal access road leading to the roundabout within the business park.

KCC Highways have reviewed the application and advised that the application for conventional parking for vans or cars would have been recommended for refusal. However, due to the infrequency of ambulance movements and that they will have blue lights / sirens activated, no objection is raised. KCC have raised no concerns with the overall parking provision.

Your officers consider that the use of sirens and blue light would draw attention to any vehicles leaving the site to go straight to a job and would limit any potential for an unsafe access close to the junction. It is also considered that adequate parking has been achieved, the site is sustainably located, and that the vehicle movements generated are unlikely to have a severe impact upon the highway network.

Drainage

The application form details that surface water will be disposed of to the main sewer and in terms of foul, this is unknown at this stage.

Southern Water has advised under New Connections Charging it is the responsibility of the developer to provide the sewerage infrastructure up to the point of practical connection.

The impact on flood risk and groundwater protection is therefore considered to be acceptable and in accordance with Policies SE04 and CC02 of the Thanet Local Plan.

Biodiversity

The NPPF states at paragraph 186 that the planning system should contribute to and enhance the natural and local environment. The NPPF then states at paragraph 186 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."

Policy SP30 on Biodiversity and Geodiversity Assets requires development proposals to make provision for a net gain in biodiversity. In addition, paragraph 186d) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and

local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 186 d), refers to the securing of measurable net gains for biodiversity.

The two additional parking spaces to the side of the building will require the loss of part of a landscaped area. This is regrettable, but on balance this is a relatively small location and the facility needs it for the ambulances to operate out of. Given the value in the use and its wider community benefits this is considered acceptable.

KCC Biodiversity has been consulted and advised they have no objections.

The impact upon biodiversity is therefore considered to be acceptable, and in accordance with Policy SP30 of the Thanet Local Plan.

Conclusion

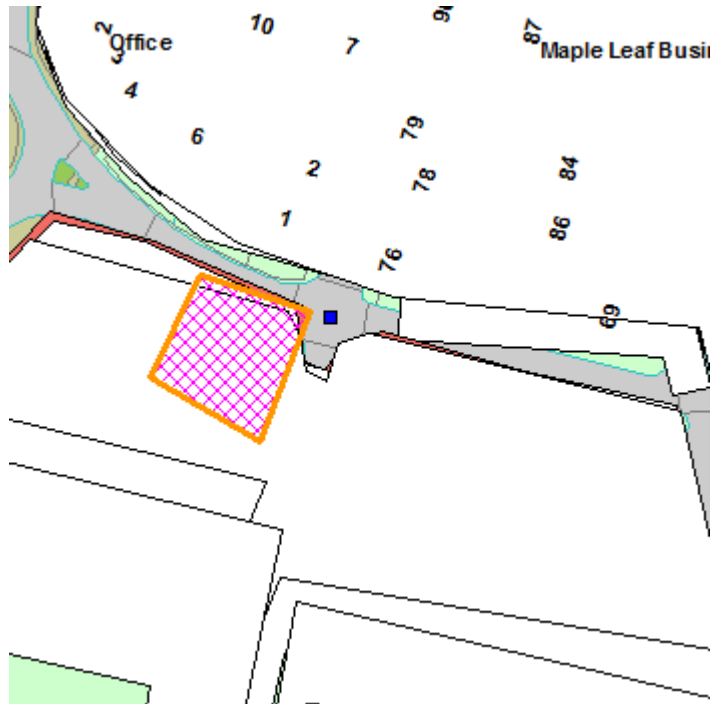
The proposed use as an Ambulance Community Response Post unit (sui generis) is considered to be a use that will support the NHS and community in line with policy SP38 and the development of community facilities should be actively pursued and it is important that the local area of Thanet is adequately covered with ambulance services. In addition it is acknowledged that the location being on a business park ensures that it is in prime location to access the main arterial roads to get to any given point in relation to the area it serves more easily, which has support through policy SP38. At odds with this however, are the policies to protect the site and wider business park to class E(g) uses formally B1, B2 and B8 under policies SP05 and Policy E01 of the Thanet Local Plan. In this case officers consider on balance that given the clear positives of allowing this development weighed against the relatively small floor space lost through its approval with the sui generis use (part of the use having office and storage space; which is supported by SP06) within the wider business park there is justification in this instance. All other aspects in relation to physical changes, neighbour amenity, highway issues, drainage and biodiversity are considered acceptable.

Case Officer

Gillian Daws

TITLE: F/TH/23/1618

Project Unit 8 Land North Of Spitfire Way And East Of Columbus Avenue
RAMSGATE Kent



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A04

F/TH/24/0007

PROPOSAL: Installation of external wall insulation, erection of roof screen, alterations to windows , doors and existing balconies, together
LOCATION: with external and internal alterations

Staner Court Manston Road RAMSGATE Kent CT12 6HR

WARD: Newington

AGENT: Mr Ciaran Gallen

APPLICANT: Mr Kieran Cooper, Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 05100 Rev P01, 05101 Rev P01, 05102 Rev P01,, 05200 Rev P01, 05300 Rev P01, and 05301 Rev P01, and 01102 Rev P01 received 03/01/2024.

GROUND;

To secure the proper development of the area.

3 Prior to the commencement of the development, a noise impact assessment shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with guidance found in BS5228 -1:2009+A1:2014 Noise and Vibration Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

GROUND:

In order to ensure that environmental effects from the proposed construction works are planned for and managed. it is appropriate that a CEMP should be submitted. It is recommended that the following condition is applied.

4 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 CEMP shall be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites and IAQM Guidance on

the Assessment of dust from demolition and construction 2023; the Plan shall include mitigation measures. 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: To protect against harmful environmental impacts and the amenities of residential and nearby occupiers, in accordance with the aims of Policy QD03 of the Thanet Local Plan and the guidance contained in the NPPF.

SITE, LOCATION AND DESCRIPTION

Staner Court is a substantial and irregularly shaped 1960's tower block, currently in use as residential accommodation. It sits on the outskirts of Ramsgate and the edge of the Newington estate. The block is in close proximity to much smaller residential properties in all areas surrounding it, a school, a number of community facilities and commercial spaces, along with a supermarket.

The site can be considered a landmark building, being the only tower block of this kind in the immediate vicinity. It primarily fronts Manston Road but has visual connections with Princess Margaret Avenue to the east. Given its scale and elevated land levels to the south and west, long views of it are possible on entering Thanet from Haine Road.

The current tower block is a light colour finished in render with orange patterns on each elevation. These appear as orange banding with mirrored semi-circles connected by a vertical run between the fourth floor and the fourteenth floors. It contains a number of concrete balconies with a black framed box design and yellow screening on the east and south elevations. External windows and doors appear in white uPVC. To the roof there is metal railings and evidence of some plant and antennas. There is a car park to the front of the site with external bin stores and some soft and hard landscaping intermixed.

RELEVANT PLANNING HISTORY

F/TH/19/1675 - Replacement of windows and doors to front and rear elevations. Granted 29/01/2020.

F/TH/01/0869 - Alterations to external elevation comprising installation of overcladding system and renewal of existing balcony balustrading. Granted 27/11/2001.

PROPOSED DEVELOPMENT

This application seeks planning permission for retrofit works for fire remediation purposes. It is stated that the existing external materials comprise a polystyrene insulation which is flammable and needs to be addressed. It is also stated that the panels covering the balconies are likely to be constructed of combustible materials.

The proposal seeks new external wall insulation, replacement windows, doors and balcony elements, a replacement roof and fall arrest system, along with a number of internal upgrades to address fire regulations and correct damage or poor condition elements.

The works would see external alterations to the appearance of the building, changing to a cream render finish with a grey fibre cement base. Windows would be replaced with off white aluminium and champagne coloured openings, and champagne screens would be applied to existing balconies. The existing entrance would be upgraded with this colour palette. A new liquid membrane would be applied to the roof and existing redundant equipment would be removed or upgraded here. New screening and anti-fall barriers would be introduced.

The overall appearance has been taken from consultation with residents and the works would be funded through the Building Safety Fund and Social Housing Decarbonisation Fund.

DEVELOPMENT PLAN POLICIES

SP11 - Ramsgate
SP35 - Quality Development
QD01 - Sustainable Development
QD02 - General Design Principles
QD03 - Living Conditions
SE04 - Groundwater Protection

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice posted close to the site. No representations have been received.

CONSULTATIONS

TDC Environmental Health: Staner Court tower is adjacent to a residential area and near Newington Primary School, the proposed works are significant and may occur for an extended period of time. The construction will be occurring at height and will allow for an unrestricted distribution of sound. Consideration should be given to a noise impact assessment being undertaken. The proposed condition is.

Condition: Noise Impact Assessment

Prior to the commencement of the development, a noise impact assessment shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with guidance found in BS5228 -1:2009+A1:2014 Noise and Vibration Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

In order to ensure that environmental effects from the proposed construction works are planned for and managed. it is appropriate that a CEMP should be submitted. It is recommended that the following condition is applied.

Condition: CEMP

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites and IAQM Guidance on the Assessment of dust from demolition and construction 2023; the Plan shall include mitigation measures. 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.

Health and Safety Executive: "It is acknowledged that the proposed remedial works provide enhanced conditions regarding fire safety throughout the building and should not impact fire service access and facilities or the existing fire strategy. It is also noted that consultation with Kent Fire and Rescue Service took place on 15/09/2023 and their observations relating to fire service access and fire hydrant provisions were provided.

The building is served by a single stair core (with two lifts), forming the only means of escape for occupants and the only access for firefighters serving dwellings located on upper floor levels.

Section 6 of the fire statement does not confirm which design standard has been used in the design of the proposed remedial works. For the purposes of this assessment, HSE has assumed the use of Approved Document B volume 1 and/or British Standard 9991 and has assessed this application accordingly.

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations."

The response goes on to include comments about firefighting facilities, lifts, stairs, automatic opening vents, sprinkler systems and hydrant provision, and notes that these considerations would largely be subject to consideration at a later regulatory stage.

Kent Fire and Rescue: The access statement is limited in its findings and considerations to the proposed project at Staner Court. The open area immediately surrounding Staner Court is also being redeveloped with the provision of additional housing. Both projects will utilise the single access point onto the site. Consideration and suitable measures must be taken into account to ensure that Fire Service access is available up to and around Staner Court and the surrounding development at all times to ensure the safety of the tower's residents/occupants.

The local fire hydrant provisions should be tested to ensure operability. Hydrant provisions both directly on the site and on the nearby network should be kept clear of all vehicles and/or materials associated with the works at all times.

A full building regulations application will need to be submitted for the project which should fully detail all proposed fire safety provisions for assessment. It is recommended that a full

Fire Strategy document is also submitted at this time in support of the application and to allow scrutiny.

KCC Highways: This development proposal does not meet the criteria to warrant involvement from the Highway Authority.

COMMENTS

This application is reported to Planning Committee as a submission made on behalf of Thanet District Council.

Principle

There is no in-principle objection to the alteration of an existing residential building.

The main considerations are the impact on the character and appearance of the surrounding area, the living conditions of occupiers, and other matters.

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 attractive, welcoming and distinctive, as well as 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.

In terms of the external facade changes the Design and Access statement sets out that the design concept has been to create a distinctive darker base to visually link with surrounding low rise buildings, with a lighter colour palette to the upper floors. It is stated that three design options were presented to the residents of the building and wider community consultation has taken place, therefore there is general community support for the current proposal. The colours and materials selected would create a modern appearance. The building is seen in its own context and therefore whilst it would not necessarily assimilate with the surrounding finishes and appearances, the colours chosen and use of lighter finishes would have some integration with the nearby cream renders and yellow brick buildings on Manston Road, but the overall appearance would be self-supporting.

The addition of external wall insulation would see an increase in the overall projection of the outer walls by around 0.3m. This would be a marginal change visually and unlikely to result in any unacceptable impact on the appearance of the area.

The proposed balcony changes will see an increase to the overall width of each, the removal of the box like appearance, the use of champagne metal railings, with solid screening elements to the sides and part of the front. A small section of the front of the balcony would remain open. Again the building would be seen autonomously and although an unusual feature, the design has been informed by the community and those that took part in the public consultation.

Windows and doors would be replaced and the existing uPVC would be upgraded to champagne aluminium frames, which would move closer to the outer edge of the new external wall layer after insulation has been added. These changes are considered to marry with the overall design approach.

A number of upgrades to the entrance would be undertaken and include replacing the existing glazing and entrance doors, the removal of an existing front glazed projection, and the addition of aluminium panels in a champagne finish to the existing walls. A new aluminium soffit would include lighting fixtures and new signage for the building is proposed which would be placed vertically on the same elevation as the existing sign, but larger and of a more modern appearance. These works are not likely to harmfully affect the appearance of the building or wider area and are considered to be acceptable.

The roof alterations would see the erection of a perimeter screen to support working with the plant at this height. Although adding additional built form, the need for this element has been clearly set out and the horizontal emphasis would help to prevent any sense of additional bulk. Some longer distance views across the rooftop here can be gleaned from nearby streets and the proposed works to integrate existing plant and equipment with the new colour palette would help here. The existing roof covering would be upgraded and replaced with a warm roof system. Overall these works are not considered significantly harmful given the current appearance.

On balance the works are considered to be acceptable and comply with the spirit of policies QD02 of the Thanet Local 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. Paragraph 135 states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution,

overshadowing, loss of natural light or a sense of enclosure. Policy QD01 of the Thanet Local Plan sets out that 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 and will be required to make the best use of solar energy, passive heating and cooling, natural light, natural ventilation and landscaping.

The scheme proposes a number of works to address fire safety. This is a material planning consideration and LPAs are required to consult the Health and Safety Executive (HSE) on any proposals for works to buildings of this scale. A fire statement has been provided by the applicant and reviewed by HSE who agree that the scheme can progress to the next stage.

In terms of the impact on the works on neighbouring property occupiers, most of the works would be minimal and any changes to the thickness of the building or extent of balconies would be modest. The building thickness would increase by 0.3m which would likely be imperceptible to most neighbouring occupiers. The balconies would increase slightly from approximately 2.8m walk out space (length) to around 3m. The building is set back away from nearby properties. All balconies would still be inset from the wall edge and therefore no new harm is expected to occur as a result. The roof alterations and provision of screening would be at a height that would not be expected to be experienced by neighbouring properties.

In terms of any impact on the current occupiers of the building, works are intended to be undertaken while the tower block is occupied. There are 89 units here over 15 floors and the works have the potential to cause significant disruption. There are a number of potential matters that require consideration. These include ensuring the continued ability of occupiers to retain heat and a reasonable standard of living whilst works are undertaken, along with the potential for noise, dust, vibrations and general disturbance to occupiers and nearby occupiers. The Council's Environmental Health Team have raised concerns about the height at which works would be undertaken and the potential for the unrestricted distribution of sound. They have therefore suggested conditions surrounding the submission of a noise impact assessment and a construction management plan. Both of these are considered to be reasonable and have been agreed to by the applicant.

Overall the works would see thermal upgrades and environmental improvements to the building and subject to the above conditions and a satisfactory noise and construction management plan, the works are likely to comply with the aims of policies QD01, QD02 and QD03 of the Thanet Local Plan and the aims of the NPPF.

Other Matters

The site lies within a groundwater protection zone. Policy SE04 relates to groundwater protection and states that in these areas development will only be permitted where there is no risk of contamination.

This is a site in current use as a residential block and the additional built form is not considered, given the small scale proposed overall, to have any additional adverse impact on groundwater.

Conclusion

Overall the proposed works would see the upgrading of a 1960's tower block to create both a more resilient building, and a contemporary appearance. The site is seen in a unique context, and would have some integration with the wider area. There is general community support for the design that has been chosen and the works are not considered likely to be harmful to the character and appearance of the area.

The HSE have considered the design proposal and agree that the scheme can progress to the next stage.

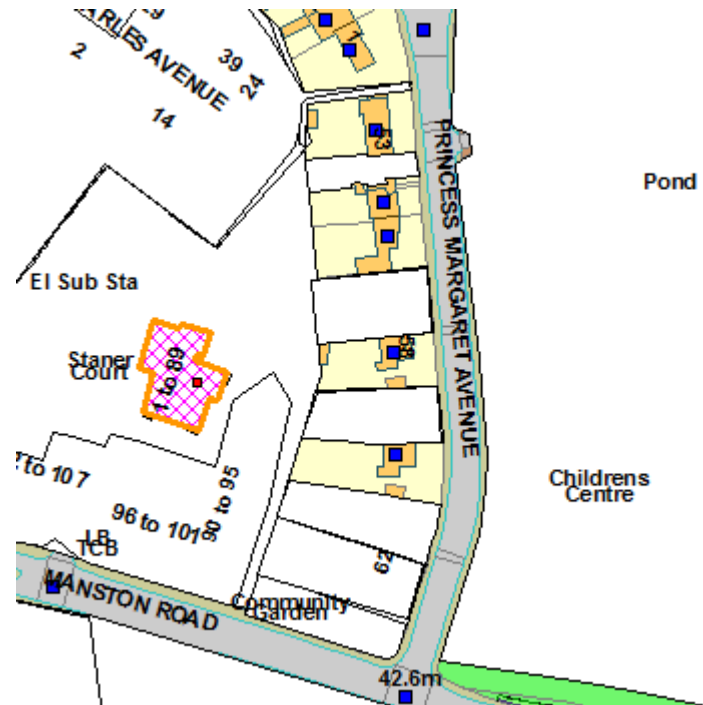
The works have the potential to cause significant noise and disturbance more widely, and to impact the current living conditions of those living in the tower block during construction. As a result a number of safeguarding conditions are recommended and subject to these, the works are considered to be acceptable.

Case Officer

Vicky Kendell-Bryant

TITLE: F/TH/24/0007

Project Staner Court Manston Road RAMSGATE Kent CT12 6HR



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A05

F/TH/24/0006

PROPOSAL: Replacement of windows and doors to all elevations with aluminium double glazing, including insertion of glazed louvre vents to east and west elevation, replacement of metal balcony railings, installation of roof screening system, installation of aluminium cladding to all floors and rainscreen cladding system to ground, first and second floor level, together with application of render to all elevations.

LOCATION: Invicta House Millmead Road MARGATE Kent CT9 3RN

WARD: Dane Valley

AGENT: Mr Ciaran Gallen

APPLICANT: Mr Kieran Cooper

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 230118-ECD-01-XX-DR-A-01102-S2-P01, 230118-ECD-01-XX-DR-A-01100-S2-P02, 230118-ECD-01-00-DR-A-05100-S2-P01, 230118-ECD-01-ZZ-DR-A-05101-S2-P01, 230118-ECD-01-ZZ-DR-A-05300-S2-P01, 230118-ECD-01-ZZ-DR-A-05301-S2-P01 all received 3 January 2024.

GROUND;

To secure the proper development of the area.

3 Prior to the commencement of the development, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with guidance found in BS5228 -1:2009+A1:2014 Noise and Vibration Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

GROUND: To protect the amenities of residential and nearby occupiers, in accordance with the aims of Policy QD03 of the Thanet Local Plan and the guidance contained in the NPPF.

4 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 CEMP shall be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites and IAQM Guidance on the Assessment of dust from demolition and construction 2023; the Plan shall include mitigation measures.

GROUND: To protect against harmful environmental impacts and the amenities of residential and nearby occupiers, in accordance with the aims of Policy QD03 of the Thanet Local Plan and the guidance contained in the NPPF.

5 Prior to the commencement of any development on site details to include 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 for vehicles, including emergency vehicles

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.

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.

Where works to the external wall will affect fire fighter access to the dry riser due to scaffolding, site hoarding/fencing and an increase in trade vehicles and material lorries, it is essential that emergency access of 18M to the dry riser is maintained during the refurbishment period, operational crews made aware and the Site Specific Risk Assessment (SSRI) reviewed.

SITE, LOCATION AND DESCRIPTION

Invicta House is a large double block of flats situated in a suburban area of Dane Valley in Margate which is predominantly characterised by social housing. It is prominent from the

surrounding area as it is the only tower block in the Margate area apart from Arlington House which is close to the beach and Margate town centre.

The tower block is painted a light beige colour with brown accents in render, and has inset concrete balconies to the east and west elevations with a black framed box design to the front with yellow screening behind. External windows and doors appear in white uPVC. The building has plant on the roof, some soft landscaping to the rear and parking spaces to the front.

RELEVANT PLANNING HISTORY

F/TH/03/0544 - Alterations to the external elevations comprising installation of overcladding system and renewal of balcony balustrading. Granted

PROPOSED DEVELOPMENT

This application seeks planning permission for retrofit works for fire remediation purposes. It is stated that the existing external cladding is a polystyrene insulation which is flammable and needs to be addressed, along with a small amount of combustible resin covering external walls. It is also stated that the panels covering the balconies are likely to be constructed of combustible materials.

The proposal seeks new external wall insulation, replacement windows, doors and balconies elements, a replacement roof and a number of internal upgrades to address fire regulations and correct damaged or poor condition elements.

The works would see external alterations to the appearance of the building, changing to an off-white render finish with a mixture of aluminium and fibre cement cladding in white and grey tones. A new liquid membrane would be applied to the roof and existing redundant equipment would be removed here. New screening and anti-fall barriers would be introduced and existing plant upgraded. Aluminium doors and windows would replace the existing uPVC openings and the entrance area and undercroft would be upgraded.

The overall appearance has been taken from consultation with residents and the works would be funded through the Building Safety Fund and Social Housing Decarbonisation Fund.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP35 - Quality Development
QD01 - Sustainable Development
QD02 - General Design Principles
QD03 - Living Conditions

NOTIFICATIONS

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

CONSULTATIONS

KCC Highways:

This development proposal does not meet the criteria to warrant involvement from the Highway Authority.

Health and Safety Executive:

“It is noted that some of the proposed works have already been completed, the Design and Access Statement states “The following structural alterations were identified as having been completed within the past 12 months of the summer 2021 survey:

The building has had the following upgrades:

1. New fire doors throughout.
2. New flat front doors.
3. New fire alarm system awaiting commission.
4. New AOV's installed within the flat lobbies.”

Section 6(e) of the fire statement details the standards that have been applied relating to fire safety/approach. The applicant's response is “N/A Existing Building”. This fire safety information is necessary for HSE to complete a full assessment of a design proposal. The most relevant document for this proposal would be Approved document B volume 1 (dwellings). 1.5. Therefore, HSE has assumed that Approved document B volume 1 is the standard being used and that a form filling error has occurred, HSE have assessed the application on that basis.

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.”

The response goes on to include comments about window replacement works with the potential to impact fire integrity, the material composition of balustrades and balconies, and the condition and location of existing hydrants, however states that these comments do not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority.

TDC Environmental Health:

Thank you for consulting Environmental Health on this application for which we offer the following comment in relation to noise and the construction activities of the building:

Invicta House is surrounded by residential properties and nearby Primary Schools as well as occupants of the tower block; the proposed works are significant and may occur for an extended period of time. The construction will be occurring at height and will allow for an unrestricted distribution of sound. Consideration should be given to a noise impact assessment being undertaken. The proposed condition is.

Prior to the commencement of the development, a noise impact assessment shall be submitted to and approved by the Local Planning Authority. The scheme include an assessment of proposed plant in accordance with BS4142 and shall assess constructions impacts in accordance with guidance found in BS5228 -1:2009+A1:2014 Noise and Vibration Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

In order to ensure that environmental effects from the proposed construction works are planned for and managed. it is appropriate that a CEMP should be submitted. It is recommended that the following condition is applied.

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 CEMP shall be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites and IAQM Guidance on the Assessment of dust from demolition and construction 2023; the Plan shall include mitigation measures.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

COMMENTS

The application is brought before members as the application has been made on behalf of Thanet District Council.

Principle

There is no in-principle objection to the alteration of an existing residential building. The main considerations are the impact on the character and appearance of the surrounding area, and the living conditions of occupiers.

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 attractive, welcoming and distinctive, as well as 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.

This application has been submitted by the Council's Senior Project Manager following consultation with Building Control, Fire Risk Assessors, Kent Fire and Rescue and local residents and tenants of the tower blocks, with votes made for the submitted design preference.

The Design and Access statement sets out that the design concept using a rain screen cladding to the first three floors and thereafter render and aluminium cladding has been employed to create a distinctive dark base, to visually link with surrounding low rise buildings, with a lighter colour palette to the upper floors. It is stated that three design options were presented to the residents of the building and wider community consultation has taken place, therefore there is general community support for the current proposal. The residents of Invicta house chose cream render, dark grey textured rain screen, champagne colour windows, balcony railings and for the entrance and signage.

The colours and materials selected would create a modern appearance. Whilst the changes would not necessarily assimilate with the surrounding finishes and appearances of nearby buildings, the colours chosen and use of panels would have some integration with nearby buildings, and the overall appearance would be self-supporting. The continued vertical focus and addition of softer colours to the upper floors would help break up the appearance of the building and the use of vertical banding and the loss of horizontal banding would create more visual consistency.

The addition of external wall insulation would see an increase in the overall projection of the outer walls by around 0.3m. This would be a marginal change visually and unlikely to result in any unacceptable impact on the appearance of the area.

The alterations to the inset balconies to the east and west elevations will create a visually integrated form across the facade as the proposed metal railings which will be the same champagne colour as the windows will give a cohesive feel to the development.

Windows and doors would be replaced and the existing uPVC would be upgraded to champagne colour aluminium frames. A number of glass louvred vents would replace existing windows to the north and south elevations. Although this glazing arrangement would alter the appearance of the building, the run of panels continues the vertical appearance and this is considered to be acceptable.

A number of upgrades to the entrance areas of the block would be undertaken and include creating an angled entrance and upgrading the existing glazing. Blocks of colour would be used from the balconies and other features across the facades. These changes are likely to offer a more appealing entranceway and larger space and are considered to be acceptable. It is proposed to change the position of the name identifying the building by placing it above the entrance and have the words follow each other. This is not likely to materially affect the appearance of the building or wider area and is considered to be acceptable.

The roof alterations would see the erection of a perimeter screen to enclose the plant at this height. Although adding additional built form, the need for this element has been clearly set out and the horizontal emphasis would help to prevent any sense of additional bulk. The

overall roof area is not prominently viewed from the ground given the scale of the towers, however some longer distance views from the views from the east may be possible. The overall finish and colour would be light to match the upper storeys, and would replace the existing railing system. Overall these works are not considered significantly harmful. The existing roof covering would be upgraded and replaced with a warm roof system. These changes are unlikely to be appreciable from the surrounding area.

On balance, the works are considered to be acceptable, with an overall enhancement of the building achieved, in accordance with QD02 of the Thanet Local Plan, and guidance within 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. Paragraph 135 states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure. Policy QD01 of the Thanet Local Plan sets out that 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 and will be required to make the best use of solar energy, passive heating and cooling, natural light, natural ventilation and landscaping.

The scheme proposes a number of works to address fire safety. This is a material planning consideration and LPAs are required to consult the Health and Safety Executive (HSE) on any proposals for works to buildings of this scale. A fire statement has been provided by the applicant and reviewed by HSE who agree that the scheme can progress to the next stage. In terms of the impact on the works on neighbouring property occupiers, most of the works would be minimal and any changes to the thickness of the building or extent of balconies would be modest. The building thickness would increase by 0.3m which would likely be imperceptible to most neighbouring occupiers. The balconies are inset from the wall edge and therefore no new harm is expected to occur as a result. The roof alterations and provision of screening would be at a height that would not be expected to be experienced by neighbouring properties.

In terms of any impact on the current occupiers of the building, works are intended to be undertaken while the tower block is occupied. There are 89 units here over 15 floors and the works have the potential to cause significant disruption. There are a number of potential matters that require consideration. These include ensuring the continued ability of occupiers to retain heat and a reasonable standard of living whilst works are undertaken, along with the potential for noise, dust, vibrations and general disturbance to occupiers and nearby occupiers. The Council's Environmental Health Team have raised concerns about the height

at which works would be undertaken and the potential for the unrestricted distribution of sound. They have therefore suggested conditions surrounding the submission of a noise impact assessment and a construction management plan. Both of these are considered to be reasonable and have been agreed to by the applicant.

Overall the works would see thermal upgrades and environmental improvements to the building and subject to the above conditions and a satisfactory noise and construction management plan, the works are likely to comply with the aims of policies QD01, QD02 and QD03 of the Thanet Local Plan and the aims of the NPPF.

Conclusion

Overall the proposed works would see the upgrading of a 1960's tower block to create both a more resilient building, and a contemporary appearance. There is general community support for the design that has been chosen and the works are not considered likely to be harmful to the character and appearance of the area.

The HSE have considered the design proposal and agree that the scheme can progress to the next stage.

The works have the potential to cause significant noise and disturbance more widely, and to impact the current living conditions of those living in the tower block during construction. As a result a number of safeguarding conditions are recommended and subject to these, the works are considered to be acceptable.

It is recommended that members approve the application subject to safeguarding conditions

Case Officer

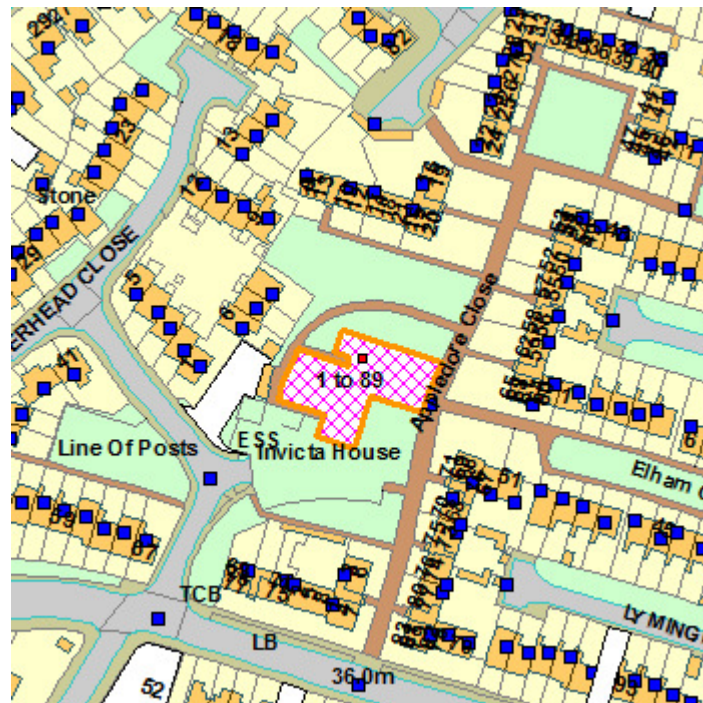
Dawn Rollason

TITLE:

F/TH/24/0006

Project

Invicta House Millmead Road MARGATE Kent CT9 3RN



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A06

FH/TH/23/1668

PROPOSAL: Erection of a two storey side extension following demolition of existing shed

LOCATION: 2 Tidewell Mews Westgate On Sea Kent CT8 8PX

WARD: Westgate-on-Sea

AGENT: Mr Toby Smith

APPLICANT: Mr Nicholas Wells

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 23.122.001.A3.PL, 23.122.005.A3.PL, 23.122.006.A3.PL, 23.122.007.A3.PL (received 09/02/24), 23.122.008.A3.PL (received 09/02/24) and 23.122.009.A3.PL (received 09/02/24).

GROUND

To secure the proper development of the area.

3 The external materials and external finishes to be used in the extensions hereby approved shall be of the same colour, finish and texture as those on the existing property.

GROUND

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

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

- (a) Parking and turning areas for construction and delivery vehicles and site personnel
- (b) Timing of deliveries

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.

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

Tidewell Mews is located off Harold Avenue in Westgate, it is a gated cul-de-sac.

The dwellings in Tidewell Mews have distinct characteristics with the terrace of dwellings (nos. 3-8) being smaller in scale and reflecting the terraces nos. 24 to 30 and 25 to 29 Harold Avenue (with plot widths generally of some 5 metres) and the two dwellings (nos. 1 & 2) backing on to Harold Avenue being larger and detached reflecting the larger scale more traditional terraced, semis and detached properties along this part of Harold Avenue.

No 2 Tidewell Mews is a detached three storey property. The property has a gable to the principal elevation with tile hanging detail at first floor level and mock tudor style within the gable. The current plot width of no. 2 Tidewell Mews is 13 metres at its widest point. To the side of the dwelling currently is a detached timber shed within its side garden. The property has two parking spaces in front of the current side garden area.

The site falls within the confines of the Westgate on Sea South Conservation Area.

RELEVANT PLANNING HISTORY

F/TH/22/0449 - Erection of 1no three storey three bedroom detached dwelling adjacent to no.2 Tidewell Mews. Refused 21st October 2022

It was refused for the following 2 reasons

"The proposed development by virtue of the restricted width of the site, proximity to no. 2 Tidewell Mews and loss of space between no.2 Tidewell Mews and no.11 Harold Avenue, would represent a cramped and congested form of development, out of keeping with the established pattern of surrounding development resulting in an incongruous form of development severely harmful to the character and appearance of the area and the visual amenities of the locality. The proposal, is therefore, contrary to Policy QD02 of the Thanet Local Plan, and paragraph 130 of the National Planning Policy Framework.

The proposed development by virtue of the location of the parking space associated with the adjoining dwelling (no.2 Tidewell Mews) and siting of the dwelling in close proximity to the protected Norway Maple tree, would result in potential noise, disturbance and limited outlook

to the habitable space at the front of the dwelling whilst limiting light to the proposed amenity area and rear of the ground floor, creating a poor standard of accommodation for future occupiers of the proposed dwelling and potential future pressure on the existing tree. The proposal is, therefore, contrary to Policies SP35 and QD03 of the Thanet Local Plan."

This decision was appealed against and dismissed.

The Inspector considered that the provision of an additional dwelling would not cause harm to the character and appearance of the area, detailing:

"The proposed dwelling would be sited within a smaller plot than many nearby dwellings. It would also fail to retain a comparatively sized gap found between many properties on Harold Avenue. However, the proposed dwelling would be seen from most views on the street and the surrounding area alongside No's 2 and 3, which also share a relatively small gap. As a result of the dwelling's broadly matching design, separation gap and garden size similar to No's 2 and 3, the introduction of the proposed dwelling would not appear incongruous or cramped in this location.

Furthermore, despite some erosion of the gap between the appeal property boundary and 11 Harold Avenue, a sufficient gap would remain so that the spacious character on this side of the road remains. The retained gap would also ensure that the transition in building heights is retained and can be appreciated within the street scene."

Concerning the tree on the public highway the Inspector noted:

"As a result of the limited depth of the garden, a short separation distance between the proposed dwelling and the rear boundary of the site would exist. The protected tree which is outside of the appellant's control is of such a height and close distance that it would appear as an overbearing and imposing feature enclosing the small garden area and views out of this rear elevation, thereby providing an unsatisfactory outlook for future occupiers of the proposed dwelling. Based on my observations, this enclosing feeling would be substantially increased when the tree is in full leaf."

Furthermore the Inspector noted that daylight or sunlight could be impeded to the ground floor living area, although he accepted that there would be an acceptable level of outlook to the kitchen area. He felt that in terms of noise and disturbance from vehicle movements from No. 2 would be commensurate with that you would expect to find in a residential area.

As such he concluded that: "the proposed development would not result in a harmful effect on outlook from the front of the property or through noise or other nuisance. Nevertheless, it would not provide appropriate living conditions for future occupiers with regard to light, outlook and private external amenity space."

Wider development of Tidewell Mews

Planning permission for the Tidewell Mews development was granted in January 2010 (F/TH/09/0674) as it essentially stands today with a terrace of 6 dwellings running north to south on the eastern side of the site and 2 dwellings (including no. 2 Tidewell Mews) backing

on to Harold Avenue, with the scheme designed to retain the trees thought to be of importance including those along the south western boundary of the site. The final scheme was then amended through various applications to vary conditions on that approved scheme including enlarging the garden to no. 2 to provide its side garden which is the current application site.

Trees

It is noted that there were trees covered by a Tree Preservation Order (5 of 1985) located within this side garden along its south west boundary. It is unclear when many of these trees were removed from the site, but it was noted that at the time of the granting of planning consent in 2010 that only one of the trees along this boundary (a Blue Cedar) was considered to be of particular merit. An application for the felling of this tree was refused by the Council in March 2015, but allowed on appeal in September 2015 with a requirement that a replacement deciduous tree of at least 1.8m in height would be planted in the garden of no. 2 Tidewell Mews subject to the agreement of the precise planting position and species being agreed with the council (APP/TPO/Z2260/4532). Whilst an ornamental tree is present in the side garden, it is not clear whether this is a replacement tree as required by the decision.

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a two storey side extension following demolition of existing shed. The two storey side extension is proposed to be located within the property's side garden. The proposed extension would extend across to the western side of the dwelling, adjacent to the boundary with no. 11 Harold Avenue.

The roof (ridge continuing across to match the existing) would incorporate a barn hip and have a catslide roof to the rear (facing Harold Avenue). A ground floor false window would be incorporated into the design of the side elevation. To the front there would be tile hanging at the first floor with a garage with kitchen behind. The extension would increase this dwelling from a three bedroom dwelling with snug and office to a 4 bedroom dwelling. In regard to materials it is stated (Page 16 of the Design & Access Statement) that the finish would be red facing brickwork and hanging tiles to match the existing with red roof tiles.

REPRESENTATIONS

Letters were sent to the neighbouring occupiers, a site notice was posted near the site and the application was advertised in the local newspaper.

Ten representations have been received on the application and includes two letters of support.

The concerns can be summarised as follows:

- General dislike of proposal
- Inadequate access

- Increase in traffic
- Noise nuisance
- Overshadowing
- Over development
- Loss of view
- Loss of light
- Loss of property value
- Loss of privacy
- Loss of trees
- Loss of garden space
- Logistics of the building given the confines of the site
- Could turn extension into a separate dwelling
- Impacts on health
- Health and safety issues for residents in the Mews
- Impact upon the Conservation Area

The letters of support details that the extension is required for the large family that resides there; considers the extension to be in keeping with the area as well as adding value to the properties in the mews. Does not consider that there is a traffic issue in the area or that bringing construction material to the site will cause an issue or that there would be an adverse impact upon the tree.

Westgate Town Council: Final comment - Due to new information being received which was not available before, Westgate-on-Sea Town Council's current position is to support the proposal subject to adequate parking provision being in place to serve a property of that size

Initial comment - Objection- This is over-intensive development of the site in the important conservation area with inadequate access and parking provision cited as seriously concerning. The impact on the local highway network will be also significant. There will also be an unacceptable impact on the amenities neighbouring residents might reasonably be expected to enjoy.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE02 - Development in Conservation Areas

QD02 - General Design Principles

QD03 - Living Conditions

TP06 - Car Parking

Westgate Neighbourhood Plan

WSNP1 - Sustainable Development
WSNP3 - Design Guidelines
WSNP7 Conservation Areas

CONSULTATIONS

TDC Conservation Officer: Following a review of the proposed application I do not believe there to be a substantial negative implication on the character and appearance of the surrounding conservation and would consider this an extension of the previously constructed adjacent dwellings.

Due to this I do not object to the proposed scheme.

TDC Tree Consultant: The application proposes a two-storey side extension to an existing dwelling, following demolition of a shed.

There are no trees within the site to constrain the proposed extension, but there is a mature Norway Maple in the footway to Harold Avenue, immediately adjacent to the site. It is likely the responsibility of and managed by Kent Highways. It is not shown on the plans but the stem of the tree is to the south of the property, in line with the side boundary of the garden. The tree appears to be subject of a Tree Preservation Order (TH/TPO/5(1985) refers) and is growing in the Westgate-on-Sea Conservation Area. It is a significant and prominent feature of the street scene, contributing to the character and setting of the area.

From the arboricultural point of view there are two potential issues:

- The impact of construction works on the tree, and
- The impact of the tree on living conditions.

Although the tree is not shown on the current application plans I estimate the footprint of the proposed extension would be around 8.5m from its stem. The tree has a stem diameter of 585mm, which equates to a root protection area (RPA) equivalent to a circle with a radius of 7m (British Standard 5837: 2012, Trees in relation to design, demolition and construction - Recommendations), so there should be no direct impact from digging of foundations. However roots are likely to extend into the garden area, and ideally tree protection fencing should be erected to exclude access to the RPA and prevent damage from soil compaction (e.g. storage of materials, construction activity). Some branches overhang the boundary and garden by up to 3m, but there are few growing towards the proposed extension. I think it's unlikely that construction works will result in any significant impact on the tree.

Plans for the proposed extension suggest there would be a kitchen on the ground floor and a bedroom on the first floor with windows looking out towards the tree. With the stem offset from rather than directly in front of these rooms, and around 5m clearance between ground level and the lowest substantial branch, issues of light/ shading and aspect are perhaps of low significance. However the footprint of the extension will greatly reduce the outdoor amenity space/garden area of the existing property and, with the tree directly to the south, what remains will be shaded and have branches overhanging. The tree may, therefore, appear as an overbearing and imposing feature enclosing the small garden area. Although there may be some post-development pressure to remove or reduce the tree to improve light

to the garden, the tree is managed by the Highway Authority and future occupiers will not have any direct control over its management.

There would appear to be no significant arboricultural constraints on the proposed extension.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr. Braidwood, due to concerns that the proposal would result in an over-development of the site and result in a loss of privacy for the neighbouring property.

Principle

The proposal relates to an existing residential dwelling and, therefore, the principle of its extension is considered to be acceptable.

The main considerations with regard to this planning application will be the impact of the proposed development on the character and appearance of the area, the residential amenity of neighbouring property occupiers and highways.

Character and Appearance

The site is located within the Westgate on Sea South Conservation Area. The Council must therefore 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 203 of the National Planning Policy Framework (NPPF) 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 Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic or archaeological significance of Heritage Assets.

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

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

Policy WSNP3 (Design guidelines) of the Westgate on Sea Neighbourhood Plan sets out, A positive approach that reflects the presumption in favour of sustainable development, as set out in the National Planning Policy Framework, should be at the forefront of all proposals. Policy WSNP7 (Conservation areas), Development proposals within the designated Conservation Areas in the Plan area, will be considered in accordance with the relevant policies in this plan and those in the adopted Thanet Local Plan, to ensure that the character and setting of the Conservation Areas is protected.

Planning consent is sought for the erection of a two storey side extension following the demolition of an existing shed. The extension would extend across to the western side of the dwelling, adjacent to the boundary with no. 11 Harold Avenue. The roof (ridge continuing across to match the existing) would incorporate a barn hip and have a catslide roof to the rear (facing Harold Avenue). A false window would be incorporated into the design of the side elevation. To the front there would be tile hanging at the first floor with a garage with kitchen behind. The extension would increase this dwelling from a three bedroom dwelling with snug and office (this latter area could be used as bedroom) to a four bedroom dwelling. In regard to materials it is stated that the finish would be red facing brickwork and hanging tiles to match the existing with red roof tiles.

In terms of the design this takes references from the original dwelling in terms of materials and fenestration. The rear elevation of the property would be most prominent from a public vantage, as this fronts the road, where the front elevation is within a private gated cul-de-sac. The ridge line will continue through and whilst normally a lower height would be sought, in this occasion a reduction would appear disjointed, however the use of a barn hip helps to reduce the mass of the roof scape visually.

The Conservation Officer has detailed she does not consider that the proposal will have a negative implication on the character and appearance of the surrounding conservation and as such raises no objection.

Taking into account the above I concur with the Conservation Officer and consider that the proposal has limited impact. The proposed extension would be seen in conjunction with the existing dwelling and would be viewed in this context. As the design is sympathetic it would not result in harm. Overall I consider the proposal to be acceptable and not to result in harm to the dwelling, immediate area including the Conservation Area.

Whilst it is appreciated that an earlier application for a detached family dwelling was refused on the site, an extension to a dwelling - physically connected is materially different in use, footprint and appearance and therefore not directly comparable to the extension now

proposed. If the extension were to be used as a separate dwelling at a later date, this would require planning permission in its own right. The design, appearance and internal layout would not lend itself to that at this stage.

The proposal is, therefore, considered to be acceptable in terms of the character and appearance of the area, in accordance with Policies SP35, SP36, HE02 and QD02 of the Thanet Local Plan, Neighbourhood Plan policy WSNP3 and WSNP7 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. Paragraph 135 f) details planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy QD03 of the Local Plan deals specifically with living conditions. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure. New development should be of an appropriate size and layout to facilitate comfortable living conditions in accordance with policy QD04.

The property is adjacent to no 1 Tidewell Mews and no. 11 Harold Avenue. No 1 will not be affected as the extension is located to the opposite side of the property.

With regard to no. 11 Harold Road, the proposed extension has only false windows within this elevation - windows inset, as such no additional overlooking would occur. The extension will however bring the extension closer to the boundary, currently this is approximately 7m away- this would be reduced to 1.5m. Although the built form is 13m currently and this will be reduced to 7.5m approximately. The extension has a ridge height of 10m and the mass is reduced by the incorporated barn hip and catslide roof to the rear. No 11 has a ground floor window in the projecting part and also a projection window (only an opening facing Harold Avenue. The rear section of the building has windows at ground floor, one inset window at first floor and two further first floor windows within the rear section of the side elevation. It is appreciated that a two storey side extension closer to the boundary and to the east of no.11 will have some impact particular in the mornings, however this is not considered to be so significant that would restrict light, result in harmful overshadowing or loss of outlook.

The properties to the north are considered of sufficient distance away not to have any impact - it would be no greater than the current relationship.

The proposal is, therefore, considered to be acceptable with regards to residential amenity, in accordance with Policy QD03 of the Thanet Local Plan and para 119 of the National Planning Policy Framework.

Trees

Although there are no trees within the site to constrain the proposed extension, there is a mature Norway Maple in the footway to Harold Avenue. It is not shown on the plans but the stem is to the south of and roughly in line with the flank wall of the proposed extension. The tree is presumably managed by Kent Highways, is growing in a Conservation Area and is likely also protected by TH/TPO/5(1985). It is a reasonably significant and prominent feature of the street scene, contributing to the character and setting of the area.

In his appeal decision on the previous application, the inspector appeared to give some weight to the impact of the tree on living conditions for the proposed dwelling. The currently proposed extension would introduce a kitchen on the ground floor facing the tree, rather than the lounge for the previously proposed detached dwelling, and a bedroom, so the issues of light/shading and aspect are perhaps less significant in this respect.

The footprint of the extension, however, will still reduce the outdoor amenity space/garden area of the existing property, and what remains will be shaded and have branches overhanging. As the inspector said, the tree will "appear as an overbearing and imposing feature enclosing the small garden area and views out of this rear elevation, thereby providing an unsatisfactory outlook for future occupiers...".

Advice was sought from the Councils Tree Consultant he advised that the street tree may appear as an overbearing and imposing feature enclosing the small garden area, if the extension is built out. It is acknowledged that there may be some post-development pressure to remove or reduce the tree to improve light to the garden, however, as the tree is managed by the Highway Authority and future occupiers will not have any direct control over its management. I concur with this view and would further add that as there is no direct control over the tree by a third party the potential for its loss or significant pollarding without strong justification is not a reason to refuse this proposal. I consider the impact to No.2 not to be so harmful as to result in refusal.

Transportation

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

The property has two off street parking spaces associated with it.

There are no proposed changes to parking arrangements across the site and therefore there would not be considered to be any adverse impact on highway safety or parking in the surrounding area.

The proposal will create a formal four bedroom house in Westgate (edge of centre location) this equates to 1.5 spaces and therefore the existing two parking spaces are considered acceptable.

As concerns are raised in regard to construction and given the limited space available within the Mews a construction management plan will be secured by condition.

It is not considered that the proposal will result in significant material harm to the local highway network or highway safety, in accordance with Policy TP06 of the Thanet Local Plan and the NPPF.

Other issues

Third Party Representations

In regard to the third part representations received, a number of concerns have been raised that are not discussed above, these are detailed below and a response given:

Noise nuisance - Whilst it is noted that there will be increased noise levels during construction this will be for a relatively limited period and is not considered to be a reason for refusal.

Loss of property value - This is not a material planning consideration

Loss of trees - It is also noted that whilst there are no trees within the application site, there is a large tree in the footway of Harold Avenue (Norway Maple) immediately adjacent to and directly south of the site. This tree is outside the control of the applicants and is protected by virtue of its location within a conservation area. This tree is healthy and overhangs the application site. The proposed extension would be approximately 7 metres from this tree and could be constructed without harm.

Loss of garden space - If the extension were permitted and approved there would be a good sized garden left to the rear of the property that is usable for a family.

Impacts on health - Through dust, and impacts of mental health, during the construction period this would be for a short period of time and is not considered a reason to withhold consent.

Health and safety issues for residents in the Mews - parking of vehicles during construction would be covered within the construction management plan condition.

Conclusion

It is considered that the proposal would have an acceptable appearance in relation to the host property and the visual amenity of the street scene. It would be unlikely to result in any significant harm to existing residential amenities. The proposal is considered acceptable in terms of parking provision and finally the proposal is not considered to have a direct impact upon a protected street tree. It is, therefore, considered that the proposal would comply with

paragraphs 135 of the NPPF and policies SP35, SP36, QD02, QD03 of the Thanet Local Plan and is recommended for approval.

Case Officer

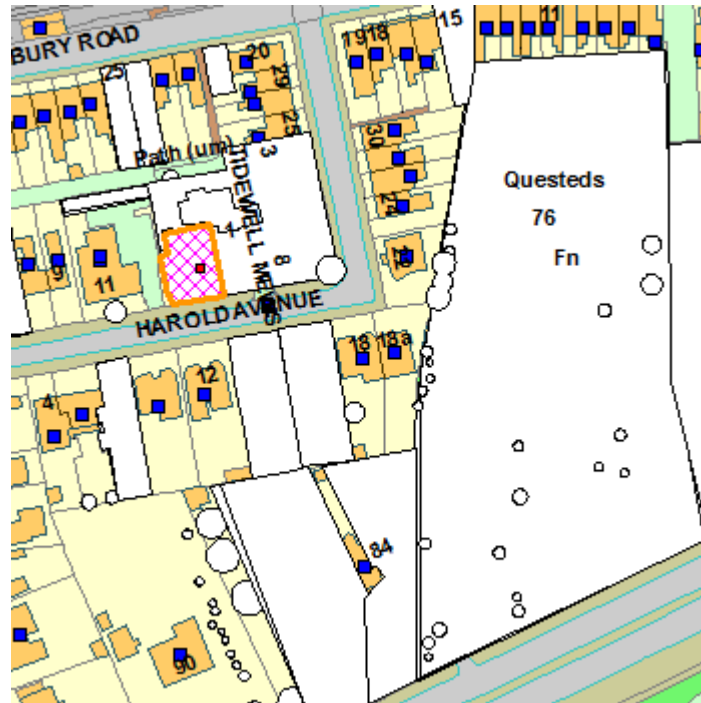
Gillian Daws

TITLE:

FH/TH/23/1668

Project

2 Tidewell Mews Westgate On Sea Kent CT8 8PX



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A07

L/TH/24/0040

PROPOSAL: Application for Listed building consent for repairs to Nayland Rock Promenade Shelter following fire damage.

LOCATION: Victorian Shelter Marine Terrace MARGATE Kent CT9 1XJ

WARD: Westbrook

AGENT: Mr Michael Bedford

APPLICANT: Mr James Harris

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND;

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

2 The external materials and external finishes to be used in the Nayland Rock Shelter hereby approved shall be of the same colour, finish and texture as those on the existing property.

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.

3 If during development, a greater level of fabric requires intervention than is dictated in this application or unknown architectural features are uncovered on site, then work shall cease and the features assessed and fully recorded in a manner to be agreed with the Local Planning Authority. The approved method of recording shall be carried out in accordance with a timetable agreed with the Local Planning Authority and shall ensure that all features are appropriately recorded.

GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with policy HE03 and the advice contained within paragraph 192 of 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 Decision has been based upon the Design and Access Statement, location plan and block plan all received 11 January 2024 and The Schedule of Repairs received 7 February 2024.

SITE, LOCATION AND DESCRIPTION

The Victorian Shelter is situated on Royal Crescent Promenade just above the beach and is within the Margate Seafront Conservation area. It is adjacent to the roundabout serving Marine Terrace, Station Approach and All Saints Avenue.

The Grade II listed building is described by Historic England as Nayland Rock Promenade Shelter and is described as a good and particularly large example of a late Victorian/Edwardian seaside structure. It is also noted for its special literary association as the likely location where TS Eliot composed part of 'The Waste Land' in the autumn of 1921. It has group value with the adjacent Surf Boat Memorial and Buenos Ayres terrace to the rear.

RELEVANT PLANNING HISTORY

None

PROPOSED DEVELOPMENT

This is an application for Listed building consent for repairs to Nayland Rock Promenade Shelter following fire damage.

DEVELOPMENT PLAN POLICIES

SP36 - Conservation and Enhancement of Thanet's Historic Environment
HE03 - Heritage Assets

NOTIFICATIONS

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

CONSULTATIONS

Conservation Officer:

Nayland Shelter, Marine Terrace Margate is an iconic Victorian Shelter situated at the forefront of Margate seafront, overlooking the bay and within Margate Conservation Area.

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

NPPF Section 16, Paragraph 196 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

This application looks to undertake repair to the structure, albeit on somewhat of a large scale, following damage to the structure after a fire took place.

The schedule of work details what repair is required, all of which is important to the sheltered reinstatement back into community use and its continued sustained use moving forward. It also acts as a detailed guide of what is required to be sympathetically undertaken at the site ensuring that greater removal of fabric than required should not happen and the historic integrity of the building protected.

Given this application is for repair to an important heritage asset I do not object to the proposed and overall consider it would be positive to both the listed asset and the setting and appearance of the surrounding conservation area.

If possible, a condition should be put into place if further works are required upon removal of existing fabric or that a greater level of intervention is required.

COMMENTS

The application is brought before members as the application has been made on behalf of Thanet District Council.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when 'considering whether to grant listed building consent for any works the local

planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be 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.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1991 requires that 'in the exercise, with respect to any buildings or other land in a conservation area of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy SP36 sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development, encouraging new uses to bring listed buildings back into use and encouraging their survival and maintenance without comprising the conservation or significance of the asset and supporting development that is of a high quality design and supports sustainable development. Policy HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF.

The application proposes the replacement of the ornate timber benches to the front and rear, the central screen, support framework between benches and the floor which was damaged by fire. The National Planning Policy Framework states that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The Design and Access statement states that the replacement features will be replaced using the existing details present in the shelter as a template and use matching materials.

The central section facing the beach has 3No. ornate timber armrests and the 3No. central panels behind the benches which have been affected by the fire; the opposite section facing inland towards Margate Station also has three ornate timber armrests affected, however, 8 central panels have been destroyed and three steps immediately in front leading to the fire damaged section.

The Conservation Officer has stated that there is no objection to the works as it would reinstate the historic structure and enhance the conservation area. However, repairs need to be sympathetic and removal of the fabric of the building should be kept to a minimum and a condition to that effect included. .

Conclusion

In conclusion, the proposed repairs and installation of 6 new armrests and 11 central panels will bring the Victorian Shelter back to its original condition which will enhance the significance of this designated heritage asset and the surrounding area. It is considered that the proposed development would not have a significant impact upon the designated heritage asset, and accords with Thanet Local Plan Policies SP36 and HE03 and the advice and guidance of the National Planning Policy Framework.

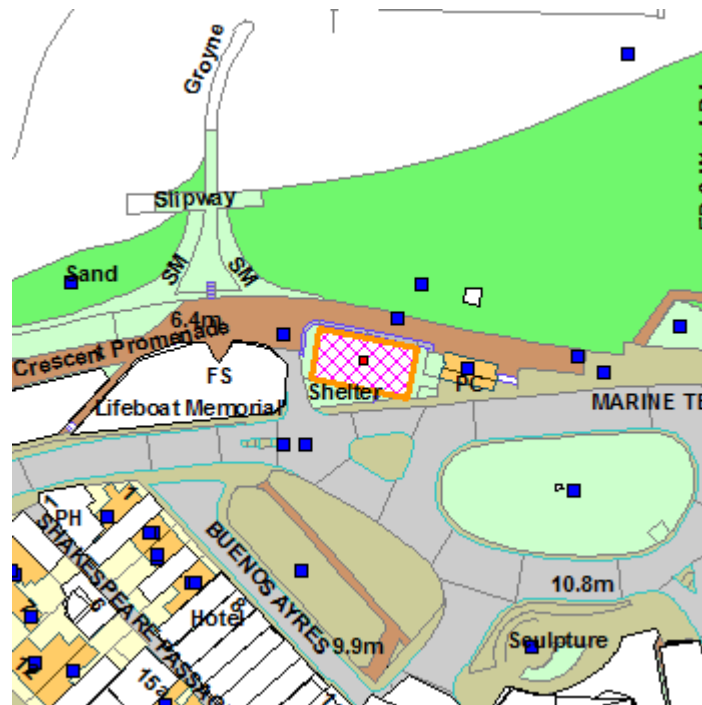
The works will enhance the listed building and the surrounding conservation area and it is therefore recommended that members approve the application, subject to safeguarding conditions.

Case Officer

Dawn Rollason

TITLE: L/TH/24/0040

Project Victorian Shelter Marine Terrace MARGATE Kent CT9 1XJ



A08

L/TH/23/1641

PROPOSAL: Application for Listed Building Consent for the replacement of balcony to front elevation together with repairs to front facade and roof following demolition of existing balcony

LOCATION: 64 Grosvenor Place MARGATE Kent CT9 1UY

WARD: Margate Central

AGENT: Mr Matthew Gerlack

APPLICANT: Mr Kieron Cooper, Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND;

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

2 The new valley and parapet gutters shall use code 5 lead and be installed as described in the Heritage, Design and Access statements and the detailed drawing no PL02 received on 12th December 2023.

GROUND;

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

3 The new balcony hereby approved shall be constructed and installed as described in the Heritage, Design and Access statements and the detailed drawings no PL02 and no PL03 received on 12th December 2023.

GROUND;

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

4 No external walls shall be repaired until a minimum of 1m square sample panel of lime mortar pointing has been erected on site, and inspected and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

GROUND

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

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 1843 577522 for advice.

For the avoidance of doubt, the decision has been based upon the following documentation: the Heritage, Design and Access statements and the detailed drawings no PL02 and no PL03 received on 12th December 2023.

SITE, LOCATION AND DESCRIPTION

No. 64 Grosvenor Place is three storey dwelling with basement, located on a corner formed of both Grosvenor Place and Grosvenor Hill in Margate and is Grade II listed as part of a group listing (listing number 356543) with Nos. 48 to 64.

PLANNING HISTORY

None

PROPOSED DEVELOPMENT

The application seeks Listed Building Consent for the replacement of the balcony to front elevation together with repairs to front facade and roof following demolition of existing balcony.

REPRESENTATIONS

Letters were sent to neighbouring occupiers, a site notice was posted near the site and an advert placed in the newspaper. No representations have been received in response.

DEVELOPMENT PLAN POLICIES

Policy SP36 - Conservation and Enhancement of Thanets Historic Environment
Policy HE03 - Heritage Assets

CONSULTATIONS

TDC Conservation Officer - Following a review of the proposed application I would consider the proposal to be acceptable given the obviously visible poor condition of the existing balcony. As such I do not object to the proposed.

COMMENTS

This application is brought before members as the applicant is Thanet District Council.

The only consideration in the determination of this application is the impact of the proposal on the architectural and historic significance of the listed building.

Impact on the Listed building

The application property is Grade II Listed and lies within the Margate Conservation Area.

In line with the Planning (Listed Building and Conservation Areas) Act (1990), there is a legal duty to protect listed buildings and their setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historical interest which it possesses.'

Paragraph 197 of the National Planning Policy Framework (NPPF) 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. Paragraph 199 of the NPPF goes on to advise that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of 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 Thanet Local Plan sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development, encouraging new uses where they bring listed buildings back into use, encouraging their survival and maintenance without compromising the conservation of the building or significance of the asset and supporting development that is of high quality design and supports sustainable development. Policy HE03 of the Thanet local Plan sets out that the Council supports the retention of local heritage assets, including buildings, structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm, both direct and indirect, or loss to, the significance of the heritage asset in accordance with the criteria set out in the NPPF.

The application seeks Listed Building Consent for the replacement of the balcony to front elevation together with repairs to front facade and roof following demolition of existing balcony.

The existing balcony appears to be in a dangerous condition, and given its location on the front elevation with close proximity to the public footpaths serving Grosvenor Place and Grosvenor Hill, has been temporarily supported. Evaluation of the materials has revealed that much of the structure is non-original, appearing to be constructed of mild steel, with bitumen roof covering and railing design which is at odds with nearby balconies along Grosvenor Place. Ideally the entire design would be replicated, but as the balcony is supported by internal cantilevered joists, it would lead to too much disruption and internal damage.

It is therefore proposed to support the replacement balcony structure with posts made from hollow mild steel fitted with cast iron half collars, capitals and base collars to appear in keeping, and finished with black paint. The balcony will be constructed with a timber roof frame with code 5 lead sheet covering and flashings, galvanised flooring with composite decking boards in charcoal and cast iron frieze and cast iron balcony panels designed to mirror those seen at Nos. 48 to 58A Grosvenor Hill. Any repairs to the front elevation will be undertaken using lime mortar. As such, the proposed replacement is considered to be an improvement, and the Conservation Officer has raised no objections.

It is also proposed to replace the failed valley gutter which has reached its end of life, with new, in code 5 lead, whilst also relining the parapet gutter in code 5 lead and replacing isolated damaged slates with those to match. These are considered essential to the long term protection and maintenance of the building as a whole, and as they will be replaced in code 5 lead, the work will help to preserve the significance of the listed building as a designated heritage asset. The Conservation officer has no concerns,

Conclusion

The proposed works would preserve and protect the appearance and significance of the designated heritage asset. The development is therefore considered to have sufficient regard to the listed building in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Thanet Local Plan Policies SP36 and HE03 and the National Planning Policy Framework.

It is therefore recommended that members approve the application subject to safeguarding conditions.

Case Officer

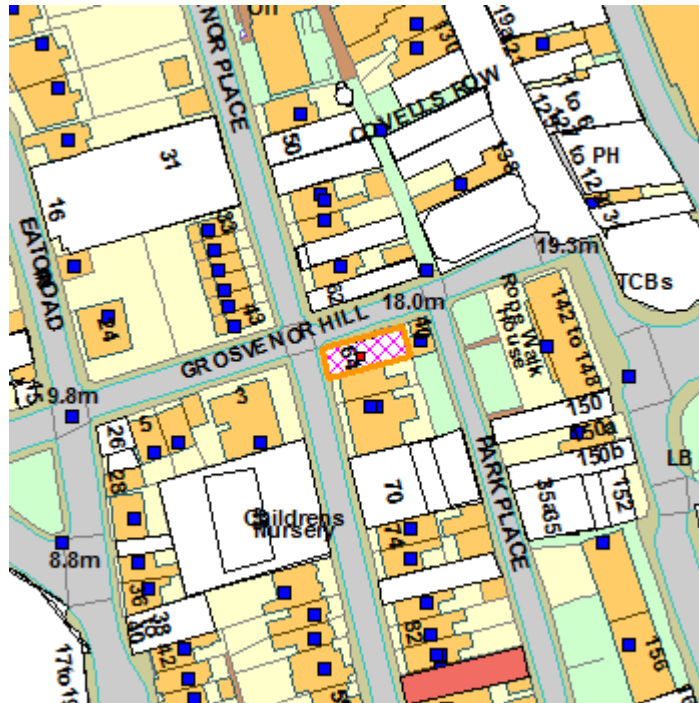
Tanya Carr

TITLE:

L/TH/23/1641

Project

64 Grosvenor Place MARGATE Kent CT9 1UY



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R09

F/TH/23/1600

PROPOSAL: Erection of 2 bed single-storey detached dwelling with associated landscaping and parking.

LOCATION: Land Rear Of 67 Stone Road BROADSTAIRS Kent

WARD: Bradstowe

AGENT: Urban Surveying & Design LTD

APPLICANT: Mr D Molloy

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposal, by virtue of its design, relationship with adjoining properties and restricted size of the plot, would result in the loss of spaciousness between dwellings which is a characteristic of the area, resulting in a cramped and congested form of development that would appear out of character with the pattern of residential development in the locality and incongruous within the street scene, to the severe detriment of the visual amenities of the area and not outweighed by any public benefits, contrary to Thanet Local Plan Policies SP35 and QD02 of the Local Plan, Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan and paragraph 132 and 135 of the National Planning Policy Framework.

2 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 paragraph 182 and 183 of the NPPF and the Habitats Directive

SITE, LOCATION AND DESCRIPTION

The site is located on the eastern side of Castle Avenue, Broadstairs to the rear of 67 Stone Road. At present the site has a single storey garage situated on it, that fronts Castle Avenue. There is a physical delineation of the proposed curtilage by a fence, entry only being provided through a gate to the right of the garage. No 67 Stone Road is a detached dwelling set above the road level with rooms within the second floor mansard roof. It occupies a narrow plot, this extends back to the rear boundary fronting Castle Avenue. The existing garage on site is one of the few exceptions of not having a dwelling fronting castle Avenue.

RELEVANT PLANNING HISTORY

F/TH/20/0997 Erection of 1No 2 bed single storey detached dwelling with associated car parking, and private amenity space following the removal of existing garage. Refused 13 October 2020 Appeal dismissed 21/05/2021

The reasons for refusal were:

By virtue of the restricted size of the plot and the proposed dwelling's design and relationship with adjoining properties, the proposal would result in the loss of open and spaciousness between dwellings which is a characteristic of the area, and therefore, result in a cramped and congested form of development, that would appear out of character with the pattern of development in the locality and incongruous within the street scene, to the detriment of the visual amenities of the area, contrary to Thanet Local Plan Policies SP35 and QD01 and QD02 of the Local Plan and paragraph 127 and 130 of the National Planning Policy Framework.

The proposed development will result in additional pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to policy SP29 of the Local Plan and paragraphs 176 and 177 of the National Planning Policy Framework.

F/TH/20/0447 Erection of 1No two storey 2-bed detached dwelling with associated car parking, and private amenity space following demolition of existing garage Refused 22 June 2020

F/TH/08/0442 Erection of a detached dwelling with access from Castle Avenue. Refused- Appeal dismissed.

F/TH/07/1169 Outline application for the erection of a new dwelling to land rear of no 67. Refused

OL/TH/02/0307 Outline application for the erection of a detached chalet bungalow with integral garage Refused

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a detached single storey dwelling which will provide a two bedroom residential unit. The dwelling has a gable presenting to Castle Avenue with a bedroom window and front entrance door (the latter being off-set) on its front facade. The overall height of the dwelling would be 3.5m and eaves height of 2.8m. The dwelling would have a width of 5.9m and depth of 14.5m.

The site would be enclosed to the highway, in part by a timber fence approximately 1.25m in height.

The proposed dwelling would be constructed in cedar cladding (sand yellow & grey) with dark grey slates.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP01 - Spatial Strategy - Housing
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
H01 - Housing Development
QD01 - Sustainable Design
QD02 - General design Principles
QD03 - Living Conditions
QD04 - Technical Standards
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs & St. Peters Neighbourhood Plan

CC1 Clean Air for Residents
CC2 Biodiversity
BSP 9 Design in Broadstairs & St. Peter's
BSP12 Full Fibre Broadband Connections

NOTIFICATIONS

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

23 representations were received, this includes 14 letters of support.

The concerns can be summarised as follows:

- Privacy
- Narrowness of plot
- Noise
- Overlooking
- Out of keeping with area
- Precedent for other development
- Overdevelopment
- Access
- Fire risk
- Vegetation/Vermin may result from development in narrow gap created
- Structural implications to neighbouring properties

- Sewage concerns
- Crime
- Cramped property
- Asbestos
- Planning history
- Neglect of site

The letters of support make the following comments:

- Fits in well with the area/carefully design
- Driveway will alleviate parking situation
- No impedance of light
- No environmental issues
- Benefit to the wider area
- Removes an eyesore

Broadstairs Town Council: The Committee unanimously recommends REFUSAL on the grounds of overdevelopment and cramming. The proposed development is not compatible with neighbouring developments as per Broadstairs & St Peter's Neighbourhood Development Plan Policy BSP9.

CONSULTATIONS

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

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

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.

Environment Agency: No comment

KCC Highways: The site is located to the rear of 67 Stone Road, accessed via Castle Avenue. The proposal seeks to provide 2 parking spaces to the front of the site. A KCC Street Light column and a telegraph poles are located either side of the site access, although it is noted that a dropped kerb would not be required due to a historic crossing being in place.

The parking space is illustrated as measuring 2.9 metres x 5 metres, which is sufficient and enables car doors to open on either side.

I suggest that pedestrian visibility splays are conditioned by way of a suitable condition.

I confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:

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

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

Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

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

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

Informatives:

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

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

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

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

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

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway

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

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

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

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Bayford, to discuss concerns that the development would represent an over-development and to consider any benefits of the development.

Principle

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

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact upon the countryside, sustainability of the site, character and appearance of the proposed development and highway safety.

The site lies within the urban confines of Broadstairs in a sustainable location. Within the site there is a detached garage which fronts Castle Avenue.

The principle of residential development on the site accords with Policy H01 of the Thanet Local Plan and the National Planning Policy Framework and is acceptable subject to the detailed consideration of all other material issues including the impact upon the character and appearance of the area, living conditions of neighbouring and future property occupiers and highways matters.

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.

Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan states that development proposals should enhance and conserve local distinctiveness by demonstrating high quality design which both respects and responds to the distinctive character of Broadstairs & St Peter's.

Castle Avenue is a residential road within the urban area. The street has a variety of properties in it, mainly detached bungalows with a few chalet bungalows and houses in the street. This side of the road has a clear building line, with properties set back from the road, with parking spaces to the frontages and low front boundary treatments. The plot sizes in this street are all of a reasonable size and the spacing between the properties is quite significant giving a spacious feel to the area.

The site appears to be formerly part of the garden of 67 Stone Road (boundary treatment in place separating the two sites) and there is a dilapidated garage in situ. The application site slopes quite steeply down on this side of Castle Avenue. Many dwellings on the eastern side are single storey and have gable ends facing the road, allowing long views over and between the buildings.

The Inspector in dismissing the latest appeal (planning reference number F/TH/20/0997) detailed the following in terms of character and appearance:

'9. Whilst the plot here is the same width as at Stone Road, the surrounding built form is different, to the left is a wide bungalow with a low roof slope from side to side, and having a side elevation close to the boundary with the site with windows giving onto a pathway. The plot width equates to that of both semi detached dwellings on Stone road. A similar arrangement is in place to the right where there is a chalet-bungalow with rooms in the roof, with a low garage abutting the boundary with the site, in total occupying a width greater than the individual frontage plots on the lower road. That rhythm of low dwellings and intervening garages forms a distinctive feature of the streetscene and sets the character and appearance of this road apart from that of Stone Road."

The Inspector further stated:

"However, the proposed new dwelling would appear out-of-place and uncharacteristically cramped on its site when seen in relation to its neighbours and the wider street-scene. Although the garage presently on the site is described as dilapidated by the Officer and that appears still an accurate description, and the overgrown nature of the site detracts, it is one of a number of flat roofed structures on this frontage and notwithstanding its condition, does

not cause real detriment or a perception of permanent harm. The appeal proposal would not be of the standard of design sought in the local policies and the Framework previously cited.

Whilst within the urban area where development would be acceptable in principle, the provision of a windfall development such as this does carry weight and that weight has to be increased in view of the Council's housing land supply situation. Nevertheless, that is not a reason to allow harmful development and Framework paragraph 11.d)ii states that permission should be granted 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."

In addition a Planning Statement has been submitted with the application (submitted during the application process). The supporting statement details that the presence of parked cars in front of the dwelling will be little different to the appearance of the site at present and no different to the character of the vast majority of other properties. The general activity associated with a dwelling would be no different to other properties within the road. Reference is made that the current appearance of the garage detracts from the area presently. Reference is made to the fact that the boundary treatment proposed for the dwelling would conceal domestic items on the front facade- doorbell, letter box for example. It is also put forward that as this land was effectively background some sort of outbuilding or boundary treatment would be expected.

The application site is significantly narrower than other plots in Castle Avenue; barely half the width of most of the nearby plots. Whilst this plot width accommodates a house fronting Stone Road, these properties are a lot more tightly packed. The proposed plot has a width of 7.1m where neighbouring plots vary between 13-18m. The difference between these plot widths are considered significant and would be clearly at odds with the established pattern and character.

With regard to Castle Avenue, both the adjoining dwellings are built close to the common boundary. The proposal is for a single storey building that has a greater depth (14.5m) than width (5.8m) owing to the constraints of the site. This is not comparable to other residential dwelling plots within the street. Whilst it could look superficially like an outbuilding as is the current situation a new dwelling would attract parked vehicles, general comings and goings, domestic paraphernalia like house number/name plaque, letterboxes, a doorbell that an outbuilding would not. As such I consider that the subdivision of the plot for a dwelling house would be inherently against the established character of the area.

The design of the proposal is for a single storey dwelling with a gable to the front, having a front entrance door off set and a window under the gable. Due to the drop in levels of the site these features would not be visible from the road and would therefore appear blank. The materials for the construction are shown to be cedar cladding (sand yellow & grey) with dark grey slates.

The building in general terms is felt to have taken design cues from the existing detached garage on site or other outbuilding as such and not from other dwellings in the surrounding areas. As detailed above only a blank facade would be visible from the road. It is appreciated that this is to give the appearance of an outbuilding and to arguably be no worse

than the current situation, if not a positive, as that is in a poor state of repair, although this is not permanent as the Inspector noted. However, that is no reason to permit this proposal, if it does not meet a sufficiently high quality of design for the area. In terms of materials within the area these are mainly red brick, render, tile hanging, and where there is cladding this is for a relatively minor part of a dwelling in a corner below a gable and above a window. I consider that the design solution used would not be of sufficient quality to reinforce local character or distinctiveness both in terms of design and use of materials.

Whilst the proposed building would be able to sit within the parameters of the site. It is not considered that this is of a sufficiently high standard of design that is sought from the NPPF, policies within the Local Plan or Neighbourhood Plan and therefore contrary to these aims.

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

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

The proposed development will have no significant impact upon No 10. due to the location of its garage on this boundary, angle to the habitable accommodation and single storey nature of the proposed development.

With regard to the impact upon the residential amenities of the occupiers of No. 12 Castle Avenue, this is a detached bungalow and there are a number of windows facing the proposed dwelling.

There is currently a close boarded fence marking the boundary with some shrub planting within the application site. The proposed dwelling is located to the south of number 12; with a roof which pitches away from number 12. The proposed dwelling would have an eaves height of approximately 2.4m and ridge height of 3.5m. There is a distance of approximately 2m between built forms- proposed dwelling and number 12. Whilst a new dwelling will have some impact in terms of loss of light to these windows, which serve a kitchen, bathroom and toilet, I do not consider it to be so significant as to result in unacceptable harm.

The proposed development is, therefore, considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 135 National Planning Policy Framework.

In terms of the living conditions of the future occupiers of the proposed dwelling/s, 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. The internal space standards referred to in Policy QD04 are the National Described Space Standards (March 2015). Paragraph 130 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users. All windows serving primary habitable rooms are required to provide an acceptable level of outlook, natural light and ventilation for all primary habitable rooms. The floor space required for a two bedroom 4 person dwelling over one floor is 70 sqm. The proposal meets requirements.

In addition if the proposed units are two or more bedrooms an area of doorstep play space will be required in order to comply with the requirements of policy GI04 - Amenity Green Space and Equipped Play Areas. Doorstep play space is defined as a playspace for young children which is immediately adjacent to, closely visible and safely accessible from the dwellings served. The dwelling proposed has two double bedrooms and has an enclosed doorstep playspace to the rear which is considered to be acceptable.

Transportation

Paragraph 114 of the NPPF states that In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst other aims: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and b) safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 116 goes on to highlight that Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Under Policy QD01, all developments are required to: 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes (subject to HE05

where applicable), 2) Make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping, 3) Provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children, whilst Policy TP03 states new development will be expected to consider the need for the safety of cyclists and incorporate facilities for cyclists into the design of new and improved roads, junction improvements and traffic management proposals.

The site is located in a sustainable location and two off street parking spaces are proposed. The number of parking spaces is considered acceptable for a two bedroom house. Furthermore they are located side by side and do not impede access to the front entrance of the property, this is considered to accord with KCC requirements. In addition the parking spaces are in accordance with KCC requirements.

Cycle storage for the dwelling is shown to be accommodated within the rear garden, together with bin storage.

In terms of drainage of the hard standing the application details that the surfacing will be interlocked permeable paving, to ensure that excess water would not go onto the highway.

Given the location of the site and the proposed off street parking and cycle storage, this development is not considered to result in any significant increase in demand for on street parking or harm to highway safety is therefore considered to be acceptable.

Ecology and biodiversity

Paragraph 185 a) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

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

The site comprises existing garages and a residential garden that is surrounded by residential properties. Given this location the site is considered to represent limited potential for biodiversity. Full details of the proposed landscaping, including ecological enhancements could be secured by condition.

Other Matters

The development could be conditioned to achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes and a water efficiency standard of 110litres/person/day in accordance with policies QD01 and QD04 of the Thanet Local Plan.

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

Given the existing building on the site and the size of the dwelling proposed this development is not considered to result in any significant harm to drainage or increase in surface water in the area.

The construction of a dwelling and the use of the site for residential purposes is not considered to result in any significant increase in pollution or result in any significant impacts upon air quality in the area.

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 application has been submitted with a draft Unilateral Undertaking (UU) to provide the required financial contribution for the single residential unit to mitigate the additional recreational pressure on the SPA area. The undertaking is for £320 and contains the monitoring fee (£150), however, the official copy entry and title plan/s to establish land ownership have not been submitted and therefore the draft is not sufficient at present to check or verify. This therefore needs to form a reason for refusal as no signed valid UU is in place.

Other matters

The agent has submitted additional information - planning statement and various plans detailing street scenes, plot dimensions etc, including information relating to a plot that was recently granted planning consent for a detached dwelling on another site; land adjoining 9 Queens Avenue in Broadstairs. This application; reference number: F/TH/23/1106. This was for a 1no two storey 3-bed dwelling with parking following demolition of existing 2no garages. The proposed dwelling was two storeys in height with gable ends to the front and rear. An inset balcony is proposed on the first floor front elevation and the ground floor front elevation would be set in from the side elevations. The proposed dwelling would have a narrow frontage and the ridge would be set below that of number 9, but above that of number 11.

In this case the officer considered that whilst the proposed dwelling would have a narrow frontage and be located close to the neighbouring properties, there is no consistent pattern to plot widths or spacing between the dwellings. Furthermore the height of the proposed dwelling is considered to provide a transition between the substantial height of number 9 and the single storey height of number 11. Matters relating to residential amenity, highway safety were not considered to create harm.

Officers considered that the two applications are not directly comparable and each application should be treated on its own merits. It is however stated that 9 Queens Avenue, whilst being on what is known as the 'chessboard' as this current application is, the character of Queens Avenue is somewhat different (no consistent pattern to plot widths or spacing between dwellings) and the application plot width was not so significantly different that would create perceivable visual harm.

Conclusion

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 proposed development of one dwelling with the urban confines of Broadstairs is considered acceptable in principle. It is however considered that the proposal will have a detrimental impact upon the character and appearance of the area. The benefits of the scheme would not outweigh the harm resulting. A completed unilateral undertaking has not been provided to secure the required mitigation towards the Special Protection Area and this therefore forms a further reason for refusal. Aspects relating to highway safety are considered acceptable.

It is therefore recommended that Members refuse this application.

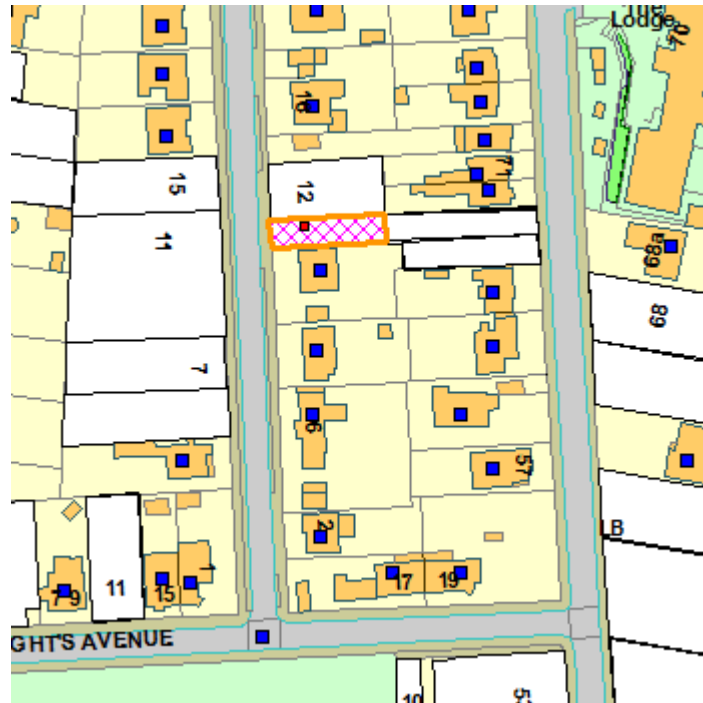
Case Officer
Gillian Daws

TITLE:

F/TH/23/1600

Project

Land Rear Of 67 Stone Road BROADSTAIRS Kent



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**Planning Application F/TH/22/0919 - Land Rear Of 20 To 22
Westfield Road
Birchington Kent CT7 9RW**

Meeting	Planning Committee – 13th March 2024
Report Author:	Duncan Fitt, Planning Officer
Planning Reference:	F/TH/22/0919
Site Address:	Land Rear Of 20 To 22 Westfield Road Birchington
Applicant:	Mr A Ali
Status	For Decision
Classification:	Unrestricted
Previously Considered by	Planning Committee 15th March 2023
Ward:	Birchington South

Executive Summary:

This report concerns an application submitted under reference F/TH/22/0919 for the erection of 1no two bed single storey dwelling that was brought to Planning Committee on the 15th March 2023 with a recommendation to Defer and Delegate the application for approval following receipt of a signed Unilateral Undertaking securing the SPA contribution. Members voted to agree the officer recommendation.

A Unilateral undertaking to secure the SPA contribution has not been received and, therefore, the application is reported back to members due to the time that has passed since the original decision.

There are no changes to the proposed development previously considered by members (see report within Annex 1).

Recommendation:

Members refuse the application for the following reason:

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 paragraph 187 and 188 of the NPPF and the Habitats Directive.

Corporate Implications

Financial and Value for Money

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

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

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

Legal

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

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

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

Corporate

The delivery of new housing through the Local Plan and planning applications supports the Council's priorities of supporting neighbourhoods ensuring local residents have access to good quality housing, and promoting inward investment through setting planning strategies and policies that support growth of the economy.

Equalities Act 2010 & Public Sector Equality Duty

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

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

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

1.0 Background

- 1.1 Members considered this application under planning reference F/TH/22/0919 for the erection of 1no two bed single storey dwelling.
- 1.2 The application was brought to the Planning Committee on 15th March 2023 and members voted to defer and delegate the application under reference F/TH/22/0919 for approval following receipt of a signed Unilateral Undertaking securing the SPA contribution within 6 months of this resolution.

2.0 Analysis

- 2.1 The application for the erection of 1no two bed single storey dwelling was brought to Planning Committee on 15th March 2023 and recommended to Members to defer and delegate for decision once the Council received a signed Unilateral Undertaking for contributions.
- 2.2 Members voted to defer and delegate the application under reference F/TH/22/0919 for approval following receipt of a signed Unilateral Undertaking securing the SPA contribution within 6 months of this resolution.
- 2.3 The signed Unilateral Undertaking securing the required contribution has not been received and as more than 6 months has elapsed since the resolution of the planning committee the application must be reported back to members for a decision to be issued.
- 2.4 As the legal agreement securing the SAMM contribution has not been received it is recommended that Members refuse the application.
- 2.5 There have been no changes to the assessment of the other material planning considerations set out in appendix 1

3.0 Options

- 3.1 Members refuse the application for the following reason:

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 paragraph 187 and 188 of the NPPF and the Habitats Directive.

- 3.2 Members propose an alternative motion.

4.0 Recommendations

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

Contact Officer: *Duncan Fitt, Planning Officer*
Reporting to: *Annabel Hemmings, Principal Planning Officer*

Annex List

Annex 1: Committee Report F/TH/22/0919

A03

F/TH/22/0919

PROPOSAL: Erection of 1no two bed single storey dwelling

LOCATION: Land Rear Of 20 To 22 Westfield Road BIRCHINGTON Kent

WARD: Birchington South

AGENT: No agent

APPLICANT: Mr Anwar Ali

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 AW-200 Rev P2, AW-210 Rev P1 and AW-220 Rev P1 received 10 January 2023.

GROUND;

To secure the proper development of the area.

3 The dwelling hereby permitted shall be constructed using yellow brick, red tiles and white UPVC windows in accordance with the agents email received 10 January 2023 unless otherwise agreed in writing by the Local Planning Authority.

GROUND

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

4 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. AW-210 Rev P1 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.

5 The refuse storage facilities as specified upon the approved drawing numbered AW-210 Rev P1 and received on 10 January 2023 shall be provided prior to the first occupation of the dwelling 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.

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

7 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.

INFORMATIVES

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

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

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

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

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

It is 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

Agenda Item 5

Annex 1

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

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

SITE, LOCATION AND DESCRIPTION

The site comprises the rear gardens of 20 and 22 Westfield Road and fronts the northern end of Oxney Close. A detached flat roof garage sits on the southern corner of the site in the garden of 22 Westfield Road fronting Oxney Close and the rear boundary is enclosed by a timber fence and a low level boundary wall. 20 and 22 Westfield Road are two storey semi detached dwellings.

Oxney Close is a small narrow cul-de-sac characterised by detached and semi-detached bungalows with hipped roofs and gabled front projections. To the south east of the site is a flat roof garage located at the rear of 24 Westfield Road and to the south east of this is a public footpath that provides pedestrian access between Oxney Close and Westfield Road.

RELEVANT PLANNING HISTORY

TH/85/0032 - Erection of a conservatory. Granted 25 January 1985

PROPOSED DEVELOPMENT

The application has been amended during the application process to confirm that the site includes land to the rear of both 20 and 22 Westfield Road.

The proposed development is the erection of 1no two bed single storey dwelling. The initial plan proposed a carport on the north western side of the property, however following concerns raised by Officers regarding the lack of secure doorstep playspace an amended plan has been provided removing the car port to provide a garden to the side of the property and relocating the proposed off street parking to the front of the dwelling.

The existing detached garage at the rear of 22 Westfield Road would be demolished and the existing access would be widened to provide off street parking at the front of the site.

The proposed dwelling would have a hipped roof design with a gabled front projection and the side garden. The dwelling would be constructed from yellow brick and concrete roof tiles. The amended plan has altered the proposed windows and doors to be white UPVC and grey rooflights would be installed in the roof around the property.

DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing
SP13 - Housing Provision
SP14 - General Housing Provision
SP28 - SPA's
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
CC02 - Surface Water Management
CM02 - Existing Community Facilities
GI04 - Amenity Green Space and Equipped Play Areas
HE01 - Archaeology
H01 - Housing Development
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
SE05 - Air Quality
SE06 - Noise Pollution
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

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

- Highway safety
- No space for deliveries
- Noise and disturbance during construction
- There is a public footpath next to the site
- Access to the footpath
- Impact upon the viability of local shops
- Loss of garden space
- Address is incorrect
- Impact upon biodiversity
- Affect local ecology
- Access for emergency vehicles
- Close to adjoining properties
- General dislike of proposal

- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Information missing from plans
- Loss of privacy
- Loss of light
- Loss of outlook
- Increase in pollution
- Noise nuisance
- Out of keeping with character of area
- Over development
- Potentially contaminated land
- Strain on existing community facilities
- No neighbouring properties have car ports
- Modern appearance of the property
- Existing garage is not used
- Loss of the existing garage
- New dropped kerb would be required
- Impact upon utilities
- Road is covered by single yellow lines
- Radon Gas
- Ground instability
- Details of proposed drainage
- Impact upon existing drainage
- Surface water drainage
- Conflict with local plan
- More open space needed on development
- Residential Amenity
- No consultation before submitted the application
- Noise and disturbance
- Loss of trees
- Lack of amenity space
- Health and safety during construction
- Inappropriate design
- Impact upon health of neighbouring residents
- Damage to neighbouring properties and the public highway
- Access to neighbouring properties
- Insufficient consultation

Birchington Parish Council - The Parish Council strongly objects to this application as the proposed development does not comply with the local plan specifically policies SP33, QD02, QD03, G104

CONSULTATIONS

Agenda Item 5

Annex 1

KCC Public Rights of Way - Public footpath TBX15 is adjacent to the proposed development. A copy of the current Public Rights of Way Network Map showing the line of this path is enclosed.

I have no objection to the development but would ask that the developer's attention is drawn to the following informatives.

Informatives:

No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority

There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.

Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.

No trees or shrubs should be planted within 1.5 metres of the public right of way

Natural England - No objection subject to securing appropriate mitigation

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

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

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

TDC Environmental Health - Thank you for consulting Environmental Protection on the above planning application for which we have considered the potential for environmental health impacts and consider it to have a low environmental risk and therefore do not offer any comments in this regard.

COMMENTS

This application has been called in by Cllr Fellows to allow Members to consider whether the proposal represents overdevelopment.

Principle

The site comprises the rear gardens of 20 and 22 Westfield Road and would be accessed from Oxney Close.

Agenda Item 5

Annex 1

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 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 that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The application site is located within the urban confines of Westgate and would, therefore, accord with Policies SP01 and HO1.

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

Character and Appearance

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

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

The amended plan has removed the car port from the proposed development and altered the proposed materials to be yellow brick and concrete roof tiles, similar to the existing neighbouring properties in Oxney Close. The dwelling would be lower in height than the existing neighbouring properties, however it would share similar design features with a hipped roof and a gabled front projection.

The dwelling would be set back from the front boundary of the site by 3.9m and behind the front elevation of the garage at the rear of 24 Westfield Road by 0.7m. At the closest point there would be a separation distance of 11.5m to 5 Oxney Close, 11m to 6 Oxney Close, 7.7m to 24 Westfield Road and 9.4m to 20 and 22 Westfield Road.

Concern has been raised regarding the loss of the existing trees on the site. The existing trees are small in scale and have limited visibility from the public realm due to the existing outbuilding and boundary treatment. Due to the scale of the trees they are not considered suitable for a Tree Preservation Order (TPO) and they are not protected by virtue of being within a conservation area and their removal is not considered to result in significant harm to the character and appearance of the area.

Agenda Item 5

Annex 1

The proposed dwelling would be visible from Kent Gardens along Oxney Close, however it would be viewed against the dwellings fronting Westfield Road and replace the existing flat roof garage and boundary wall.

Whilst the dwelling would be visible from the public realm and alter views towards the northern end of Oxney Close, given the single storey height of the dwelling, the use of materials and design features seen on the neighbouring properties and the position of the dwelling, the amended development is not considered to result in any significant harm to the character and appearance of the area and would comply with policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The amended dwelling would have an 'L' shaped footprint with a hipped roof and a gabled front projection. It would measure 8.2m deep, 11.2m wide, 2.6m to the eaves and 4m in total height. Windows are proposed in the front, rear and south eastern elevations, a door is proposed in the front elevation and four rooflights are proposed in the roof.

At the closest point there would be a separation distance of 11.5m to 5 Oxney Close, 11m to 6 Oxney Close, 7.7m to 24 Westfield Road and 9.4m to 20 and 22 Westfield Road and a 1.8m high fence would enclose, the side, rear and part of the front boundaries. Given these separation distances and the single storey height of the proposed dwelling this development is not considered to result in any significant loss of light or sense of enclosure to the neighbouring properties. The front windows and door would face towards Oxney Close and the front gardens of the neighbouring properties which are visible from the public realm. The windows in the side and rear elevation would not offer any significant opportunity for overlooking due to their ground floor location and the proposed boundary fence. The proposed rooflights would be located at high level above the internal floor and would not offer any significant opportunity for overlooking.

The use of the property as a two bedroom dwelling is not considered to result in any significant noise and disturbance to the neighbouring properties.

Noise and disturbance during construction is considered to be temporary in nature and would be covered by other legislation.

The proposed dwelling would meet 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. The amended plan has removed the car port and altered the location of the parking to provide an amenity space to the side of the dwelling. This space is considered to be suitable for doorstep playspace in accordance with policy GI04 of the Thanet Local Plan.

In light of the above, the amended development is not considered to result in any significant harm to the living amenity of the neighbouring property occupiers and would provide an acceptable standard of accommodation for the future occupants, in line with policies, GI04, QD03 and QD04 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

Agenda Item 5

Annex 1

Oxney Close is a narrow residential cul-de-sac with single yellow lines that prevent on street parking between 0800 and 1800 Monday to Saturday. The proposed development would remove the existing garage at the rear of 22 Westfield Road and provide a two bedroom dwelling with two off street parking spaces.

Planning permission is not required for the demolition of the existing garage or boundary fence and wall, and as Oxney Close is not a classified road, planning permission is also not required for the extension and alteration of the existing access.

The proposed off street parking is considered to provide sufficient off street parking to serve the dwelling and adequate visibility would be provided onto the highway.

Secure cycle storage is shown on the proposed site plan and would be secured by condition.

This development would result in the loss of the garage for 22 Westfield Road, however garages are often underused for parking and this property benefits from off street parking accessed from Westfield Road for a number of vehicles.

Concern has been raised regarding the impact of the development upon the public footpath that runs between Westfield Road and Oxney Close. This footpath runs between 24 and 26 Westfield Road and joins the footpath in front of 6 Oxney Close. The neighbouring garage at the rear of 24 Westfield Road is located between the site and the footpath and the sidewall of the garage on the site would be retained between 22 and 24 Westfield Road as a boundary wall. KCC Public Highways have raised no objection to the development subject to a number of restrictions to protect the public footpath. Given the location of the site, with number 24 Westfield Road located between the site and the public footpath, and the sidewall of the existing garage being retained the proposed development is not considered to result in any disruption to the public footpath and the proposed conditions are not considered to meet the tests of being reasonable or necessary.

It is acknowledged that Oxney Close is narrow in width, has limited turning space and there is no on street parking during likely construction times, however there are no restrictions on the vehicles that can access the road and any illegal parking is covered by other legislation. Deliveries to the site and any vehicles parking nearby in relation to the development would be subject to these restrictions.

Given the location of the site, the proposed off street parking and the on street restrictions this development is not considered to result in any significant increase in demand for on street parking or harm to highway safety.

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.

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Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The applicant has agreed to submit a unilateral undertaking securing the required financial contribution to mitigate the additional recreational pressure on the SPA area. Therefore subject to the submission of a completed and signed unilateral agreement, the impact upon the SPA is considered to be acceptable.

Other Matters

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

The developer would be required to submit a formal application to Southern Water for a connection to drainage and water. If required the developer may be required to pay a contribution to Southern Water to upgrade the services.

Concern has been raised regarding Radon Gas. The Council's Environmental Health department have provided the following information in relation to Radon Gas. "The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England." The UK Radon Gas map indicates that the site is in the lowest band of radon potential with less than 1% of homes at or above the Action Level. This development is, therefore, not considered to present a significant risk of Radon Gas to the future occupants or the neighbouring property occupiers.

The initial application stated that the site was located at 20 Westfield Road. The application was updated and a new consultation was issued confirming the correct location of the development.

Concern has been raised that there was no consultation completed by the applicant before the submission of the application. There is no requirement for the applicant to complete a consultation prior to the submission of an application and the Council has completed a consultation in line The Town and Country Planning (Development Management Procedure)(England) Order 2015.

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Concern has been raised regarding information being missing from the plans. It is considered that following the submission of the amended plans sufficient information has been provided for the Council to determine the application.

Any damage to neighbouring properties or the highway, either during construction or as a result of the development would be a civil matter and does not form a material planning consideration.

The proposed development is considered to result in some minor economic benefits both during construction and once occupied.

The construction of a dwelling and its occupation is not considered to result in any significant increase in pollution in the area.

Concern has been raised that the site is potentially contaminated. The site comprises the gardens for existing residential and the Council has no evidence of potential contamination on the site. This development is therefore considered to present a low risk to human health.

Concern has been raised regarding the impact of the development upon existing community facilities. The addition of one dwelling in this location is not considered to result in any significant strain on community facilities.

Concern has been raised regarding the impact of the proposed development upon utilities and drainage in the area. The applicant has indicated on the application form that the proposed development would be connected to the existing mains drainage system. Southern Water have been consulted on the application and have raised no objection. They have indicated that a formal application would be required for a connection to the public foul sewer to be made by the applicant or developer. An informative would be added to the decision notice advising the applicant of the need for an application to Southern Water. The submitted site plan indicates that the hard surfacing on the site would be constructed from permeable block paving. It is therefore considered that the proposed dwelling would not result in a significant increase in surface water run off. The addition of one dwelling is not considered to result in any significant strain on the existing utilities in the area.

Concern has been raised about health and safety during construction. This would be covered by other legislation and is not a material planning consideration.

The construction and occupation of a dwelling is not considered to result in any significant health impacts upon neighbouring property occupiers. As noted above noise and disturbance during construction would be covered by other legislation that falls outside of the planning system.

Concern has been raised regarding the impact of the development upon biodiversity in the area. The site is currently occupied by residential gardens that are considered to present limited opportunities for biodiversity. A grassed area would be retained to the side of the dwelling and the submitted site plan indicates that planting would be provided to the front and side of this area. The proposed development is therefore not considered to result in any significant harm to biodiversity in the area.

Concern has been raised regarding ground instability in the area. The construction of the dwelling and any issues arising, such as whether the foundations are sufficient, is not a material planning consideration however it would be covered through other legislation such as Building Control Regulations and the Party Wall Act.

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 development would provide an additional dwelling in a sustainable location and is not considered to result in any significant harm to the character and appearance of the area, the living conditions of the neighbouring property occupiers, or highway safety. The amended plan is also considered to ensure that the dwelling would provide an acceptable standard of accommodation for the future occupants. Therefore 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, and the development is recommended to be deferred and delegated to officers for approval subject to safeguarding conditions and the receipt of a legal agreement securing the contribution towards the SAMMs project.

Case Officer

Duncan Fitt

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Annex 1

TITLE:

F/TH/22/0919

Project

Land Rear Of 20 To 22 Westfield Road BIRCHINGTON Kent



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