

# Public Document Pack

Date: 9 April 2024  
Our ref: Planning Committee Agenda  
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## PLANNING COMMITTEE

17 APRIL 2024

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 17 April 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 13 March 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.***

Item  
No

Subject

- 4a **A01 R/TH/23/1032 - LAND AND BUILDINGS ON THE NORTH WEST SIDE OF SHOTTENDANE ROAD, MARGATE** (Pages 25 - 98)
- 4b **A02 F/TH/23/1449 - 53 TO 55 ALBION STREET, BROADSTAIRS** (Pages 99 - 108)
- 4c **A03 L/TH/23/1080 - THE BRITANNIA, FORT HILL, MARGATE** (Pages 109 - 118)
- 4d **A04 F/TH/24/0203 - JOSS GAP ROAD, BROADSTAIRS** (Pages 119 - 128)
- 4e **A05 L/TH/24/0187 - EAST PIER BUILDING, EAST PIER, RAMSGATE** (Pages 129 - 134)
- 4f **R06 F/TH/23/1470 - 35 MARINE TERRACE, MARGATE** (Pages 135 - 144)
- 4g **R07 A/TH/23/1471 - 35 MARINE TERRACE, MARGATE** (Pages 145 - 152)
- 4h **D08 F/TH/23/1475 - LAND ON THE WEST SIDE OF TOTHILL STREET, RAMSGATE** (Pages 153 - 192)
- 4i **D09 F/TH/23/0945 - THE BRITANNIA, FORT HILL, MARGATE** (Pages 193 - 214)



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 13 March 2024 at 7.00 pm in Council Chamber,  
Council Offices, Cecil Street, Margate, Kent.**

**Present:** Councillor Helen Crittenden (Chair); Councillors Bright, J Bayford, Boyd, Dennis, Garner, Keen, Makinson, Matterface, Paul Moore, Rattigan and Wing

**In Attendance:** Councillor Munns

### 1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Albon and Ruscecki.

### 2. **DECLARATIONS OF INTEREST**

Councillor Garner informed the Committee of his intention to remove himself from consideration of Item 4B (A02 F/TH/23/1234 - 38 Effingham Street, Ramsgate), so that he could give Councillors a report on the behalf of Councillor Austin under Council Rule 20.1.

### 3. **MINUTES OF PREVIOUS MEETING**

Councillor Keen proposed, Councillor Bright seconded and Members agreed that the minutes of the meeting held on 14 February 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 5 April 2024.

#### (a) **A01 F/TH/23/1359 - Domus (Formerly Plot 10 of Land Adjacent to Clifftop) North Foreland Avenue, Broadstairs**

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

Mr Clark-Smith spoke against the application.

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

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

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

**GROUND:**

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

2. The development hereby approved shall be carried out in accordance with the 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:
  - species, size and location of new trees, shrubs, hedges and grassed areas to be planted.
  - the treatment proposed for all hard surfaced areas beyond the limits of the highway.
  - walls, fences, other means of enclosure proposed.

Ecological Enhancements 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 first floor windows in the northern and southern elevations hereby approved shall be provided with non-opening obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and the second floor lounge window in the northern elevation shall be provided with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent. All windows shall be installed as detailed in this condition 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.

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



Councillor Keen proposed and Councillor Matterface seconded:

That the item be deferred back to officers to seek amendments to the first floor balcony side walls, to obscure glazed screening and for the item to be brought back to Councillors for decision at a later date.

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

Following the conclusion of this item, Councillor Garner removed himself from Committee to sit in the area reserved for Council Rule 20.1.

(b) **A02 F/TH/23/1234 - 38 Effingham Street, Ramsgate**

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

Mr Simms spoke in favour of the application.

Councillor Garner spoke on the behalf of Councillor Austin 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 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.

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

Councillor Moore proposed and Councillor Matterface seconded, that:

The item be deferred back to officers to seek amendments to reduce the number of bedrooms by one to increase communal space and for the item to be brought back at a later date to Councillors for decision.

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

Following the decision of this item, Councillor Garner left the seating area reserved for Council Rule 20.1 and returned to the Committee.

(c) **A03 F/TH/23/1618 - Unit 8 Land North of Spitfire Way and East of Columbus Avenue, Ramsgate**

**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.

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

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

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

**GROUND:**

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

2. The 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.

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

(d) **A04 F/TH/24/0007 - Staner Court, Manston Road, Ramsgate**

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

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

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

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

**GROUND:**

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

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

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

(e) **A05 F/TH/24/0006 - Invicta House, Millmead Road, Margate**

**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 rain screen cladding system to ground, first and second floor level, together with application of render to all elevations.

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

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

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

**GROUND:**

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

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

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

(f) **A06 FH/TH/23/1668 - 2 Tidewell Mews, Westgate-on-Sea**

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

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

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

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

**GROUND:**

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

2. The 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.

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

(g) **A07 L/TH/24/0040 - Victorian Shelter Marine Terrace, Margate**

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

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

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

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

**GROUND:**

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

2. 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.

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

(h) **A08 L/TH/23/1641 - 64 Grosvenor Place, Margate**

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

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

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

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

**GROUND:**

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

2. 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.

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

- (i) **R09 F/TH/23/1600 - Land Rear of 67 Stone Road, Broadstairs**

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



Mrs Molloy spoke in favour of the application.

Mrs Rodriguez 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 refused subject to the following reason:

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 Policy SP29 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.

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

5. **UPDATE FOR F/TH/22/0919 - LAND REAR OF 20 TO 22 WESTFIELD ROAD, BIRCHINGTON**

**PROPOSAL:** Erection of 1no two bed single storey dwelling.

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 refused 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 Thanet Local Plan Policy SP29 and paragraph 187 and 188 of the NPPF and the Habitats Directive.

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

Meeting concluded: 8:45pm

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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

17TH APRIL 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:8th April 2024



THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART A

TO: THE PLANNING COMMITTEE

DATE: 17 April 2024

Application Number	Address and Details	Recommendation
A01 R/TH/23/1032	<b>Land And Buildings On The North West Side Of Shottendane Road MARGATE Kent</b>	Approve
<b>MAJOR</b>	<p>Reserved matters application for the approval of layout, scale, landscaping and appearance for the erection of 138 dwellings (Phase 1) pursuant to outline permission OL/TH/20/0847 ( Outline application for the erection of up to 450 residential dwellings) with highways infrastructure works, new public open space, public realm works, landscaping and associated works.</p> <p>Ward: Salmestone</p>	
A02 F/TH/23/1449	<b>53 To 55 Albion Street BROADSTAIRS Kent CT10 1NE</b>	Approve
	<p>Variation of condition 3 of planning permission F/TH/20/1060 for the "Change of use from Drinking Establishment (Sui Generis) to Drinking Establishment (Sui Generis) and Restaurant (Class E), together with erection of single storey rear extension to No. 53 Albion Street" to allow an extension of opening hours</p> <p>Ward: Bradstowe</p>	
A03 L/TH/23/1080	<b>The Britannia Fort Hill MARGATE Kent CT9 1HH</b>	Approve
	<p>Application for listed building consent for conversion of former public house</p>	

into 4No 3 bed flats erection of part single and two storey rear extension together with external alterations to fenestration and roof and internal alterations.

Ward: Margate Central

A04 F/TH/24/0203

**Joss Gap Road BROADSTAIRS Kent**

Approve

Variation of condition 2 of planning permission F/TH/22/0494 for the "Formation of a footpath on the south side of Joss Gap Road between Convent Road and the existing shared pedestrian and cycle facility, together with the erection of a 2m high timber fence and planting" to allow realignment of pathway and alterations to landscaping (retrospective)

Ward: Kingsgate

A05 L/TH/24/0187

**East Pier Building East Pier  
Ramsgate Kent CT11 8LJ**

Approve

Application for Listed Building Consent for the installation of replacement steel crittall windows.

Ward: Central Harbour

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART B

TO: THE PLANNING COMMITTEE

DATE: 17 April 2024

Application Number	Address and Details	Recommendation
R06 F/TH/23/1470	<b>35 Marine Terrace MARGATE Kent CT9 1XJ</b>  Replacement of the existing shopfront and associated signage works, and proposed works to the first floor front elevation, which include the replacement of the existing windows with doors and the installation of glass handrails to create a balcony.  Ward: Margate Central	Refuse Permission
R07 A/TH/23/1471	<b>35 Marine Terrace MARGATE Kent CT9 1XJ</b>  Erection and display of 1No internally illuminated fascia sign  Ward: Margate Central	Refuse Permission

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART C

TO: THE PLANNING COMMITTEE

DATE: 17 April 2024

Application Number	Address and Details	Recommendation
D08 F/TH/23/1475	<b>Land On The West Side Of Tothill Street RAMSGATE Kent</b>	Defer & Delegate
<b>MAJOR</b>	Erection of 36no. dwellings, with vehicular access onto Tothill Street, and associated landscaping  Ward: Thanet Villages	
D09 F/TH/23/0945	<b>The Britannia Fort Hill Margate Kent CT9 1HH</b>	Defer & Delegate
	Change of use and conversion of public house into 4No. 3 bed flats, erection of part single and two storey rear extension together with external alterations to fenestration and roof  Ward: Margate Central	



**A01** **R/TH/23/1032**

**PROPOSAL:** Reserved matters application for the approval of layout, scale, landscaping and appearance for the erection of 138 dwellings (Phase 1) pursuant to outline permission OL/TH/20/0847 (Outline application for the erection of up to 450 residential dwellings) with highways infrastructure works, new public open space, public realm works, landscaping and associated works.

**LOCATION:** Land And Buildings On The North West Side Of Shottendane Road MARGATE Kent

**WARD:** Salmestone

**AGENT:** Mr Daniel Rosson

**APPLICANT:** Places for People Developments

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings: P103D, P104 D, P105 E, P106 C, P107 C, P112 C, P115 C, P123 D, P125 B, P130 C, P131 B, P132 D, P136 C, P138 C, P140 C, P142 D, P143 E, P144 A, P150 E, P151 F, P152 D, P153 D, CSA/6441/100/B/ C, CSA/6441/101/B/PHASE 1 C, CSA/6441/102/B/PHASE 1 C, CSA/6441/103/B/PHASE 1 C, CSA/6441/104/B/PHASE 1 C, CSA/6441/105/B/PHASE 1 C, CSA/6441/106/B/PHASE 1 C, CSA/6441/107/B/PHASE 1 B, P-350 P4, P-351 P2, 10749-259 P2, Phase 1 Drainage 45% CC and 10749-510 T3.

**GROUND:**

To secure the proper development of the area.

2 Prior to the first occupation of the development hereby permitted, the access roads as shown on the submitted plan numbered P101U received 5th April 2024 shall be provided and made operational (unless otherwise agreed in writing through the Construction Management plan - condition 20 on OL/TH/20/0847).

**GROUND:**

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

3 Prior to the occupation of any relevant dwelling within the development hereby permitted, the vehicle parking space/s relating to that dwelling, including the unallocated or

visitor parking spaces for use by that dwelling, as shown on the approved plan numbered 106C shall be provided and permanently retained.

**GROUND:**

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

4 Prior to the occupation of any relevant dwelling within the development hereby permitted, the visibility splays as shown on the approved plan numbered 44A received 5th April 2024 shall be provided for any access relating to that dwelling, including the sight lines from behind the Copenhagen crossings (or any relevant crossing as agreed with LPA in consultation with KCC) with no obstructions over 1.05 metres above carriageway level within the splays, which shall thereafter be maintained.

**GROUND:**

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

5 Prior to the occupation of any relevant dwelling within the development hereby permitted approved, pedestrian visibility splays of 2 metres by 2 metres behind the footway on both sides of any access relating to that dwelling, with no obstructions over 0.6 metres above footway level, shall be provided and thereafter maintained.

**GROUND:**

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

6 Prior to the occupation of the relevant part of the development, the vehicle turning areas as shown on the approved plan numbered P101U received 5th April 2024 shall be provided for all parking and carriageways serving the relevant dwellings, and thereafter permanently retained.

**GROUND:**

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

7 Prior to above ground works hereby permitted, details of the electric vehicle charging points to be provided within the development as outlined on plan numbered P106C, including their type and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be provided prior to the first occupation of the respective dwelling it serves and thereafter maintained.

**GROUND:**

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

8 Prior to the occupation of any relevant dwelling/unit within the development hereby permitted, the refuse storage facilities relating to that dwelling/unit shall be provided and thereafter maintained, including the refuse collection points, in accordance with the approved plans numbered P101U received 5th April 2024.

**GROUND:**

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

9 Prior to the first occupation of each respective dwellinghouse within the development hereby permitted, the secure cycle parking facilities, as shown on approved drawing numbered P106C shall be provided and thereafter maintained.

**GROUND:**

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

10 Prior to the first occupation of dwellings within plots 80-91, 116-126 and 127-138, details of the cycle storage facilities within the buildings, including type of racking, shall be provided to and agreed in writing by the Local Planning Authority. The cycle storage as agreed shall therefore be provided prior to the occupation of the respective units to which they serve 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.

11 Prior to the first occupation of each block of self-contained flats, the doorstep playspace/amenity area associated with that block shall be made available for use, as shown on plans numbered CSA/6441/106B. The play space/amenity area shall thereafter be maintained.

**GROUND:**

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

12 Prior to the construction of the external surfaces of the development hereby approved, samples of the materials to be used, as shown on plan numbered P103D, 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.

13 All new window and door openings shall be set within a reveal of not less than 60mm.

**GROUND:**

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

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

**GROUND:**

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

15 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the submitted plans CSA/6441/100 Rev C, CSA/6441/101 Rev C, CSA/6441/102 Rev C, CSA/6441/103 Rev C, CSA/6441/104 Rev C, CSA/6441/105 Rev C, CSA/6441/106 Rev C and CSA/6441/107 Rev B and the Landscape Management Plan (dated July 2023). 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. 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, biodiversity enhancement and to adequately integrate the development into the environment in accordance with Policies SP30, QD02 and GI04 of the Thanet Local Plan.

16 The play space as identified on the plan numbered CSA/6441/107 Rev B shall be provided in accordance with the identified details and made available for use prior to the occupation of any of plots 100-138 of the development hereby approved.

**GROUND:**

To provide playspace in accordance with Policy GI04 of the Thanet Local Plan

17 Prior to the commencement of development hereby approved, a Stage 1 Road Safety Audit for the spine road and associated junctions, (Hartsdown Road right turn lane and Shottendane Road roundabout) to include the proposed Toucan crossing on the spine road and Copenhagen Crossings, shall be submitted to, and approved in writing by,

the Local Planning Authority. The development shall be carried out in accordance with the agreed measures in consultation with the Local Planning Authority and any recommendations shall be implemented prior to the first operation of the highway.

**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 National Planning Policy Framework.

18 Prior to the occupation of the 23rd dwelling hereby approved, the temporary bollards shown on plan 37E shall be installed, restricting vehicular access, and thereafter maintained throughout construction, unless replaced by the permanent bollards as approved.

**GROUND:**

In the interests of highway safety

19 Prior to the occupation of either/any of plots 29, 30, 31, details of the precise location, design and method of use of the permanent bollards to be installed at the entrance to the emergency access from the spine road as shown on plan number P101U received 5th April 2024, shall be submitted to and approved in writing by the Local Planning Authority and the bollards shall be installed in accordance with the approved details, and thereafter maintained.

**GROUND:**

In the interests of highway safety

INFORMATIVES

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

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-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Attention is drawn to the detailed comments of the Kent Police dated 26th September 2023

## SITE, LOCATION AND DESCRIPTION

The application site is phase 1 of a wider site granted outline planning permission for the erection of up to 450 residential dwellings (including market and affordable housing), structural planting and landscaping, formal and informal public open space and children's play area, sustainable urban drainage, with vehicular access points, including associated ancillary works and operations, from Hartsdown Road, Shottendane Road and Manston Road including access which was granted on appeal on the 23rd February 2022 (OL/TH/20/0847 refers).

The Phase 1 site is currently agricultural/grazing land and measures 6.53 hectares. It abuts Hartsdown Road at its northern end, wrapping around Shottendane Farmhouse and including the central roundabout and the realignment of Shottendane Road. An agricultural field abuts the western boundary, separating the site from Hartsdown Academy.

## RELEVANT PLANNING HISTORY

NM/TH/23/1550 - Application for a non material amendment of planning permission OL/TH/20/0847 (Outline application for the erection of up to 450 residential dwellings (including market and affordable housing), structural planting and landscaping, formal and informal public open space and children's play area, sustainable urban drainage, with vehicular access points, including associated ancillary works and operations, from Hartsdown Road, Shottendane Road and Manston Road including access) to allow changes to the requirements for the temporary fencing around the Archaeological Exclusion Zone as shown on Parameter Plan CSA/4430/122 Rev C - Granted 18 December 2023.

OL/TH/20/0847 - Outline application for the erection of up to 450 residential dwellings (including market and affordable housing), structural planting and landscaping, formal and informal public open space and children's play area, sustainable urban drainage, with vehicular access points, including associated ancillary works and operations, from Hartsdown Road, Shottendane Road and Manston Road including access. Refused 22nd July 2021. Allowed on appeal 23rd February 2022.

## PROPOSED DEVELOPMENT

The principle of developing the site for up to 450 dwellings, and the access into the site, along with all off-site highway works and the securing of the financial contributions and affordable housing, was approved through the previous outline application (Application reference OL/TH/20/0847).

This is an application for the reserved matters of phase 1 of the outline consent for the approval of appearance, landscaping, layout and scale for 138 dwellings. Phase 1 comprises land located in the northernmost area of the development site and extends to approximately 6.53 hectares and also includes the attenuation basin which is located within a later phase of the development and a pumping station located to the south west of the land outlined within the extant planning permission.

Phase 1 includes a right hand junction from Hartsdown Road, linked by the new distributor link road connecting the realigned Shottendane Road (Design Code Principle 8) with a new roundabout junction at the centre of the wider development site. The link road is adjoined by a 4m wide cycleway and pedestrian footway. Secondary roads would provide access to the proposed housing either side of the link road.

The layout consists of a mix of detached, semi-detached and terraced houses and apartment blocks at 2, 2 and half storey and 3 storeys in height, consisting of 12 1-bed flats, 23 2-bed flats, 13 2 bed houses, 51 3-bed houses and 39 4-bed houses.

Parking is provided in the form of one or two spaces per dwelling depending upon size, with an additional 74 visitor or unallocated parking spaces. Electric charging points have been provided throughout the development at 1 per dwelling.

The design of the dwellings is traditional, with the use of pitched and hipped roofs. The palette of materials consists of red and reddy brown brick, render and tile hanging and grey and brown roof tiles.

This application proposal includes 1.71 hectares of public open space, including a new linear park and trim trail and two local areas of play (LAPs) within the linear park. The proposed SUDs basin would be sown with wildflower/grass mix.

## DEVELOPMENT PLAN POLICIES

- SP01 - Spatial Strategy - Housing
- SP10 - Margate
- SP13 - Housing Provision
- SP14 - General Housing Policy
- SP21 - Strategic Housing Site - Land North and South of Shottendane Road
- SP22 - Type and Size of Dwellings
- SP23 - Affordable Housing
- SP24 - Development in the Countryside
- SP26 - Landscape Character Areas
- SP27 - Green Infrastructure
- SP29 - Strategic Access Management and Monitoring Plan (SAMM)
- SP30 - Biodiversity and Geodiversity Assets
- SP31 - Biodiversity Opportunity Areas
- SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds
- SP35 - Quality Development
- SP36 - Conservation and Enhancement of Thanet's Historic Environment
- SP37 - Climate Change
- SP38 - Healthy and Inclusive Communities
- SP41 - Community Infrastructure
- SP43 - Safe and Sustainable Travel
- SP44 - Accessible Locations
- SP45 - Transport Infrastructure
- SP47 - Strategic Routes
- E02 - Home Working
- E03 - Digital Infrastructure
- E16 - Best and Most Versatile Agricultural Land
- H01 - Housing Development
- GI04 - Amenity Green Space and Equipped Play Areas
- QD01 - Sustainable Development
- QD02 - General Design Policies
- QD03 - Living Conditions
- QD04 - Technical Standards
- QD05 - Accessible and Adaptable Accommodation



HE01 - Archaeology  
HE03 - Heritage Assets  
CC02 - Surface Water Management  
SE04 - Groundwater Protection  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
CM02 - Protection of Existing Community Facilities  
TP01 - Transport Assessments and Travel Plans  
TP02 - Walking  
TP03 - Cycling  
TP04 - Public Transport  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, 4 site notices were posted close to the site and an advert was posted in the local paper.

No representations have been received.

## CONSULTATIONS

### **Kent County Council Highways - Development Management:**

#### *Final comment:*

Further to my previous comments on the above planning application and further consultation with the applicant, revised drawings and information have been submitted.

The proposed new spine road between Hartsdown Road and Shottendane Road will be constructed in phases throughout the buildout of Phase 1. It has been agreed that the access onto Hartsdown Road will serve the 138 dwellings proposed under this phase, with the roundabout at the junction with Shottendane Road to be constructed and open prior to the occupation of the 139th dwelling, which will come under the construction of Phase 2 of this development.

A Construction Management Plan is required (Condition 20 of approved Outline Planning Application OL/TH/20/0847), and further discussions are ongoing regarding the detail of the link road and how construction will be managed throughout the various phases.

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

Prior to the commencement of development submission of Stage 1 Road Safety Audits for the spine road and associated junctions, (Hartsdown Road right turn lane and Shottendane Road roundabout) to include the proposed Toucan crossing on the spine road,

to be submitted to and approved by the Local Planning Authority and Local Highway Authority.

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. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

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

Completion and maintenance of the accesses shown on the submitted plans prior to the use of the site commencing.

The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing including those sight lines from behind the Copenhagen crossings on the side roads.

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

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

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

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-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Initial comment

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

Transport Assessment

KCC Highways is broadly in agreement that the interim impact of Phase 1 of development on the local network is acceptable, bearing in mind the benefits the new link roads will offer. We anticipate that Phase 2 of development will facilitate the earliest possible delivery of the link to Manston Road and the new roundabout there to complete the full link through the site.

Consideration should be given to the provision of a temporary emergency access onto Shottendane Road prior to delivery of the new roundabout.

## Spine Road Design

I note that the applicant is working closely with our design team to agree on a plan that both meets the needs of the development and meets its required operation as part of the wider North Thanet Link scheme. This design review also includes the new junctions on Hartsdown Road and Shottendane Road.

## Layout

There does not appear to be a whole site plan that details the road hierarchy along with dimensions for the proposed roads. Whilst the submitted Design Code section 3.0 details movement hierarchy (which should follow the Kent Design Guide), no one plan demonstrates this. There are five direct accesses onto the spine road on the northern side. This needs to be reduced, and I would suggest removing the accesses in front of Plots 30/31 and Plots 71/62. The remaining 3 accesses can easily serve all the plots in this northern part of the phase. The access to plots 109-117 creates a left/right staggered junction arrangement on Shottendane Road that does not meet the minimum 30 metre separation distance requirement as found in the Kent Design Guide. I could not locate a plan that demonstrated visibility splays for all the proposed junctions. I could not locate a plan demonstrating the extent of roads to be offered for adoption. I could not locate a lighting plan - this information is required along with the proposed adoption plan and soft landscaping plan so that any issues can be identified at this stage and appropriate amendments made if required.

## Tracking

None of the submitted plans within the Transport Assessment have a scale bar so I am unable to assess these.

## Parking Allocation

As stated in the Design Code, suburban standards have been used, which is acceptable. Unfortunately the symbols indicating the plot numbers blot these out, so it is difficult to assess the actual relationship of the parking spaces to each plot without having to then refer to a separate plan. It would also be helpful if the number of bedrooms were included for each Plot, as this has a bearing on the allocation required. There is a large amount of tandem parking proposed for Plots 1-12, 19-26, 53-63, 70, 94-101. Experience has taught us that tandem parking is often underused, and can result in ad hoc on street parking which impacts on service and emergency vehicles and their ability to negotiate a development safely. The vast majority of the visitor parking has been concentrated in one or two areas (namely those areas with tandem parking), with other area's having no provision at all. This needs to be reviewed, and the visitor parking spread more evenly throughout the site.

## Bicycle Storage

Bicycle Storage for Flats 80-93 and 127-138 No scale bar, and it would appear to have less than 1m between the row of Bicycles, which makes removal very difficult. Could we please have details on the type of storage system to be used. Storage of bicycles for flats 118-126 again less than 1m between the row of bicycles and no details on the storage system. The space for all three areas appears large enough, just not set out in the best configuration to allow easy removal by the future users. For the remaining houses it would appear that there is direct access to each rear garden where a storage area is indicated - storage should be at the ratio of one space per bedroom, a shed would be acceptable as long as the dimensions are appropriate.

**Active Travel England:** Active Travel England (ATE) is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response

The approval sought by this Reserved Matters application (REM) is for the approval of layout, scale, landscaping and appearance for the erection of 138 dwellings (Phase 1), pursuant to the outline application.

ATE also understands that the Thanet District Council Local Plan 2020 allocates the Shottendane Road site for residential development under Policy SP21. The wider Shottendane Road site is allocated for up to 550 dwellings. Importantly, the allocation includes a link road through Phase 1 identified as a 'Strategic Route', which is safeguarded in adopted policy to support the implementation of the Thanet Transport Strategy.

It is acknowledged that opportunities for re-assessing the site and certain aspects of the layout may be limited due to the nature of this reserved matters application, however, there remains potential for the proposals to contribute more towards active travel.

As discussed, the site allocation calls for the delivery of a local distributor road through the site facilitated by a series of roundabouts. Paragraph 5.2 of the Transport Assessment (TA) sets out the following:

'The principle of the access arrangements and infrastructure improvements being brought forward and established as part of the Phasing Plan, were determined, and approved at Outline Permission (LPA Ref: OL/TH/20/0847). At the outline stage the provision for a new Right Turn Lane vehicle access on Hartsdown Road, a 4-arm Roundabout onto Shottendane Road and a 3-arm Roundabout onto Manston Road were established. To recap, the proposals also included an internal Link Road through the Site with all infrastructure agreed at Outline Permission subject to the Phasing of development.'

It seems limited opportunity exists to amend the approach to the agreed link road, accesses, and roundabouts to address active travel movements both within and through the site. However, we note that Paragraph 5.15 of the TA states 'Technical approval of the link road and junction would be a separate process from the reserved matters application and conducted through the S278 agreement with the relevant officers within KCC highways.' ATE would therefore welcome further dialogue with regards to the approach being taken and whether there is scope to amend the current design.

Based on the approach taken, current guidance within LTN 1/20 does not appear to have been fully considered and it is felt that the proposals as submitted may generate an unpleasant environment within which to walk, wheel and cycle, contrary to government policy to make these modes the first natural choice for local journeys. Notwithstanding the current status of the link road and roundabouts, suggestions have been put forward in case the LPA and Local Highway Authority is minded to consider whether any of these are deliverable in the context of previously agreed plans/approaches.

### Opportunities

The site is allocated within the Local Plan as a Strategic Housing Site and therefore has planning policy support.

The Design and Access Statement (DAS) associated with the original outline planning permission notes that 'The Site is located in a sustainable location, within a 10-15 minute walk of the centre of Margate that provides a wide variety of local services and facilities, such as sports and recreation facilities, education for different age groups, medical services, and places of worship.' It continues: 'Margate railway station is located within a 10 minute walk of the Site, offering services to coastal towns such as Ramsgate and Westgate-on-sea, as well as the High Speed 1 connection to London St Pancras International via Ashford International.' Clearly therefore, the site is sustainably located in the context of NPPF paragraph 105, which states 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'

Whilst there is some concern around the approach taken to the main spine road through the site and principally how cyclists will negotiate the roundabouts, it is recognised that these matters may fall outside the scope of this REM application.

Notwithstanding this, there are opportunities to improve the proposals to ensure walking, wheeling, and cycling to existing facilities and the surrounding network are the first natural choice for occupants of the development, as well as those visiting or passing through.

### Areas of Concern

Spine Road: It is understood that a 4.0m cycleway way will be provided on a single side of the spine road and Shottendane Road (SK10A) roundabout and Manston Road (SK11) roundabout. Whilst it is welcome that these will be dedicated cycle lanes and not shared with pedestrians, it is felt the proposed arrangement is inconvenient as a cyclist will have to stop at each roundabout and cross via a proposed island rather than moving across freely.

This approach does not align with LTN 1/20 Core design principles or preferred approaches to roundabouts.

Given that LTN 1/20 states that roundabouts account for around 20% of all reported cyclists killed or seriously injured (KSI) and roundabouts designed to standard UK geometry can be hazardous for cyclists, it is important to address all safety concerns at the earliest opportunity.

A solution more in alignment with that shown at Figures 10.37 - 10.41 of LTN1/20 would indicate that the safety and attractiveness of active travel routes for new residents and visitors to the development was being taken seriously. Paragraph 10.7.8 is clear that 'Roundabouts with higher traffic flows and speeds should have protected space for cycling, both around the junction and on all approaches and exits, so that cyclists do not need to cycle in mixed traffic.'

Moreover, there are concerns with the intention to deliver these as two way tracks on one side of the highway rather than single direction on either side. LTN 1/20 Paragraph 6.2.16 sets out some of the potential problems with two way cycle tracks.

Based on Table 3.6 Speed Survey Results of the TA, nearly all surveyed roads returned an average speed of 40mph despite a 30mph limit. It is likely therefore that the link road will see similar speeds. It is noted that the proposed cycle track sits adjacent to the highway with no buffer and we would suggest a minimum separation from the carriageway (40mph) of one metre.

The approach taken to 'Copenhagen Crossing' style crossing identified in 5.17 of the TA is welcomed and should be secured as designs progress/by condition.

It is noted that there are no pedestrian crossing points proposed on the Landscape Masterplan on the link road and further justification for this is requested.

As noted, the approach to the two roundabouts and spine road seems to have largely been agreed as part of the outline planning application and the Approved Access Arrangements drawings on page 20 of the approved Design Code identifies those which have approval. However, it is noted that these drawings are presented as indicative and subject to discussion with local and national highway authorities.

Further to this Condition 22 requires approval of a Detailed Scheme of Highways Works prior to the development of each phase.

ATE is therefore requesting further dialogue to discuss how these outstanding issues may be addressed

Residential layout: Landscape Masterplan drawing no. CSA/6441/100 includes the two residential areas which form part of Phase 1. ATE do not have any significant concerns with the layout of these areas and welcome the approach taken to shared surfacing and traffic calmed streets. See P.2.ii Multi-functional Streets and P.2.iii Home Zones of the National Model Design Code which explains 'people and vehicles share the whole of the street space safely and on equal terms, where quality of life takes precedence over ease of traffic movement'.

Cycle Parking: The Local Plan sets out at Paragraph 18.10 the 'New development generating travel demand will be expected to promote cycling by demonstrating that the access needs of cyclists have been taken into account, and through provision of cycle parking and changing facilities. Secure parking facilities and changing/shower facilities will encourage use of cycling. Cycle parking provision will be judged against the standards set out in the cycle parking standards Appendix C.' These standards equate to one cycle space

per bedroom in individual residential dwellings and one space per unit for the purposes of flats.

It is therefore welcomed that the TA sets out that 'With regards to residential cycle parking standards, the number of parking spaces within Phase 1 will be in accordance with the minimum KCC standards for residential cycle parking.' With this equating to a total of 394 spaces.

Paragraph 4.39 of the TA goes onto state that 'It has been established that each dwelling will either have a garage or a shed within each back garden and can be accessed via private driveways, this will be sufficient and secure to store cycles and there will be a separate cycle storage for the flats provided on site. Whilst only capturing a proportion of the overall site layout.'

ATE would urge the LPA to ensure that where cycle parking is provided in a back garden shed that these sheds are provided by the developer and are sufficiently large to store the required number of bicycles in accordance with Appendix C standards. Moreover, cycle parking must be accessible without wheeling a bicycle through the dwelling. Alternatively, cycle storage can be provided at the front of the house or be integrated in the design.

ATE welcomes that an appropriate number of cycle spaces is provided for the apartment block, however further clarity is needed as to the level of security provided.

Lastly, ATE would like to point out that the LPA should ensure proposed cycle parking is sufficient for larger bikes (including cargo bikes, mobility bikes and e-bikes), including provision for charging. It is recommended that at least 5 percent of all spaces should be capable of accommodating non-standard bicycles.

**Historic England:** Historic England provides advice when our engagement can add most value. In this case we are not offering advice.

**Natural England:** DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site, North Kent Special Protection Area (SPA).

It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.



Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

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

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

**Environment Agency:** We have no further comments to make on this planning application, beyond those in our previous comments made at the outline stage

**Southern Water:** Southern Water has no objections to the reserved matters application for appearance, landscaping, layout and scale.

An approval for the connection to the public foul sewer should be submitted under Section 106 of the Water Industry Act.

**KCC Flood and Water Management:** *Final comment* - Kent County Council as Lead Local Flood Authority have the following comments:

We have reviewed the submitted updated calculations with exceedance drawings including the increased flooded volume and consider all comments from previous responses addressed at this stage. We leave it to the LPA to determine the approval of the reserved matters.

Further comment - Kent County Council as Lead Local Flood Authority have the following comments:

We have reviewed submitted hydraulic calculations and as of the 10th of May 2022, the Environment Agency's climate change allowances have been updated. As part of this update, revisions have been made to the 'Peak Rainfall Intensity Allowances' that are used in applying climate change percentages to new drainage schemes.

The LLFA would now seek the 'upper end' or worst case allowance (for either 2050 or 2070) is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios. This is to determine that flooding of the network does not occur in the 1 in 30 year critical event and exceedance is managed for the critical 1 in 100 year event.

This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.

We recommend that until this comment is addressed, the holding objection remains in place.

*Initial comment* - Kent County Council as Lead Local Flood Authority have the following comments:

We have reviewed the submitted information and have no objection to the determination of reserved matters for phase 1 at this time as the infiltration drainage information previously submitted is still relevant and reflective of the design based on the BRE 365 tests at outline stage.

For matters pertaining to drainage, we refer you to the previous response for application OL/TH/20/0847 dated 4th August 2020

In addition to the above, as an advisory, we are aware of a possible KCC scheme whereby the link road through the development may be required to increase in footprint and this could have implications on the proposed infiltration feature to the west of the red line boundary. However as things stand we have not seen any definitive design information to confirm any required alterations to the proposed drainage layout hence our no objection to the determination of reserved matters.

**KCC Ecology:** *Final comment* - We advise that sufficient information has been provided to determine the planning application.

We have reviewed the ecological information submitted as part of application CON/TH/23/0865 and compared it with the plans submitted as part of this reserved matters application. We advise that we are satisfied that the proposed layout will ensure that the required ecological mitigation and ecological enhancements can be implemented.

A biodiversity net gain assessment has been submitted and the plans within that document appear to largely reflect the detailed planting plans submitted as part of this application. While the plans are not an exact match we are satisfied that they are sufficiently similar that the BNG is unlikely to change significantly.

The detailed planting plans do not distinguish between the areas of grassland which will be managed as a grassland meadow and the areas of grassland which will be mown regularly. We advise that this point can be addressed through the Landscape and Ecological Management plan by including detailed plans within the document.

As part of the ecological design strategy submitted as part of application CON/TH/23/0865 it has been detailed that ecological enhancement features will be incorporated into the open space and integrated into the buildings. A plan has been submitted as part of this current application demonstrating that the enhancement features detailed within the ecological design strategy will be implemented within the site. We advise that the plan is included within the construction management plan to ensure that the enhancement features are incorporated into the buildings during construction.

*Further comment* - We have reviewed the ecological information submitted as part of application CON/TH/23/0865 and compared it with the plans submitted as part of this reserved matters application. We advise that we are satisfied that the proposed layout will ensure that the required ecological mitigation and ecological enhancements can be implemented.

A biodiversity net gain assessment has been submitted and the plans within that document appear to largely reflect the detailed planting plans submitted as part of this application. While the plans are not an exact match we are satisfied that they are sufficiently similar that the BNG is unlikely to change significantly.

When we previously commented we advised that the detailed planting plans did not distinguish between the areas of grassland which will be managed as a grassland meadow and the areas of grassland which will be mown regularly. However we have subsequently realised this statement was incorrect. However we highlight that the plans within the Landscape and Ecological Management must be updated prior to being submitted to the site manager to ensure it is clear what management will be carried out in which areas.

As part of the ecological design strategy submitted as part of application CON/TH/23/0865 it has been detailed that ecological enhancement features will be incorporated into the site. We recommend that a plan is submitted as part of this application confirming the location of the ecological enhancement features to be incorporated into the buildings and site – an updated design and access statement has been submitted but has not confirmed what enhancement features will be incorporated into the site and where.

*Initial comment* - We have reviewed the ecological information submitted as part of application CON/TH/23/0865 and compared it with the plans submitted as part of this reserved matters application. We advise that we are satisfied that the proposed layout will ensure that the required ecological mitigation and ecological enhancements can be implemented.

A biodiversity net gain assessment has been submitted and the plans within that document appear to largely reflect the detailed planting plans submitted as part of this application. While the plans are not an exact match we are satisfied that they are sufficiently similar that the BNG is unlikely to change significantly

The detailed planting plans do not distinguish between the areas of grassland which will be managed as a grassland meadow and the areas of grassland which will be mown regularly.

We advise that this point can be addressed through the Landscape and Ecological Management plan by including detailed plans within the document

As part of the ecological design strategy submitted as part of application CON/TH/23/0865 it has been detailed that ecological enhancement features will be incorporated into the site. We advise that as part of this application a plan is submitted confirming the location of the ecological enhancement features to be incorporated into the buildings and site.

**KCC Public Rights of Way:** Public Footpath TM14 is not affected by Phase 1 but would appear to be directly affected by or abuts the proposed development overall site.

As a general statement, the KCC PRow and Access Service are keen to ensure that their interests are represented with respect to our statutory duty to protect and improve PRow in the County. The team is committed to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP). This aims to provide a high-quality PRow network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

KCC PRow have no objection to the application,

**Kent Fire and Rescue:** Fire Tender tracking does not appear to demonstrate vehicular access for a fire appliance to the front of plots 102, 103, 104 and 105. Consequently, there may be an extended hose laying distance from the furthest point in these plots to a suitably parked fire appliance. The 45m hose lay distance can be extended up to 90m through the installation of a suitable fire suppression system.

The apartments will be subject to a full building regulations consultation on receipt of plans. Fire Service access and facility provisions under requirement B5 will form part of that consultation.

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

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

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We request a condition for this site to follow SBD Homes 2019 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention

and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site and the any parking areas/ courts to the rear of the properties. These areas must be well lit and covered by natural surveillance from neighbouring properties.

2. Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.

3. We would strongly recommend the installation of pavements on both sides of the roads to avoid vehicle and pedestrian conflict, the current plan shows some shared vehicle/ pedestrian areas. Where this is not possible, we strongly advise the installation of traffic calming measures for pedestrian safety.

4. To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an “active” window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.

5. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.

6. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:

“18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.”

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

7. Play areas must have a self-closing gate to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime. We recommend the sales team advise potential buyers of the plots close to the play area of its location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints.

8. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified

standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

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

10. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.

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

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

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

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

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

Please note, site security is required for the construction phase.

**TDC Waste and Recycling:** As with all new developments we wish to be kept advised of progress. As always we have concerns around access, parking, street furniture placement and residents being moved onto the site prior to building works being completed. For us to collect we will need to see proof of vehicle tracking, site completion and will need to make a site visit prior to collections starting.

From what we understand of the plans that we have seen there does look to be a certain amount of block paving that we are not happy to cross for a number of reasons

**TDC Housing:** Upon review of the above Proposals & Compliance section of the Planning Compliance Statement dated July 2023, the affordable housing contribution is in accordance with the requirements set out in the unilateral undertaking

The Planning Compliance Statement dated July 2023 also provides the following information regarding the tenure split and housing mix:

All affordable homes - total 21

1 bed 8

2 bed 8

3 bed 5  
4 bed 0

Affordable rented homes - total 17

1 bed 8  
2 bed 6  
3 bed 3  
4 bed 0

Shared ownership - total 4

2 bed 2  
3 bed 2

Upon review of the housing tenure split and mix of units, these are compliant with overarching requirements of the housing need within the district and are in alignment with the recommendations set out in the Strategic Housing Market Assessment (SHMA) updated 2021.

The Site Layout Mix and Tenure Map provides an overview of the locations for the affordable housing units. These have been distributed across the site and integrated with the market sales, which provides a healthy distribution of all tenures across the site.

**TDC Environmental Health:** Thank you for consulting Environmental Health on this reserved matters application for which we have reviewed relevant submission and amendments to Phase 1 and note that the applicants position that air quality and that outline assessments and conclusions remain valid. This is accepted and no further comments offered. However, it is noted that there are amendments to the proposed electrical substation and foul water pumping station and request a noise impact assessment be submitted.

**TDC Conservation Officer:** Following a review of the proposed application I would make the following comment-

Approval of this application would naturally lead to adjustments in the openness and agricultural character of the area surrounding the site. However, upon reviewing the proposal, I find that the impact on the setting of the numerous heritage assets would be less than substantial. This is due to the orientation of the development and the arrangement of the proposed dwellings. While there may be some inevitable harm resulting from the scale of the proposal, it is not significant enough to detract from the historical character and appearance of the surrounding environment. Therefore, I do not oppose this application or the proposed work.

**TDC Arboricultural Advisor:** Final comment - The revised Arboricultural Impact Assessment (dated 7.2.2024) notes the additional removal of T8 (semi-mature Lime, 9m in height) and a slightly larger portion of G9 (a linear group of semi-mature Lime, Alder and Ash, 5m-9m in height) to a revised roundabout layout. In the context of the scheme and the new planting proposed, I do not consider these additional losses to be significant.

There are minor amendments to the proposed tree planting shown on the soft landscaping plans, that appear mainly to reflect layout revisions and are not significant changes.

The planting schedule shows a significant increase in the number of plants in the Native Hedgerow Mix, along with a slightly different species mix. Common privet appears to have been replaced with common dogwood, which is acceptable. Hazel has been replaced with Field Maple, but both could reasonably be included in a locally appropriate native hedge. The revised schedule also suggests equal numbers of each of the included species in the mix. Hawthorn would normally make up the highest proportion, with smaller numbers of other species, but these are relatively minor issues and do not necessarily require further revision.

Initial comment - These comments are limited to arboricultural aspects of the submitted plans.

The development will result in the loss of a number of individual trees and groups of trees, most of them along the existing alignment of Shottendane Road, to facilitate a proposed realignment.

The tree report identifies three trees on the site's boundary with Margate Cricket Club that may be protected by a Tree Preservation Order (TH/TPO/4(1997) refers) but they appear to be retained.

The Landscape Strategy Plan (drawing no. CSA/4430/118 rev.F, dated May 2020) suggests that the "majority of the existing trees and hedgerow along either side of Shottendane Road will be retained" but, according to the tree retention/removal and protection plan in the Arb Impact Assessment, this does not seem to be the case.

However, although they collectively make an important contribution to the character and setting of the current landscape, as individuals they are relatively small trees of low quality. Subject to appropriate replacement planting, the loss of these trees should not be considered a significant constraint.

The Phase 1 Soft Landscape Proposals do not cover the areas along Shottendane Road where the majority of the trees will be removed. However the proposed selection of species for tree and hedgerow planting in these plans are generally acceptable and appropriate, as are the details of the Planting Specification.

I have the following comments about the planting proposals:

- A number of trees of species that have wide spreading crowns at maturity (e.g. Beech, Field Maple, Hornbeam and Norway Maple) are shown planted in lines at 11m centres. This is too close for the trees to freely develop full crowns at maturity.
- Some of these trees are shown planted within 1m wide hedgerow features immediately adjacent to the back edge of roadways. The root buttresses would encroach on the roads as the trees mature.
- There are large growing species such as Beech planted as part of a tight group (5m centres) with much smaller growing Crab Apple and Cherry species, that would likely be suppressed by the larger tree.
- As a personal preference, I think large, purple-leaved species (such as Norway Maple "Crimson King") work better as individual features,



rather than as a line or avenue along the main access roads. - Similarly, some lines of trees are shown planted with multiple different species. I think lines or avenues work best with a simpler palette of single species, or a maximum of two or three.

## COMMENTS

This application has been call into Planning Committee by Cllr Garner to consider whether the proposed layout would have an adverse impact on the biodiversity of the area, the landscaping proposed would have an adverse impact on the biodiversity of the area, the proposed layout would result in cramped living conditions, the landscaping proposed would have an adverse effect on the drainage of the area, and whether the proposed layout would have an adverse impact on the drainage of the area.

### **Principle**

This application is a reserved matters application, for consideration of layout, scale, appearance and landscaping only for phase 1 of the development. The principle of the development, along with the access, was assessed and approved through the original outline application ref: OL/TH/20/0847.

Accesses to the site from Hartsdown road, Shottendane Road and Manston Road along with amendments to the surrounding highway network were agreed as part of the outline application as well as a link road through the site. Another agreed parameter was that the development would be a mix of 2, 2 and a half storey with a limited number of 3 storey buildings. As these matters were agreed as part of the outline permission they cannot be reconsidered or amended through this application, however it falls to consider whether the reserved matter submission accords with the parameters agreed.

### **Character and Appearance**

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. Development must:

- 1) Relate to the surrounding development, form and layout and strengthen links to the adjacent areas.
- 2) Be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality. The development itself must be compatible with neighbouring buildings and spaces and be inclusive in its design for all users.
- 3) 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.
- 4) Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime.

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. Development will be supported where it is demonstrated that:

5) Existing features including trees, natural habitats, boundary treatments and historic street furniture and/or surfaces that positively contribute to the quality and character of an area should be retained, enhanced and protected where appropriate.

6) An integrated approach is taken to surface water management as part of the overall design.

7) A coordinated approach is taken to the design and siting of street furniture, boundary treatments, lighting, signage and public art to meet the needs of all users.

8) Trees and other planting is incorporated appropriate to both the scale of buildings and the space available, to provide opportunities for increasing biodiversity interest and improving connectivity between nature conservation sites where appropriate'.

Condition 8 of the outline permission required prior to the submission of any reserved matters, a masterplan for the wider site to be submitted and approved which demonstrates how the development applies the principles of the Parameter Plan, Development Framework Plan and the Landscape Strategy Plan approved for the outline. The applicants have submitted the masterplan under CON/TH/23/0667. This set out details of the open space (including play areas), ecological enhancements, landscaping, the hierarchy of roads, pedestrian paths and cycle paths and sustainable drainage overview. This was considered to build on the plans approved at outline stage and the submission was approved.

Condition 9 of the outline went on to require prior to the submission of a Design Code which developed the concepts and principles established at the outline application. The applicants have submitted the Design Code under CON/TH/23/0743. This look at the constraints and opportunities of the wider site granted at outline stage, the surrounding context (built and landscape), has built on the cycle and pedestrian movements and considered the movement hierarchy building on the details of the main spine road, secondary streets and the lanes and private drives and their differing natures and characters and establishing them as identifiable character areas, as well as open space provision with the site (including play and recreation strategy), biodiversity, materials for dwellings and hard landscaping. The Design Codes were considered to be acceptable as providing the detail for the wider site (including phase 1) from that approved at the outline stage. This condition submission has, therefore, been approved.

### *Layout and Landscaping*

Residential development is proposed running across the site from east to west to the north of the proposed spine road with a smaller area of development to the south of the proposed spine road. The spine road forms part of the "Inner Circuit" as part of the Thanet Transport strategy and Local Plan to 2031 and is proposed to be constructed as a Local Distributor

road. It links Hartsdown Road in the north to Shottendane Road and onto Manston Road in a further phase of development.

As set out above the applicants have complied with the conditions from the outline permission which required the submission of a masterplan and design code for the wider site and these have been used to inform this application.

As stated above, the masterplan and design code built on the outline by evolving the idea of character areas with differing purposes and identities. The spine road is the principal street running through the development and as stated above would be a local distributor road. Dwellings facing the spine road would mainly be two storey with some 2 and half storey (2 storey with rooms within the roof). The three flat blocks would also be located close to the spine road which would be the most urban area of the development, but with a green feel with dwellings set back from the road with a landscape buffer and the linear park located to the southern side of the spine road.

The secondary streets connect the spine road to the other parts of the development. They are less urban in character than the spine road and have verges and front gardens to their edges. Dwellings along these streets run parallel with them with areas of landscaping and planting including trees to soften them. The dwellings here would be generally 2 storeys in height and the occasional two and a half storey dwelling.

The lowest hierarchy of streets within the site and the third character area are the lanes and private drives. These are designed to each serve a limited number of dwellings normally at the end of a secondary street on the periphery of the development. They are characterised by shared surfaces and are designed to provide the transition between the proposed development and the surrounding countryside. Dwellings here would be two storey and likely to be detached or semi detached with landscaping and planting helping to integrate them into the site and the surrounding area.

Planting throughout the site would be primarily native species with some ornamental features. There would be intensive tree planting and landscaping to the boundaries of the site as well as within the linear park and also in various places throughout the development including trees adjacent to the spine road. Front gardens of the dwellings would comprise low to medium height shrubs and hedges. Details of the proposed species and the areas they will be located are included in the soft landscape proposal drawings.

The main carriageway and footpaths will be built to adoptable standards and surfaced in tarmac with junctions built in contrasting block paving. Shared access roads/drives, parking courts and private drives will be a mixture of block paving and tarmac and footpaths in the open space will be a combination of resin bound gravel and mown grass paths. Amended plans have altered boundary treatments in visible areas to be brick walls with timber fencing providing internal division to gardens and timber rails and bollards would protect grass verges.

Dwellings would be arranged as a variety of detached, semi-detached or terrace houses set over two storeys with some two and half storey units in some locations, such as, fronting the link road. Three blocks of flats are also proposed which have three storey elements, one in

the south western corner of the northern part of the site above the spine road and two adjacent to the eastern side of the spine road on the southern part of the application site.

All dwellings would benefit from private amenity space that would be considered to be secure doorstep playspace and communal amenity areas provided for the proposed flat blocks to comply with policy GI04.

It is considered that the layout would provide a visually attractive development with effective landscaping, in keeping with surrounding development, whilst encouraging walking and cycling within the site, in accordance with the requirements of the outline permission, the Local plan and the NPPF.

### *Open Space*

Policy GI04 of the Thanet Local Plan requires that new residential development make provision for appropriate amenity green space and equipped play areas to meet the standards set in tables 10, 11 and 12 within the policy.

Condition 7 of the outline permission seeks to secure details of landscaping with each phase of development and secure a management plan for its management. Condition 10 of the outline also required an open space specification for each phase.

This proposal would deliver some 1.7 hectares of public open space which is some 38% of the public open space required through the site's allocation with the remainder to be delivered in later phases of development. A linear park is proposed which would run parallel to the southern boundary of the link road. It would provide a trim trail and paved route for pedestrians and cyclists. Two Local Areas of Play (LAP) totalling some 100 square metres will also be provided within the linear park as well as a SUDs basin to the west of the residential built form which is proposed to be planted with a wildflower/grass mix. Some other smaller areas of open space are distributed throughout the site on the corners of roads, footpaths and along the highway. Details have been provided of the proposed landscaping and features that are proposed for each of the LAPs including some basic play equipment suitable for young children and with seating, bins and signage.

The linear park with its various features and the smaller areas of open space proposed throughout the development area are considered to provide an acceptable space for residents and would sufficiently break up the areas of hard surfacing, in line with the requirements of the outline permission, policies GI04 and QD02 of the Thanet Local Plan and the National Planning Policy Framework. The Landscape Management Plan for the phase is also considered to be acceptable and would ensure that open space and landscaping are delivered and managed as key elements of the development.

### *Scale and Height*

Houses across the site would primarily be two storeys in height with pitched roofs, with some dwellings 2 and half storeys in height (with rooms within the roof) in some prominent locations such as along the spine road.

Features such as two storey projecting gables, variations in materials, projecting canopies and bay windows would be used to break up the mass of the houses and following amendments to the scheme all dwellings on corner plots would have openings and/or detailing on all elevations visible from the public realm.

As stated above, character areas for the whole of the site covered by the outline application and for this current phase have been identified with each of these areas having a different feel and styles of dwelling as well as differences in height. With the flat blocks with their 3 storey elements and the majority of the 2 and half storey dwellings located along the spine road character area and the majority of dwellings on the secondary streets and lanes and private drive with the heights of dwellings helping to define the hierarchy of the character areas.

The proposed flat blocks have been amended during the application process, following detailed concerns from officers, altering their design and arrangement. Projecting gables, balconies, detailing and features have been added to them to add visual interest and to break up the mass of these buildings. As stated above the blocks are 3 storeys in height with the second floor set in the roof.

Site sections have been provided taking into account the changes in level of the various parts of the application site to understand the relationships between the proposed development and surrounding dwellings and relationships between the dwellings on the site itself. There is limited residential development surrounding the application site with the closest being Shottendane Farm House to the east of the application site and Firbank Gardens and numbers 18 and 19 Shottendane Road to its south.

Shottendane Farm which includes the listed farmhouse is set to the east of the application site, the nearest dwellings from the proposed development would be 2 storey dwellings and it is noted that there would be a large landscape buffer between these dwellings and Shottendane Farm. To its north, Shottendane Farm would sit adjacent to the proposed linear park. It is noted that Shottendane Farm House itself sits fairly centrally within its site and that planning permission was recently granted to convert some existing farm buildings on the site to residential dwellings together with the erection of 7 two bed dwellings within the grounds of the farm (F/TH/22/1684 and F/TH/21/1864). These planning permissions are extant and the impact of the proposed development on these must be taken into consideration. Given the landscape buffers involved, the distances involved and the spacing around the new development, it is not considered that the new development would not appear overly dominant or incongruous in scale in this location. The relationship between the proposed and the existing dwelling or the dwellings approved on the farm site are, therefore, not considered to be significantly harmful to the character and appearance of the area.

It is noted that Firbank Gardens is essentially a cul-de-sac of bungalows, with a two storey dwelling (18 Shottendane Road) and a chalet bungalow (19 Shottendane Road) fronting Shottendane Road. The new development would introduce two storey dwellings to the southernmost part of the application site on land that is essentially at the same level if not slightly lower than Shottendane Road. Given this, the landscape buffer between the new

dwellings and the distance between the surrounding development, these dwellings are not considered to be significantly harmful to the character and appearance of the area.

Given the relationship with the existing neighbouring properties, the height and scale of the proposed dwellings and the flat blocks is considered to be in keeping with the requirements of the outline permission and the character and appearance of the area, in line with policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

## **Design**

The surrounding context in terms of built form are generally of a suburban residential development with some historic buildings like Shottendane Farm adjoining the site. Dwellings are predominantly red brick and painted render, but there are also examples of tile hanging and buff brick, features such as bay windows and porches and dormers are also noted on dwellings in the surrounding area.

Indicative street scenes have been provided for various parts of the proposed development including Hartsdown Road, the boundaries with the adjoining countryside and part of the link road as well as other parts of the site. These street scenes show a variety of detached, semi-detached and terraced dwellings with varying roof heights and forms. Design elements include gabled projections, bay windows and porch canopies which will integrate the development into the existing form of dwelling in the area.

In terms of the palette of materials, the proposal includes a mix of red and reddy brown bricks, weather boarding, tile hanging and render. These materials would be used in various ways across the different housing types and the flat blocks. These different materials and dwelling types are considered to provide enough variety and to be in keeping with the area.

The design of the development is considered to be appropriate, and in keeping with the character and appearance of the area, in accordance with Policy QD02 of the Thanet Local Plan and section 12 of the NPPF.

## **Impact on Landscape Character Area and Tree planting**

This development proposes a density of 28.6 dwellings per hectare which sits with the density parameters found to be acceptable in the outline permission.

The site lies within the undulating Chalk Farmland Landscape Character Area, which is characterised as a particular landscape feature in Thanet and consists of four landscape character areas: C1: St Nicholas-at-Wade Undulating Farmland, C2: Central Thanet Undulating Farmland; C3: St Peter's Undulating Farmland; and C4: Newlands Farm. Some of these character areas are important for their long distant views to the marshes and sea while in others the agricultural land performs a settlement separation function. These areas of high quality agricultural land are of value for farmland and roosting coastal birds. The openness and undeveloped character of the farmland contributes to the essentially rural character and relatively dark skies. Policy SP26 of the Thanet Local Plan states that development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas, as

detailed in the Landscape Character Assessment (LCA), and that all development should seek to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea.

The Environmental Impact Assessment submitted with the outline application provided a landscape appraisal. This appraisal outlined that the site is influenced by the stark urban edges in the nearby area and is separated from the wider arable landscape to the southwest by the cluster of built form to the immediate southwest with the site is assessed as being of medium landscape quality, value and sensitivity and views generally limited to within 1.5-2 km of the Site, with intervening landform and field boundary vegetation preventing views from further afield. The proposals have been sensitively designed to retain as much of the existing vegetation as is practical with losses compensated by substantial new tree and hedgerow planting and the long term residual effects of the proposed planting once the new areas of public open space and additional planting has established would range between moderate to slight adverse and negligible adverse and not significant.

There are limited trees within the site, with some trees to the north west and south eastern boundaries of the site. The site does not fall within the conservation area and there are no trees covered by a Tree Preservation Order on the site. Although it is noted that there are three trees located within Margate Cricket close to the boundary of the application site that appear to be covered by TPO/4/1997. They would not, however, be affected by the proposed development.

For the reserved matters application, the submitted landscape plan shows extensive tree planting, to the boundaries of the site within the linear park, and across the site as a whole. The proposal is also supported by an Arboricultural Impact Assessment (AIA) and this states that the trees to be removed as part of the application largely remain unchanged from those identified for removal in the outline application. The impact of the loss of the existing trees, hedgerows and planting is therefore not considered to result in significant harm to the wider landscape character area.

The council's Arboricultural Advisor has reviewed the application including the AIA and raises no objection to the proposal as submitted.

The proposed tree planting is considered to result in some ecological enhancements across the site, offering habitat for breeding birds, bats and others as well as creating visual amenities and assisting in integrating the proposed development into the landscape.

It is considered appropriate that a condition is imposed to ensure that the details set out in the landscape management plan are carried out in full and that landscaping would be replanted if it becomes necessary.

Given the edge of urban area location and open countryside that will separate the site from the open countryside and the wider landscape character area, the detailed plans in this reserved matters submission are considered to comply with the principles of Policy SP26 of the Thanet Local Plan, and the NPPF and the proposed enhancements from new tree planting and landscaping is supported and in accordance with Policy SP30 of the Thanet Local Plan, and the NPPF, which encourages tree lined streets.

## Living Conditions

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

### *Impact on Neighbouring occupiers*

As stated above, the application site has limited boundaries with other residential developments, these being Shottendane Farm to the east and Firbank Gardens and Shottendane Road to the south. The neighbouring properties are primarily one and two storeys in height.

The submitted building heights plan shows development to be primarily two storeys in height, with some limited 2 and half storey dwellings with rooms within the roof and 3 flat blocks which would have a 3 storey element.

Shottendane Farm is set at a lower level to the northern part of the application site and at a similar level to the southern part of the application site. It is separated from the new development on the southern part of the site by a landscape buffer and it is noted that the closest properties on the new development would be two storey dwellings. To its northern boundary, Shottendane Farm would be bounded by the proposed linear park.

Given the landscape buffers, the distances involved and level changes, it is not considered that there would be an adverse impact on the residential amenities of the occupiers of Shottendane Farmhouse or the future occupiers of the consented dwellings to be built on site from the development in terms of overlooking, sense of enclosure or overbearing or loss of light.

The closest dwellings to the south of the application site are 18, 19, 20 and 21 Shottendane Road. It is noted that these dwellings face onto Shottendane Road and are set back from Shottendane Road by 16m, 22m, 22.1m and 25.5 metres respectively. Given these separation distances the proposed dwellings are not considered to result in any significant loss of light or outlook to the neighbouring properties.

The use of the site for residential purposes would introduce a level of activity above that of the existing agricultural use, however the dwellings are either separated from the existing dwellings by roads, or set away from the boundaries with the existing dwellings. The proposed uses are therefore not considered to result in a significant increase in noise and disturbance.

Noise and disturbance during construction is considered to be temporary in nature and would be controlled by legislation outside of the planning system. Condition 25 of the outline



permission requires the submission of a construction method statement prior to commencement of development and will be required to include additional measures to safeguard the amenity of the existing neighbouring property users.

The impact upon the existing neighbouring occupiers of the development is therefore considered to be acceptable, and in accordance with paragraph 135 of the NPPF and policy QD03 of the Thanet Local Plan.

### *Standard of Accommodation for Future Occupiers*

In terms of the impact upon future occupiers, each dwelling has been provided with doorstep playspace, in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

Within the proposed development the units have been assessed against Policy QD04, which states the minimum space requirements of the units in relation to the nationally described space standards. This was also a requirement of condition 39 of the outline permission.

All of the dwellings meet or exceed the relevant Internal space standard and, therefore, achieves the nationally described space standards as set out within Policy QD04 of the Thanet Local Plan and the requirements of condition 39 of the outline.

There is space within each garden area for refuse storage and clothes drying facilities, including the flats, as well as private amenity space for each unit where required.

Concern has been raised that the development would result in cramped living conditions for new residents. The layout of the development has sought to maximise the distance between the rear elevations of properties to minimise overlooking between properties, with a small number of instances where properties perpendicular to each other will result in some mutual overlooking. Due to the change in levels across the site, these instances of overlooking will be reduced and would not result in a poor standard of amenity for future residents. When taken as a whole, the dwelling accords with the minimum space standards and will provide a good standard of amenity for future residents of the scheme

The impact upon the future occupiers of the development is considered to be acceptable, and in accordance with paragraph 135 of the NPPF and Policies QD03 and QD04 of the Thanet Local Plan.

### **Highways**

The principle of 450 dwellings across the wider site and the access/connection to the existing road network at Hartsdown Road, the roundabout on Shottendane road and the roundabout on Manston Road, and the impact on the highways network from the increased vehicular movements have been agreed through the outline application to mitigate potential increased traffic. This included a contribution to the "inner circuit" from the development in accordance with Policy SP47. The current reserved matters application for phase 1 of the development falls to consider the detail of the northern link road, access points onto the new link road and crossing points, internal layout and parking for both the northern and southern

parcels of land covering the 138 dwellings, and the new access point onto Shottendane Road.

### *Layout - Link Road*

The northern section of the link road (from the Shottendane Road roundabout to the new priority junction on Hartsdown Road) has been subject to detailed discussion with KCC Highways throughout the consideration of the application, with various amendments made to its design and layout. This link road has been designed to Local Distributor standard, which aligns with the requirements on other parts of the inner circuit (including the recently approved Salmestone Grange reserved matters provision). This provides a shared 3 metre wide cycle/pedestrian footway each side of the carriageway, with the link road widening through the alignment to accommodate right hand turn lanes for the main two vehicular accesses into the northern parcel. In total three vehicular access points are proposed to the northern parcel from the link road, serving the 99 dwellings, with the access closest to Hartsdown Road proposed as an access for emergency vehicles only (with bollards to be erected). Access to the lower section of dwellings on the southern parcel is afforded by a vehicular access point between the two flat blocks. In terms of crossing points and pedestrian and cyclist legibility, the main vehicular accesses are proposed with 'Copenhagen' style crossing at the access, with a change in material on the ground denoting a continuation of the footway/cycleway along the proposed footway alignment either side of those access points. Additional footways in the southern section, provided as part of the "Trim Trail" through the landscaping strategy, connect to both the main footway/cycleway either side of the link road and to a Toucan crossing over the link road, allowing pedestrians and cyclists to cross the road safely. An additional crossing point further to the north on the link road is also provided via pedestrian islands. The link road as proposed is in conformity with the parameters plans submitted and considered through the outline application.

In regards to the need for a phase 1 safety audit as referenced within the KCC Highways comment, the original submission of the link road, roundabouts and other works in the outline application was subject of a safety audit, however as noted by KCC, the details of the link road now being proposed has been substantially altered, including the crossing points, and therefore a safety audit will be required as part of the adoption process. The full extent of the link road will be adopted by KCC under a Section 38 agreement (following construction by the developer), meaning various safety audits will be required through a separate process, however it is considered prudent for a Phase 1 safety audit to be undertaken prior to the commencement of development of phase 1 on the link road (and the internal road network). The safety audit is not anticipated to raise any issues to substantial impact on the layout of the scheme to affect the determination of the reserved matters application. The applicant has instructed this audit to occur, however the results have yet to be provided, therefore the condition will be imposed and if the results are received and agreed by KCC Highways prior to members' consideration of the application, the condition can be removed prior to decision.

Policy TP03 requires that the Council seek the provision at the earliest opportunity of a network of cycle routes, with development that would prejudice the safety of existing or implementation of proposed cycle routes not to be permitted. The Council has received a comment on the reserved matters application from Active Travel England, an executive

agency of the government to promote walking, wheeling and cycling as the preferred choice for travel. The comment has raised concerns in relation to the design of the link road, and suggest changes to accommodate a dedicated cycle lane to entirely segregate cycling and walking, with reference to guidance LTN 1/20 which is a local transport note on cycle infrastructure design.

Having consider the changes made by the applicant through the process and the comments of KCC as the local highway authority, it is considered that the link road does encourage cycling in accordance with Policy TP03 of the Local plan, through the accommodation of 3m width footways either side of the road, the Copenhagen crossings and Toucan crossings (supporting crossing by both pedestrians and cyclists). The development has considered the need for the safety of cyclists and has incorporated facilities for cyclists into the design of the scheme with the footway and crossings. The proposed plan provides a balance between the function of the link road as a Local Distributor road, as part of the strategic routes to facilities vehicular movement as part of Local Plan policy SP47, and the need to promote cycling as enshrined in Policy TP03 of the Local Plan and alternative methods of transportation in paragraph 116 of the NPPF. The proposed arrangement does not harm these aims nor does it result in an arrangement that is unsafe in highways terms. Therefore it is considered to be acceptable and in accordance with the requirements of the Local Plan and the NPPF.

Overall the layout of the link road is considered to accord with the requirements of the outline permission, and subject to conditions will provide suitable, safe and robust infrastructure to serve the dwellings within the site, pedestrians, cyclists and existing traffic on the network.

### *- Internal roads and access points*

As described above, two new vehicular accesses are proposed to serve the northern parcel from the link road. Both are required to provide visibility splays with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing including those sight lines from behind the Copenhagen crossings on the side roads to ensure full visibility for traffic leaving the development and joining the link road. These splays have been indicated within the submission and can be provided without conflict with the landscaping plan for the development. These visibility splays will be conditioned to be provided and kept free from obstruction. In addition, pedestrian visibility splays of 2 metres x 2 metres behind the footway are required on both sides of the vehicle accesses within the development with no obstructions over 0.6m above footway level.

In the northern parcel the internal layout has been amended from the original submission to show a circular route running parallel to the link road, with an individual internal access point serving the dwellings in the northern parcel. Pedestrian access points within the parcel onto the pedestrian network on the link road and Hartsdown road have also been provided, which will help to avoid the creation of informal desire line routes through areas of landscaping. In regard to the emergency vehicle access, which is located in close proximity to the new junction on Hartsdown Road, this is required to ensure that two access points are available for the 41 dwellings served by the individual access point from within the development, in the event of an emergency. The applicant has requested a temporary arrangement of bollards, set further back into the site adjacent to the car parking spaces serving units 29, 30 and 31, to use these properties initially as site offices and show homes with parking and turning

within this area. Plans indicated turning arrangements have been provided and assessed as acceptable by officers and KCC Highways. On a temporary basis the use of this access is considered acceptable, subject to conditions requiring the temporary bollards to be erected prior to any occupation of any dwellings on the phase, and the permanent bollard to be installed prior the final occupation of the phase. This would restrict the use of the access to ensure it is not used, either temporarily or permanent by residents of the development.

On the southern parcel of land, two access points are provided; one on the link road serving parking for the two flat blocks and 7 dwellings, the other serving parking for the 9 dwellings fronting Shottendane road. Both these vehicular accesses have identified the required visibility splays to ensure that vehicles can enter and exit these accesses safely, and these splays will be subject to a planning condition. The position of these two access points, including the location of the new access adjacent to the new crossing on Shottendane Road, is considered to be safe and suitable to avoid an impact on the free flow of traffic on either road.

Tracking information has been provided for the internal layout of both parcels, showing how a 13 metre long vehicle can turn safely within the site. This has demonstrated that the layout can safely accommodate the vehicles required to serve the properties, including refuse freighters and fire engines. Initial concerns were raised by Kent fire and rescue in relation to plots 102, 103, 104 and 105 (located in the southern parcel), without the provision of tracking information on how these units would be served by a fire tender. Subsequent layout changes have altered these plots and the applicant has provided plans to demonstrate how all dwellings in the southern section of phase 1 can be served by a fire tender within the 45 metre hose distance required.

Refuse collection points have been indicated on the plans for those dwellings which cannot be served by kerbside collections. These points are within 15 metres carry distance from the turning areas/routes available for refuse freighters, which will accord with the requirements of Policy QD02, save for one collection point located 20 metres from the carriageway. The areas will be required to be provided prior to the occupation of the relevant dwelling which they serve, and separate to the planning process the Council's Waste and Recycling Team require an inspection of the routes for freighters prior to any collections occurring from a new development. The proposed arrangement is considered to be an appropriate balance between provision of collection points and providing a high quality development with landscaping, rather than having every dwelling in the development served by kerbside pick up, resulting in a highway dominated development. The proposed arrangement will accord with Policy QD02 and is considered an appropriate internal layout for all types of vehicles.

An adoption plan has been provided demonstrating that the link road, majority of secondary roads, footpaths and layby parking in the northern parcel would be offered for adoption to the highway authority. The shared parking courts, driveways and access road to the southern parcel would remain in the ownership of the applicant.

### *Parking*

Off-street parking is provided for each dwelling, with the number of spaces provided to meet the suburban parking standards as outlined in the design code, with 3 and 4 bed units

generally provided with 2 off-street spaces in a tandem arrangement between properties, and 1 and 2 bed units provided with one allocated off street spaces in front of dwellings, with unallocated spaces between. This means that across both parcels of development a total of 191 allocated spaces are provided, with 27 unallocated spaces available. Concerns were raised by KCC highways about the location of visitor parking spaces. The amended plans have provided 47 spaces, predominantly within laybys off the secondary and tertiary streets, which will avoid on street parking blocking the internal carriageways. The parking for the three flat blocks are provided at a ratio of one allocated space per flat, with 3 unallocated spaces in close proximity to the flat block in the northern parcel (units 80-91) and mixture of 6 visitor and unallocated spaces for blocks 116-126 and 127-138 in the southern parcel. For the units fronting Shottendane road, where no on-street parking will be permitted, the 9 units (consisting 3 one-bed, 4 two bed and 2 three bed) each have an allocated space, with 2 visitor spaces and one unallocated space. Disabled parking provision is provided to serve the wheelchair units within the flats blocks, with 11 units served by this parking provision. Both the link road and Shottendane road will be subject to traffic regulations orders restricting on street parking.

Following the revisions, KCC highways have raised no objections to the parking provision, subject to safeguarding conditions.

Overall, the vehicular parking across the site provides a suitable amount of parking to serve the new dwellings, thereby making satisfactory provision for the parking of vehicles, including disabled parking, in accordance with Policy TP06.

In regards to cycle parking, under Policy TP03 new residential development will be expected to provide secure facilities for the parking and storage of cycles. All of the houses within the proposed development have been provided with bike stores within garden areas, with side or rear access to the gardens provided. For the flat blocks, separate bike stores have been provided within single storey parts of the building (with the bin store areas). These stores have adequate space to provide cycle storage on the basis of one per unit, however details of the specific racks to be used will be required prior to the occupation of the relevant dwelling.

Overall the provision of cycle parking is considered in accordance with Policy TP03 subject to the provision of facilities prior to the occupation of individual dwellings and further details of the precise racking within the communal storage for the three flats blocks.

### *Other highways matters*

Conditions 21 and 22 on the outline permission require the submission of a highways phasing plans and detailed plans of the Local distributor standard link road, the roundabout junction on Manston Road, roundabout Junction on Shottendane Road and right turn lane priority junction on Hartsdown Road. These details are subject to separate technical agreement from the Council in collaboration with KCC Highways prior to the commencement of development. Details of the Construction Management plan, including onsite parking for construction vehicles and temporary accesses to the site, are also required to be agreed with the Council prior to the commencement of development under Condition 20 of the outline permission.

## **Size and Type of Housing**

Policy SP22 of the Thanet Local Plan states that proposals for housing development will be expected to provide an appropriate mix of market and affordable housing types and sizes having regard to the Strategic Housing Market Assessment (SHMA) recommendations as may be reviewed or superseded. It further states that the Council will encourage proposals for residential development to incorporate a higher ratio of houses to flats (as recommended in the SHMA).

The application sets out that 13 two bed houses, 38 three bed houses and 18 four bed houses would be market dwellings. Whilst this does not fully align with the range provided in the Local Housing Needs Assessment (LHNA) 2021 (19% two beds rather than 25-30%), the mix provides broad conformity with the needs of the district for housing. It is anticipated that the wider development covered through the outline will be able to achieve the range required in the LHNA.

A mix of flats, terraced units, semi-detached units, and detached units have also been provided, achieving a good mix across the site. The proposal is, therefore, considered to comply with Policy SP22 of the Thanet Local Plan.

The proposal offers 12 M4(3) accessible units and 39no. M4(2) accessible units. This complies and exceeds the requirements of Policy QD05 of the Thanet Local Plan.

## **Affordable Housing**

In terms of affordable units, the application proposes that 29 units would be affordable rent (10 1 bed flats, 14 2 bed flats, 3 three bed houses and 2 four bed houses) with 39 dwellings proposed as shared ownership (7 one bed flats, 7 two bed flats, 10 3 bed houses and 18 four bed dwellings). This would result in a total of 68 affordable dwellings (49% affordable housing on phase 1).

Within the outline permission, only 15% on site affordable housing was required to be provided through planning obligations, due to issues with the viability of the site. This was the primary matter considered within the public inquiry which determined the appeal, resulting in permission being granted. The applicant, Places for People, have outlined that this is possible through the award of grant by Homes England, which can be utilised to provide affordable housing above that secured through planning obligations on development sites.

The council's housing team have confirmed that they are happy with the mix of units proposed and that they meet the SHMA recommendations. The affordable rent and shared ownership units are spread within the private market sale units throughout the development to create a mixed and balanced community to accord with Policy SP22 and SP23.

The proposed affordable housing shown will therefore comply with the requirements of the outline permission.

## **Biodiversity**

The Environmental Impact Assessment (EIA) submitted as part of the outline application included a series of ecological surveys and recommendations including a shadow Habitat Regulations Assessment. This concluded that “No Likely significant effects of the Proposed Development are anticipated at the nearby statutory designated sites of nature conservation value, the woodland, scattered trees or hedgerows on Site, or on bats, nesting birds, badgers or hedgehogs at the Site. No likely significant adverse effects have been identified when the proposals are considered in combination with other developments in the area, subject to the implementation of mitigation set out within this chapter.” Proposed mitigation measures included additional planting of native trees, strengthening of vegetated boundaries to the site, minimising the impact of lighting associated with the development as well as the creation of a bird mitigation area incorporating wildflower grassland and beetle bank to provide a foraging resource (adjacent to Manston Road).

KCC previously raised no concerns subject to conditions requiring a lighting scheme to be submitted and approved and details of ecological enhancements to be submitted. Condition 30 of the outline application requires that prior to the submission of the first reserved matters application an Ecological Design Strategy addressing the ecological enhancement and mitigation across the site based on the EIA should be submitted and agreed with condition 31 of that consent securing a lighting scheme for each phase of the development or part thereof.

An Ecological Design Strategy for the whole site as required by condition 30 has been submitted by the applicant under CON/TH/23/0865 and this was approved on the 29th January 2024 in consultation with KCC Biodiversity. The applicants have also submitted a lighting scheme for phase 1 for agreement as required under condition 31 of the outline application. This application CON/TH/24/0326 is currently under consideration.

KCC biodiversity have reviewed the details submitted with this application and whilst noting that the details in this application were acceptable when compared with the information submitted under CON/TH/23/0685, they recommended that a plan be submitted confirming the location of ecological features to be incorporated into the buildings and site.

Further plans were submitted by the applicant identifying the habitats and the location of bat and bird boxes, log piles and insect hotels proposed for the wider application site including phase 1.

KCC Biodiversity have considered these further plans and consider them acceptable. They request that these plans are included within the construction management plan to ensure that the enhancement features are acceptable. It is, however, noted that these plans were submitted as part of Ecological Design Strategy for the site and have been approved under CON/TH/23/0865.

Therefore, the mitigation and enhancement proposed by the applicant, is considered appropriate for the development to comply with the aims of Policy SP30 and with the approved ecological design strategy.

## **Drainage**

When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development in areas at risk of flooding where, informed by a site specific flood risk assessment that within the site, the most vulnerable development is located in areas of the lowest flood risk and development is appropriately flood resilient and resistant and that any residual risk can be managed and which gives priority to the use of sustainable drainage systems.

The application site lies in flood zone 1 - low probability of flooding - as defined by the Environment Agency flood maps. A detailed flood risk assessment was submitted as part of the outline permission and conditions were applied requiring the submission of a detailed sustainable surface water drainage scheme (Condition 14) and scheme for sewage disposal (Condition 17) prior to the commencement of development.

As outlined in the planning appeal decision, the outline parameter plan “restricts any proposed residential units from being located within the areas at risk of pluvial flooding, with these areas being proposed for open space” with the proposed strategy at outline for surface water drainage utilising an infiltration system with controlled flows into the aquifer. This was concluded to lead to reduced surface water flows in comparison with the current situation where water is able to flow into Tivoli Brook. This reserved matters application conforms with the parameter plan as per the drainage strategy agreed at outline.

KCC Flood and Water Management have reviewed the application and, following the submission of an additional drainage note, calculations and drawings, they are satisfied that the proposed layout will suitably accommodate the drainage scheme. Further information is required regarding the detailed design of the drainage scheme, however this would be submitted as part of conditions 14, 16 and 17 of the outline permission and is not required to be submitted or considered through the reserved matters.

It is, therefore, considered that given the details secured through the outline permission and following the details submitted as part of this application that the proposed layout would make suitable arrangements for surface and foul drainage and would not significantly increase the flood risk within the area.

## **Air Quality**

Condition 29 of the outline permission required an emissions assessment. An assessment has been submitted through a conditions discharge application. This report outlines that this development would generate additional traffic on the local road network, but there will be no significant effects on human health. The provision of electric vehicle charging points, cycle parking and the reduction in congestion provided through the provision of the link road and other highway improvement works as well as the provision on site of open space and landscaping have been considered to contribute to the 'not significant' impact upon air quality. The report concludes that given the overall effect upon air quality, no further mitigation measures are required. This report and its conclusions have been confirmed as acceptable by the Council Environmental Health Team.



Electric vehicle charging points are shown on the parking plan with a total of 138 proposed giving 1 charging point for each dwelling. This would comply with condition 28 of the outline permission, however further details will be required to be submitted prior to the occupation of the respective unit about the type of EVCP. Overall, the amount provided is considered acceptable in accordance with the assessment submitted and discharged via condition, subject to condition.

## **Heritage**

The outline application identified the main heritage considerations to be Shottendane Farmhouse (grade II listed), St John's Cemetery (19th century cemetery with grade II listed gates, gate piers and walls), Shottendane Nursing Home (Grade II), Parish Church of St John the Baptist (grade I) and Salmestone Grange which is a designated Scheduled Monument, along with existing Grade II\* listed buildings. The parameter plan for the outline application (which included areas of retained and new open space as well as location and extent of proposed land use, including the amount of building development) and the Development Framework Plan and Landscape Strategy Plan took account of the impact of the proposed development on these buildings and were found to be acceptable by the Inspector when allowing the appeal. Condition 8 of the outline consent required the submission of a masterplan demonstrating how the development would apply the principles established in the Parameter Plan, the Development Framework Plan and the Landscape Strategy Plan prior to the submission of any reserved matters application. This masterplan has been submitted and approved and has informed this reserved matters application.

The Council's Conservation Officer considers that sufficient open space is provided to limit the harm to the nearby listed buildings and structures and does not object to the application.

The alteration and development of the surrounding agricultural fields for housing and residential uses would result in some harm to the setting of the listed buildings through the introduction of additional built development and intensification of the use of this area. However, they are somewhat separated from the site and with the provision of open space and additional planting is considered to create a sufficient buffer, with the principle of built form in certain areas at a particular scale approved at outline stage. The public benefits of the proposal, from the provision of strategic road infrastructure and the provision of 138 dwellings in an area with an identified need, is considered to outweigh this moderate harm.

## **Archaeology**

Conditions 11, 12 and 13 of the outline application relate to archaeology with condition 11 requiring fencing to be erected around the archaeological exclusion zone prior to any development taking place, condition 12 securing an Archaeological Written Scheme of Investigation to be submitted and approved prior to any development and condition 13 requiring prior to the occupation of any dwelling in each respective phase that a scheme of archaeological interpretation that includes information boards in public open space areas in that phase of the development shall be submitted to and approved in writing by the local planning authority.

The Archaeological Exclusion Zone referred to in condition 11 is located to the south of the application site as set out in OL/TH/20/0847 and is not within or adjoining the phase 1 now under consideration. It is also noted that this condition was reworded via a non material amendment application NM/TH/23/1550 to “No development shall take place in the relevant phase where the area is identified as an Archaeological Exclusion Zone on Parameter Plan no. CSA/4430/122 Rev C is located, until fencing has been erected around the area, in accordance with the details which shall have previously been submitted to and approved in writing by the local planning authority. The temporary fencing shall be retained for the duration of the construction works in that phase, or part thereof. No works shall take place within the Exclusion Zones unless approved in writing by the local planning authority.” It is, therefore, not a consideration for this application.

Phase 1 includes as required an area of open space where archaeological interpretation boards required under condition 13 could be located and it is noted that condition 12 has been part approved with on site archaeological works likely to commence on site in the near future.

Given the above, the impact upon archaeology is considered to be acceptable, and in accordance with Policy HE01 of the Thanet Local Plan.

### **Special Protection Area Mitigation and Appropriate Assessment**

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

The Council undertook a Habitat Regulations Appropriate Assessment with the outline application, and a contribution was secured towards the SAMM to mitigate the harm.

Natural England raised no objections to the assessments and, therefore, the proposed development, subject to the mitigation measures that were secured. In addition, the breeding bird survey undertaken does not identify the presence of any special protection area species on the site in its current condition. Therefore, the development would not adversely affect the integrity of the SPA and Ramsar site subject to the proposed mitigation secured through the outline permission. The application is, therefore, not restricted by the Conservation of Habitats and Species Regulations 2017.

### **Other Matters**

Kent Police have raised comment on the reserved matters submission requiring a condition to Secured by design (SBD) guidance, with specific criteria outlined. Condition 32 of the outline permission required the reserved matters submission to include how the proposed layout meets SPD principles, which the applicant has provided within the design and access statement submitted with the application. An informative drawing attention to the detailed comments provided by Kent Police will be included to ensure the developer is informed of further measures that can be integrated into the detailed construction and final fix of the development.

## Conclusion

This application relates to part of a larger site granted permission on appeal for 450 dwellings (application reference OL/TH/20/0847) which secured the principle of development on this application site. The outline permission also established the access to the site and agreed the required off site highways works. This application for reserved matters requests approval of appearance, landscaping, layout and scale for phase 1 of the larger site 138 dwellings.

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 level of affordable housing agreed as part of the outline permission has been provided on site, with additional affordable housing indicated, and this would be provided in a suitable mix along with a suitable mix of market housing.

Amended plans have been submitted during the application process to address a number of concerns that have been raised by residents, Councillors and Officers. These plans have altered the arrangement and design of the proposed dwellings to ensure that there is sufficient mix and variety of designs and materials to avoid a significant impact upon the character and appearance of the area and to ensure that both existing neighbouring property occupiers and the proposed residents of the site would have acceptable living conditions.

A linear park and two Local Areas of Play would be provided in this application as well as SUDs basin which is proposed to be sown with wildflower/grasses. Other smaller areas of landscaping are provided throughout the site and trees would line the main road and would be included along the smaller side roads with the additional tree planting and vegetation proposed to the site boundaries.

The highways works were agreed through the outline permission and conditions on the outline permission require the submission of further information regarding these works prior to the commencement of development. The onsite highways arrangements under consideration as part of this application have undergone a number of revisions during the process of this application. The final layout is considered to provide a suitable layout that allows the central link road, part of the Thanet Inner Circuit, to be formed as well as providing access to the new dwellings provided on the site, subject to the detailed design agreement through the conditions on the outline application. There are a variety of pedestrian and cycle routes included throughout the site that provide access to the new dwellings and the wider locality.

Additional information has been provided during the application process to confirm the potential impacts upon drainage and biodiversity in the area. When considering the consultation responses and submission of the applicant, the proposed layout and landscaping would not result in a significantly harmful effect on biodiversity under Policy SP30, with proposed enhancements/mitigations offered considered to be appropriate. Full details of the proposed drainage scheme will be provided prior to the commencement of development, however the consultees are satisfied that a suitable scheme can be achieved within the site.

Following the submission of the amended plans it is considered that this application would provide an acceptable arrangement for the site and would comply with the requirements of the outline permission. When considering the framework as a whole, the proposal constitutes sustainable development, and any harm is outweighed by the significant economic and social benefits from the proposal. The amended development would therefore comply with the Thanet Local Plan, Thanet Transport Strategy and the National Planning Policy Framework, and it is recommended that members approve this application.

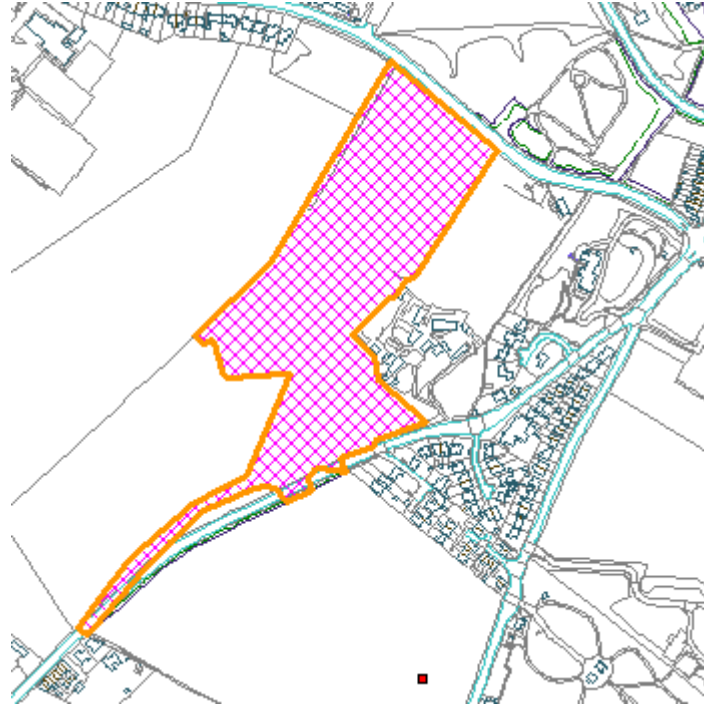
**Case Officer**

Annabel Hemmings

Annex 1 – Planning Appeal Decision OL/TH/20/0847

TITLE: R/TH/23/1032

Project Land And Buildings On The North West Side Of Shottendane Road  
MARGATE Kent



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## Appeal Decision

Inquiry held from 11 to 14 January 2022

Accompanied site visit made on 18 January 2022

**by David Cliff BA Hons MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 February 2022**

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**Appeal Ref: APP/Z2260/W/21/3280446**

**Land on the northwest and southeast sides of Shottendane Road, Margate, Kent CT9 4NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of Thanet District Council.
  - The application Ref OL/TH/20/0847, dated 1 July 2020, was refused by notice dated 22 July 2021.
  - The development proposed is 'outline planning application for up to 450 residential dwellings (including market and affordable housing), structural planting and landscaping, formal and informal public open space and children's play area, sustainable urban drainage, with vehicular access points, including associated ancillary works and operations from Hartsdown Road, Shottendane Road and Manston Road. All matters reserved with the exception of site access'.
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### Decision

1. The appeal is allowed and planning permission is granted for up to 450 residential dwellings (including market and affordable housing), structural planting and landscaping, formal and informal public open space and children's play area, with vehicular access points including associated ancillary works and operations from Hartsdown Road, Shottendane Road and Manston Road at land on the northwest and southeast sides of Shottendane Road, Margate, CT9 4NF in accordance with the terms of the application Ref OL/TH/20/0847, dated 1 July 2020, and subject to the conditions set out in the attached schedule.

### Application For Costs

2. An application for costs has been made by the appellant against Thanet District Council. This application is the subject of a separate decision.

### Preliminary Matters

3. The application was made in outline with only details of access to be considered at this stage. Matters of appearance, landscaping, layout and scale are reserved for future consideration. The application was supported by an Illustrative Masterplan, a Parameter Plan CSA/4430/122 Rev C, Development Framework Plan CSA/4430/104 Rev M and Landscape Strategy Plan CSA/44301/118 Rev I, all of which I have taken into consideration in my decision in terms of showing how a detailed scheme could be progressed. These plans are, however, for illustrative purposes only and I have treated them as such.

4. The Salmestone Ward Residents Association (SWRA) participated in the Inquiry as a Rule 6 party and made representations throughout, including opening and closing submissions. Mr Martin Aust submitted a Proof of Evidence and was scheduled to appear and give evidence on viability, but it was confirmed, shortly before the Inquiry, that he would not be participating in it.
5. A draft S106 agreement and separate S106 unilateral undertaking was submitted at the Inquiry. The unilateral undertaking includes provision regarding affordable housing with all other obligations included in the S106 agreement. I allowed a period after the Inquiry for signed versions to be submitted and these have now been provided. The versions available at the Inquiry were in the final agreed form.
6. The Council have confirmed that subject to the completion of the S106 agreement, its previous objection with regard to the second reason for refusal concerning mitigating the impacts on local infrastructure and making the development acceptable in all other respects (other than the matter of affordable housing) would be overcome.
7. Similarly, the Council has confirmed that the completion of the S106 agreement would overcome its third reason for refusal regarding the effect upon the Thames Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site. However, as the competent authority, it remains necessary for me to consider the effects in accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').
8. Whilst not an issue of contention between the main parties, I have also included the effect upon designated heritage assets as a main issue, given my statutory duty in this regard and the relevant issues raised on this matter.
9. The appeal was accompanied by an Environmental Statement as required by Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Planning Inspectorate's Environmental Impact Assessment Advisor wrote to the appellant on 8 November 2021 requesting (1) a copy of the Extended Phase 1 Habitat Survey, (2) an explanation of any likely significant effects on barn owls and (3) an explanation of any likely significant effects on breeding birds. The appellant subsequently provided this information which was considered at the Inquiry. In making my decision I have taken full account of the submitted EIA (including the aforementioned submissions) and all other environmental information, including comments and representations made by statutory consultees and members of the public.
10. Following the Inquiry I gave the main parties an opportunity to make any further written submissions on (1) the newly published 2021 Housing Delivery Test Results and (2) the newly published updated Standing Advice for local authorities on protected species and development. I have taken into account the relevant submissions in my decision.
11. In addition to the main issues below, the SWRA and other interested parties made representations on several other matters. I go on to consider these later in my decision under 'Other Matters'.

### **Main Issues**

12. The main issues are:



- i) Whether the proposal makes acceptable provision for affordable housing, taking account of viability;
- ii) The effect on the integrity of the Thames Coast and Sandwich Bay SPA and Ramsar site; and
- iii) The effect upon the setting and significance of designated heritage assets in the vicinity of the site, with particular regard to the effect on nearby listed buildings.

## Reasons

### *Background*

13. The site is a Strategic Housing Allocation in the Thanet District Council Local Plan Adopted July 2020 ('the Local Plan'). Policy SP21 allocates up to 300 dwellings on the part of the site to the north of Shottendane Road and up to 250 dwellings at land south of Shottendane Road.

### *Affordable housing and viability*

14. The proposed provision of 15% affordable housing would be below the requirement of 30% set out in Policy SP23 of the Local Plan. The policy states that this requirement will only be reduced if it would demonstrably make the proposed development unviable.
15. A viability assessment was carried out as part of the site's inclusion in the Local Plan as a Strategic Housing Allocation. However, this pre-dated the 2019 National Planning Policy Framework ('the Framework') that placed an emphasis on detailed site specific viability assessments of allocations. The assessment carried out would necessarily have been a relatively high level assessment without the detailed information, and resulting implications for cost, that has subsequently emerged in preparation, including the Environmental Impact Assessment, for the planning application. The viability of the proposal itself was also considered by the Council's independent consultants during its consideration of the application and found to be acceptable by them.
16. The Council's statement of case noted that its appointed viability consultants, the Dixon Searle Partnership (DSP), found the submitted approach to assessing viability to be appropriate, including values, costs and the outputs which resulted from the assumptions provided. However, in the light of the evidence from Mr Hestor for the Council on buildings costs, I consider that the 15 year sample used for the Kent based building costs, involving a range of 257 schemes, is likely to provide a more robust and reliable figure than a five year sample consisting of only 15 schemes. The Kent based costs would still provide for evidence of reasonable local market conditions. The use of the Thanet rate would also result in the likelihood of a situation where, despite building cost inflation, the costs would be assessed at a lower rate than previously was the case during the determination of the application. I therefore find the use of the Kent based building costs to be reasonable.
17. The developers profit of 17.5% used in the appellant's assessment falls midway between the 15% to 20% range in the Planning Practice Guidance (PPG). The Thanet Local Plan and CIL Viability Assessment assumed a 20% developer's profit margin with further testing provided at 17.5%, but not any lower. The profit level is lower than the 20% developer's profit used and agreed for the

- viability assessment at the nearby Salmerstone Grange development. There is no justification from any professional surveyor in this case that indicates a lower profit should be used for this case. Indeed, DSP in appendix B of the Council's proof of evidence, noted that its own review (for the Council) at the application stage concluded that a profit assumption of 17.5% GDV was considered suitable in this case. I consider that a developer's profit figure of 17.5% is reasonable in this case.
18. The housing mix used in the appellant's viability assessment does not amount to a policy compliant scheme. However, it has sought to maximise the value of the development and the appellant's evidence demonstrates that a policy compliant mix would lead to a less viable scheme. The mixes suggested in evidence by the Council have been shown to be less valuable than the mix used in the viability assessments submitted with the application and have been shown not to result in the provision of an increased amount of affordable housing.
  19. The Council has provided what are high level assessments as alternatives to the appellant's approach including, based on policy compliant mixes using, firstly the 2016 Strategic Housing Market Assessment (SHMA), and secondly the 2021 Local Housing Needs Assessment position. The latter is currently subject to consultation and therefore carrying less weight at the current time. Even were the updated building costs figure to be used, the 2016 version would provide for significant deficit and the 2021 version would provide for approximately four additional affordable units (amounting to an additional 1% affordable housing). However, I have given less weight to this in comparison to the appellant's assessments given my conclusion on building costs. I have also given little weight to the further testing using a 15% profit margin given my earlier conclusion on this.
  20. The appellant's further updated assessments based on what are broadly compliant 2016 and 2021 housing mix positions, adds weight to my conclusion that these approaches would not increase the amount of affordable housing able to be provided by the scheme.
  21. The actual housing mix for the proposed development can be considered as a reserved matter based on the relevant SHMA at that time, but I am satisfied that the appellant's appraisal is based on seeking to achieve the most viable scheme that can deliver the highest level of affordable housing.
  22. Whilst the appellant would not be the developer in this instance, it is necessary for viability assessments to be carried out on an 'applicant blind' basis. The Benchmark Land Value has been previously agreed between the appellant and the Council and is the same as that used in the strategic sites assessment. Both the Planning Practice Guidance and the Royal Institute of Chartered Surveyors Guidance (July 2021) indicate that appraisals should use the benchmark land value (BLV) as the basis to consider viability. In order to test viability it is necessary to consider whether the residual land value exceeds the BLV. I have therefore given minimal weight to the Council's argument that the deficit derived from the appellant's June 2021 appraisal can be used as a basis to consider further appraisals.
  23. It is argued that a scheme of over 450 dwellings would be able to support a higher provision of affordable housing. This proposal is for up to 450 dwellings and is based on what appears to be a reasonably robust appraisal of how many

- dwelling the site is able to provide, taking account of the specific constraints of its development, including an archaeological exclusion zone, site drainage/flooding considerations, the distributor link road (including a safeguarded area for a future new road), landscaping and open space).
24. The site allocation in Policy SP21 is for up to a total of 550 dwellings and therefore the proposed development of 450 dwellings falls considerably short of the maximum figure. However the use of the words 'up to' indicate that it is not necessary to provide for the maximum number in order to accord with this part of the policy. As set out above, the appellant's evidence reasonably sets out why it would only be able to provide for 450 dwellings following the detailed studies and assessments it has carried out.
25. Furthermore, the amount of open space to be provided is greater than the minimum of 4.4 hectares set out in the policy. Again, as this is a 'minimum' it is reasonable for a greater amount to be provided to achieve a suitably well designed and quality development including, appropriate mitigation for matters such as archaeology and biodiversity.
26. Even should there be some scope to allow a greater use of 2.5 and 3 storey dwellings, this would not necessarily increase the overall number of dwelling units being proposed, the viability evidence indicates that the provision of more storeys would not lead to a proportionate increase in the viability of the site. I am also conscious in this regard that the parameter plan has resulted from an exercise that has sought to maximise the use of the site whilst providing for good quality of design that is suitable for the particular context of this site on the edge of the urban area and adjacent to generally open countryside. Whilst a developer could also seek to increase floor areas over and above the Council's requirements, this would not result in a proportionate increase in value and would also be likely to serve to reduce the overall number of units provided, which could have further implications for the viability of the site. The appellant's evidence also demonstrates that increasing the unit sizes would reduce rather than improve viability.
27. The supporting text<sup>1</sup> to the Local Plan Strategic Housing Site Allocations states that proposals will be expected to consider, and where possible, accommodate, notional maximum dwelling capabilities together with all other relevant policy requirements within a lower level of greenfield land take. However, given the relevant site constraints applicable in this case, it would appear that taking a lesser land take would lead to a yet lower number of houses being proposed. Therefore, in the circumstances of the Council's current housing land supply position, this would not be of any benefit in this case.
28. An outline planning permission establishes the acceptability in principle of a proposed development scheme, along with any relevant detailed matters. Whilst only in outline the assessment of the scheme has considered an illustrative masterplan and parameter plan which takes account of the relevant constraints. It is appropriate for the matter of viability to be considered at this stage rather than being left for consideration at the detailed matters stage. The Council also considered viability as part of the recent outline planning permission it granted at Salmerstone Grange. There is no justification put forward in any policy or guidance for diverting from this approach in the consideration of this case.

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<sup>1</sup> Paragraph 3.18

29. The planning obligations include a viability review mechanism. Any further provision arising would be in the form of financial contributions rather than actual housing within the scheme and so would not be of the same degree of benefit as actual on-site provision. However, as the appellant has demonstrated that the scheme cannot viably provide for more than 15%, the review mechanism does not alter my overall conclusions. It is reasonable, for this scheme, for the review mechanism to provide for financial, rather than further on-site provision, given the additional risk that would otherwise accrue for the developer. As provided, the review mechanism provides an opportunity for any surplus to be shared between the local authority and the developer, providing an appropriate incentive for the developer to maximise sales values.
30. The written evidence for the SWRA, including the Pathfinder Development Consultancy (PDC) viability submissions was not able to be cross-examined at the Inquiry due to the SWRA's withdrawal of Mr Aust. However, whilst he asserts that the assumptions in his appraisal are regularly agreed elsewhere, there is minimal evidence or assessment to support the assumptions or that they have been agreed elsewhere. This includes matters relating to market/sales values, land acquisition costs, sales and marketing and garage cost. I have therefore given only limited weight to the written submission and PDC viability submission.
31. In conclusion on this main issue, I consider that the appellant's assessment of viability is satisfactorily robust. Taking account of my findings above, including on build costs and profit margin, there is no clear and conclusive basis for finding that more affordable housing could be viably provided than the 15% proposed. I therefore find that the provision of 15% affordable housing is acceptable in this case and would accord with the affordable housing aims of Policy SP23 of the Local Plan and the Framework.
32. Whilst being substantially less than 30%, given that it is the most that can viably be provided, the provision for affordable housing proposed in this case would still make an important contribution towards meeting the identified need within the district and contribute positively to the creation of a balanced and mixed community. Subject to matters of detail through reserved matters and conditions it would also accord with the objectives of Strategic Priority 3 of the Local Plan.

#### *Thames Coast and Sandwich Bay SPA*

33. The northern edge of the site is located approximately 0.75km from the Thanet Coast and Sandwich Bay SPA and Ramsar site. Regulation 63 of the Habitats Regulation requires the decision maker, as the competent authority, to consider whether the proposed development would have likely significant effects on any European protected sites.
34. The site is used by a large number of migratory birds and supports populations of over-wintering birds of European importance including turnstone, European golden plover and little tern. The Ramsar site is designated as supporting fifteen British Red Data book wetland invertebrates and as supporting species occurring at levels of international importance. The European Site Objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive by maintaining and/or restoring its qualifying features.

- The impact of recreational activities inside the SPA and Ramsar has been identified as one the main negative contributors upon it.
35. The proposed development, comprising up to 450 dwellings, located within the 7.2km Zone of Influence, along with further new housing expected to come forward in the area, has the potential to increase recreational pressure, including dog walking, on the SPA and Ramsar habitats. This would contribute to the disturbance of the protected habitats, including the key bird species, contrary to the relevant conservation objectives of the European sites. The proposal therefore has the potential to result, in the absence of mitigation, in likely significant effects on the SPA and Ramsar. An appropriate assessment is consequently required.
  36. It was considered possible that the on-site habitats may act as functionally linked land to the SPA for the golden plover. However, this species was not recorded through the appellant's wintering bird surveys either within the appeal site or on adjacent land. Also, previous survey work including that carried out as part of the Local Plan Habitats Regulation Assessment did not indicate that the site or surrounding land were key foraging areas for golden plover and none were recorded on site. Although this species may be found in other central Thanet farmland locations, the absence from this site and its surrounds as shown in the evidence means that the proposed development is unlikely to add to any cumulative effect. Therefore, I am satisfied that the site and surrounding areas do not form functionally linked land of supporting value for SPA species. Therefore, notwithstanding my other findings, no likely significant effects are predicted from the development as a result of loss of arable land within the appeal site or the potential disturbance of adjacent land.
  37. The Council has published a Strategic Access Management and Monitoring (SAMM) Plan (April 2016). This sets out an agreed strategy to mitigate the potential in-combination impacts of new housing development in the vicinity of the SPA arising from the Thanet District Local Plan to 2031. It includes a SAMM tariff, to be secured by a S106 agreement, that should be applied to new housing developments within the Zone of Influence. The tariff was revised in 2017 in the light of the Council's new housing requirement and is inextricably linked to the housing requirement in the district for the plan period.
  38. The contributions made through the tariff are to fund the employment of wardens, provide for increased signage and interpretation, co-ordination of educational activities, wardens and volunteers and monitoring/surveys. Continued monitoring and surveys of the designated areas are incorporated into the plan which will inform future management prescriptions, depending on the effectiveness of the SAMMs payments.
  39. As the competent authority I have consulted Natural England (NE) as the appropriate nature conservation body. NE has confirmed that the relevant European Sites and qualifying features have been appropriately identified and that it is satisfied that the avoidance and mitigation measures are appropriate to avoid an adverse effect.
  40. The masterplan for the proposed development demonstrates an area of accessible public open space which would provide alternative natural greenspace close to incoming residents that would encourage recreational activity away from the SPA and Ramsar site, including for the exercise of dogs could be provided at reserved matters stage. The site is also adjacent to a

network of public rights of way providing access to the wider countryside for recreation away from the designated site.

41. Schedule 5 of the completed S106 agreement secures the payment of the SAMMs contribution to the Council prior to the occupation of any of the residential units. Schedule 7 of the agreement requires the Council to only use the sum received for the purpose for which it has been paid as specified in the deed. The Council's SAMM Plan and associated Thanet Coast SAMMS Business Plan 2020 to 2025 provide a framework for the implementation of the required mitigation measures. The SAMM Plan will be reviewed if monitoring and surveys reveal issues which are not being addressed by the mitigation package. The mitigation package will be delivered by the Thanet Coast Project.
42. I am satisfied that the proposed development, either alone or in combination with other plans or projects, would not adversely affect the integrity of the SPA and Ramsar site subject to the proposed mitigation. It would also accord with Policy SP29 of the Local Plan that requires all proposals for new residential development to comply with the SAMMS Plan in order to mitigate against the in-combination effects of new development, through the pathway of recreational pressure on the Thanet Coast SPA and Ramsar site.

*Effect on designated heritage assets*

43. There is common ground between the main parties on the effects upon the settings and significance of the several designated heritage assets located in the vicinity of the site, including that less than substantial harm would result upon the significance of certain listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of a listed building.

*Shottendane Farmhouse*

44. The Grade II listed Shottendane Farmhouse is an 18<sup>th</sup> century two storey brick farmhouse located approximately 50m from the northern part of the site. Historically, part of the appeal site was within the same ownership and occupancy as the farmhouse. Views to the farmhouse from the site are obstructed by intervening trees and buildings. The building's principal significance derives from the architectural and historic interest of its built form. The existing adjacent agricultural land also makes a contribution to its significance as a listed farmhouse, although this is limited given the loss of historic field pattern, other uses over time and the fact that only the far northern extent of the site appears to have been in the same ownership and occupancy. The proposal would alter the area to the west and south of the farmhouse from agricultural land to built form and open space, resulting in limited and less than substantial harm to the setting and significance of this listed building.

*St John's Cemetery*

45. St John's Cemetery is located adjacent to the eastern boundary of the site on the opposite side of Manston Road. The Cemetery was established in the 19<sup>th</sup> century at a time when existing cemeteries in more central locations adjacent to historic churches were full and considered unsanitary. The Grade II listed gates, gate piers and section of curved wall gain most of their significance from their historic and architectural interest as an example of a late Victorian

cemetery entrance. The cemetery itself forms the key setting for these structures with the adjacent agricultural land on the opposite side of the road making only a modest contribution to their significance. The other listed buildings and structures are contained within the cemetery itself. Views within the cemetery are focused inwards, with views out generally screened by trees. Therefore the agricultural land of the appeal site does not contribute to their significance.

46. The Parameters Plan shows open space, along with the proposed highway arrangements, to be adjacent to Manston Road with the built residential development set further into the site, creating a general open buffer on this eastern side of the site that could be provided at reserved matters stage. This replacement of the existing agricultural land would result in modest and less than substantial harm to the setting and significance of the listed gates, gate piers and section of curved wall.

Railway Convalescent Home (now Shottendane Nursing Home)

47. This Grade II listed building, approximately 160m east of the site, was designed by H Thackeray Turner. Though the most part of the building is well screened by trees, its chimneys are visible from the northern part of the site. Its significance principally derives from its architectural interest and its historic interest as an early 19<sup>th</sup> century purpose built care home. Its well contained grounds also contribute to its significance and form the setting of the building. The agricultural land of the site does not make any direct contribution to the significance of the listed building or its associated Grade II listed gates and wall. The limited views to the agricultural land that are likely to be possible in winter make at most a minimal contribution to its setting as attractive agricultural/rural views. The proposed development would alter the limited views from the care home, looking beyond the adjacent cricket ground. The effect on its overall setting and significance would however be negligible, but nevertheless, amount to less than substantial harm for the purposes of paragraph 202 of the Framework.

Other designated heritage assets

48. The Grade I listed Parish Church of St John the Baptist is located approximately 800m from the northeast boundary of the site. It is a medieval parish church. Given the considerable distance from the site, intervening development, and the retention of the line of sight of its spire from Shottendane Road, there would be no harm to its setting and therefore significance as a result of the development.
49. There are also several other listed buildings at Salmestone Grange and below ground remains of the medieval monastic grange which is a designated Scheduled Monument, along with existing Grade II\* listed buildings. These are located approximately 300m northeast of the site and, taking account of existing built form including existing residential development, there is no intervisibility or key historic relationship between the site and these assets. Therefore there would be no harm to the setting and significance of them.
50. Given the lack of discernible visibility to both the Margate and Margate Seafront Conservation Areas, other than the views of the spire of the Church of St John described above, no harm would result to the setting and significance of these designated areas. Similarly, because of the good separation distance,

intervening development and the lack of intervisibility to other listed buildings in the area, no harm results upon the significance of such other heritage assets, the development being outside of the setting of each.

#### Summary

51. Where harm to a designated heritage asset has been identified above, it would be 'less than substantial' in the terms of paragraph 202 of the Framework and at the lower end of the spectrum in each case. and at the lower end of the spectrum in each case. Nevertheless, irrespective of whether any harm to a designated heritage asset amounts to less than substantial harm, great weight should be given to the asset's conservation in accordance with paragraph 199 of the Framework. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this must be weighed against the public benefits of the proposal. I address this balance later in the decision.

#### Other Matters

##### *Other biodiversity matters*

52. Though the Council has not raised objection on other biodiversity grounds, the SWRA and other local residents made representations, particularly with regard to the effect on breeding birds and bats.
53. Breeding Bird surveys were carried out by the appellant in April and June of 2020 with the findings reported in a Breeding Birds Survey Report and updated chapter of the Environmental Statement (ES) in December 2021. The resulting assessment finds that, though they have been found to be present in very low numbers, there would be an adverse effect on farmland bird species of corn bunting and grey partridge at the local level, and skylark at the site level as a result of farmland habitat loss and species displacement.
54. The appellant's mitigation includes the creation of a Bird Mitigation Area of 1.08 ha within the site incorporating wildflower grassland, a 200m long beetle bank to provide a foraging resource, a programme of vegetation clearance outside of the bird nesting season, the planting of new trees and hedgerows along with further mitigation and enhancement measures. A Landscape and Ecological Management Plan would be required by condition for the approval of the Council, including measures for the establishment and management of newly created and retained habitats.
55. The Bird Mitigation Area would be located adjacent to existing farmland serving to create linkages outside of the site. Whilst it will inevitably also be close to proposed dwellings, suitable management measures are capable of being secured by condition including appropriate fencing and maintenance in order to prevent significant disturbance of the area for birds. There is also no evidence to suggest that the proximity to the road would significantly reduce its value as a mitigation area. Although the provision of this area does not appear to have been considered off-site, there is no particular policy requirement for this and Policy SP30 of the Local Plan supports the creation of wildlife habitats where appropriate, by including opportunities for increasing biodiversity in the design of new development.
56. The appellant's biodiversity net gain report indicates that there will be measurable net gains of 7.45% in habitat units and 54.21% in hedgerow units.



57. With regard to bats, the appellant's survey work has been comprehensive and in accordance with relevant guidance. A Bat Survey Report was provided in December 2021 as part of the ES. Five species of foraging/commuting bats were recorded, predominantly the common pipistrelle. Whilst there may be potential for their presence given local recordings, there were no recordings of Brown long-eared bats at the site using the transect or static monitoring surveys undertaken. Therefore, I am satisfied that their presence in any significant numbers on the site is unlikely.
58. Existing landscape features adjacent to Shottendane Road would need to be removed. The presence of streetlights is likely to be a factor in the number of recordings in this area and the vast majority of recorded bat passes in this area were of the common pipistrelle. Taking account of proposed new planting, including tree planting to create new foraging features, no overall significant effects on foraging/commuting bats are likely to result.
59. Existing trees within the site are reported by the appellant as having a low to moderate roosting potential. Appropriate mitigation measures are proposed, and would be secured through conditions, to protect trees that have potential roost features, create new buffer planting and sensitive lighting. With such measures in place there would be no significant effects. In terms of buildings near to the site that may have roost potential, they are not so close to be likely to be directly impacted by the development and, in the case of the old farm buildings to the southwest of the site, would be buffered by new native planting as shown on the Landscape Strategy.
60. Although the submission of some information has been late in the appeal process, the Council and interested parties have had the opportunity and time to consider this. The Council has agreed a Statement of Common Ground with the appellant after considering the additional information and raises no objections. The absence of any further detailed comment from Kent County Council does not alter the overall conclusions I have reached.
61. Overall, despite the site and local level effects on breeding birds, these would be offset by the proposed ecological mitigation and enhancement measures that can be secured by condition. The proposal would therefore accord with the biodiversity protection and enhancement aims of Local Plan Policy SP30.

#### *Flooding and drainage*

62. The site is located within Flood Zone 1 and is therefore at low risk of fluvial flooding. The parameter plan, to be secured by condition, restricts any proposed residential units from being located within the areas at risk of pluvial flooding, with these areas being proposed for open space. The proposed strategy for surface water drainage would utilise an infiltration system with controlled flows into the aquifer. This would lead to reduced surface water flows in comparison with the current situation where water is able to flow into Tivoli Brook.
63. The details of the surface water drainage would be subject to a condition requiring approval of a scheme, including management and maintenance measures, along with a verification report to ensure the system operates as approved. The measures proposed and the betterment that would be secured for surface water would mean that even the re-occurrence of more severe flooding events as in 1973 and 2001 would not result in significant flood risk for

the new development or any worsening of existing flood risk in areas around the site. The proposed drainage arrangements have the support of the County Council as the Lead Local Flood Authority. Furthermore, from the evidence it can reasonably be expected that other proposed residential developments in the area have satisfactorily dealt with their specific surface water drainage implications making it unlikely that any significant cumulative adverse effects would result. Taking account of the above, there is no basis for a contribution to be made to the Local Lead Flood Authority relating to the ownership and maintenance of the Tivoli Brook as suggested by the SWRA.

64. A condition would also secure approval of foul water drainage which would be separate to surface water drainage, with Southern Water having a statutory obligation<sup>2</sup> for the disposal and off-site treatment of sewerage. This would include any network improvements or reinforcements that might be required in liaison with the developer. A provisional drainage strategy for the proposal has been identified including suitable points of connection to the public sewerage network.
65. I am therefore satisfied that no harm would result in relation to flooding and drainage and that the proposals would satisfactorily accord with the flood and drainage related aims of Policies CC01 and CC02 of the Local Plan.

*Other considerations*

66. Approximately half the area of the appeal site comprises the best and most versatile agricultural land (Grade 3b). Local Plan Policy E16 seeks to generally protect such land but provides an exception for sites such as this that are allocated for development by the plan. Whilst the Framework recognises the economic and other benefits of such agricultural land, these are outweighed in this case by the social and economic benefits that would accrue from the proposed housing.
67. As a site allocated in the local plan for residential development of up to 550 dwellings, matters relating to the impact on local infrastructure such as the level of health provision, was considered at that stage as part of the Council's overall strategic development approach. The Kent and Medway Commissioning Group's Primary Care Team have been consulted on the proposals and have sought appropriate contributions to local health care provision based on an expected increase of 1080 new patient registrations that could result from the development. The necessary contributions through the S106 agreement in accordance with Policy SP41 of the Local Plan would be utilised for either extending the existing Limes Medical Practice or for a new general practice. Although my attention has been drawn to an overall shortage of general practitioners, that is a matter outside of the control of the appellant, and I am satisfied that the proposal would accord with the approach in the development plan.
68. Although the closest bus stop is approximately 850m from the site, it is common ground between the appellant and the Council that bus services will improve through the Thanet Transport Strategy. The site is also within reasonable walking distance of Margate railway station and other local facilities. Furthermore, based on the illustrative master plan, new walking and cycling

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<sup>2</sup> Section 94 of the Water Industry Act 1991

links could be incorporated at reserved matters stage. No harm arises as a result of the accessibility of the site.

69. As existing agricultural land, the proposed development would inevitably change the overall appearance and character of the site. However, the site is located at the edge of the existing urban area. Despite some likely loss of trees and other vegetation, based on the illustrative plans, I am satisfied that adequate landscaping, including new tree planting, could be secured at the reserved matters stage and that the majority of boundary landscape features are capable of being retained. No ancient or veteran trees have been identified. The illustrative plans also demonstrate how open areas would be capable of being provided, including at some locations adjacent to the edge of the site, which would help to assimilate the proposal with the more rural surrounds. Following the establishment of planting, the general long term residual visual effects are likely to be minor, other than moderate adverse effects on views from the footpaths closest to the site. The long term residual adverse effects on landscape character would therefore be moderate. In the context of Local Plan Policy SP26, I am satisfied that it has been satisfactorily demonstrated that the landscaping impacts are capable of being minimised and mitigated as far as possible and that the new housing on this strategic site would be essential for the social well-being of the area.
70. In terms of light, the location of the site is adjacent to the existing urban area where there is existing street and domestic lighting. There is also existing floodlighting at sports pitches in the vicinity. Details of the proposed lighting would be subject to future approval. The illustrative material also demonstrates that the layout of the site, incorporating open space and new planting, would be capable of mitigating any impacts. Therefore, taking account of the existing context of the site and subject to reserved matters, I am satisfied that the detailed design proposals including additional lighting would be capable of preventing any significant adverse visual or amenity effects.

#### *Planning obligations*

71. A signed and dated S106 agreement and separate unilateral undertaking have been completed. A Community Infrastructure Compliance Statement has been provided by the Council. There are no outstanding issues between the Council and the appellant on any S106 matters (other than the amount of affordable housing) and Kent County Council has also confirmed its agreement.
72. The provision of open space and play areas, along with associated management provisions, are necessary to promote wellbeing and a healthy community along with ecological mitigation. The SAMM contribution is necessary as set out previously in relation to the Habitats Regulations and Policy SP29 of the Local Plan. The health centre contribution is necessary given the estimated generation of approximately 1080 new patient registrations from the development. The County Council contributions for education, social care, footpaths, libraries, youth services and waste are all necessary given the level of existing provision, including existing shortfalls and the increased pressure and demand upon such services and amenities that would result from the development.
73. The highway works and contributions are necessary to accord with the Council's site specific strategic allocation policy (SP21) and to mitigate the impact the proposed development would have on the surrounding highway

network. The works include the provision of a distributor link road between Shottendane Road and Manston Road, including new roundabouts and a new junction with Hartsdown Road. Such measures are a key part of Thanet's Strategic Highway requirements.

74. The provision of 15% affordable housing has been demonstrated to be the maximum the scheme can viably provide. It is necessary to meet identified needs and would accord with Policy SP23 of the Local Plan. Given my findings on viability there is no need for me to consider any alternative proportion of affordable housing.
75. The obligations would also accord with Policies SP21, SP23, SP41, SP42 and SP47 of the Local Plan which seek to ensure that development mitigates adverse impacts and makes provision to ensure delivery of relevant and sufficient community and utility infrastructure to support new development.
76. From the evidence before me, I am satisfied that the above obligations are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Therefore, they would accord with the three tests set out in paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Regulations 2010.
77. I have taken the submitted planning obligations into account in arriving at my decision and have given significant weight to them.

#### *Benefits*

78. It is common ground between the Council and the appellant that the Council is not currently able to demonstrate a five year supply of deliverable housing sites, with the agreed range in housing supply being between 4.23 and 4.34 years.
79. The 2021 Housing Delivery Test (HDT) results state that housing delivery was 78% of the identified target (over a three year period). Whilst this shows an improvement from the 2020 HDT figure of 54%, it still represents an under provision and results in the need for the continued application of a 20% buffer and for the Council to publish an updated action plan. The new HDT results do not alter the agreed housing land supply figures of between 4.23 and 4.34 years and, despite the upward trend in delivery, the shortfall is still a notable one with the housing needs of the district not being met. The provision of up to 450 dwellings would make a very considerable contribution towards meeting the shortfall. Furthermore, as set out earlier, it has been satisfactorily demonstrated that 450 dwellings is the most the site can reasonably accommodate following the EIA assessment and the site specific constraints applicable in this instance. It is also relevant that the local plan provides for some leeway in housing figures for allocated sites to deliver less than the total number of dwellings allocated.
80. Furthermore, the provision of up to 68 of the proposed 450 homes to be affordable dwellings, would make an important contribution towards meeting the need for affordable accommodation in the district. Whilst less than 30% is being proposed, this has been satisfactorily demonstrated as being the most that can viably be provided. There is no alternative scheme that would provide for a greater amount of market and/or affordable housing. I have therefore

given very significant weight to the benefits arising from the provision of market and affordable housing.

81. The delivery of the new highway infrastructure including link road would bring important benefits for users of the wider highway network beyond the site as part of the Thanet Transport Strategy. This benefit carries considerable weight. Economic benefits of significant weight would result from construction including employment, financial receipts to the local authority from the new homes bonus and Council tax, and the local economic activity generated by the new inhabitants of the site. The proposed open space including play area would provide moderate social benefits including health and wellbeing, including for those residents living locally. There would also be some limited ecological benefits likely to arise from the proposed biodiversity enhancements including the commitment to Biodiversity Net Gain. The proposed surface water drainage strategy is also likely to provide some modest benefits for surface water flood risk.

### **The Planning Balance**

82. Taking account of the Council's housing land supply position, there is a particular need to make full use of allocated sites such as the appeal site. Also, given the pressing need for affordable housing, the maximisation of such provision is important. Nevertheless, the particular constraints of the site have meant that it has not been possible in this case to achieve the maximum number of houses (550) allocated by Policy SP21. Furthermore, Policy SP23 is clear that the requirement for 30% affordable housing may be reduced if meeting this amount would demonstrably make the proposed development unviable. This has been satisfactorily demonstrated in this case and 15% affordable housing found to be appropriate.
83. I have found that less than substantial harm would result upon designated heritage assets due to the effects upon their setting as set out above. Such harm being at the lower end of the 'less than substantial' spectrum. Whilst I have given this considerable importance and weight, in each case and when considered cumulatively this harm would be outweighed by the very considerable public benefits set out above, most notably the social benefits arising from the contribution of up to 450 dwellings, making a very significant contribution to the supply of housing in the district, of which 15% (up to 68) would be affordable. I am therefore satisfied that there would be clear and convincing justification for the harm that would result to the significance of designated heritage assets. The proposal therefore accords with both the heritage provisions of the Framework and Local Plan Policy HE03.
84. Taking account of my earlier considerations, I am satisfied that the proposal would accord with Policy SP21 of the Local Plan (the strategic housing allocation). The final type and size of dwellings can be considered against Policy SP22 at a later stage when the detailed matters are submitted. Despite some limited adverse effects in respect of landscape and visual harm, I consider that the development would accord with the development plan when considered as a whole.
85. The Council and appellant disagree on the interpretation of paragraph 11 of the Framework. In my view, the fact that the most important development plan policies are 'out-of-date' due to the current housing supply position, means that the development plan cannot be considered to be 'up-to-date'.

86. Applying the tilted balance, limited adverse impacts would arise in terms of the effect upon landscape character and visual impacts. Less than substantial harm would result upon the significance of designated heritage assets to which I have given considerable and important weight, although this harm would be outweighed and clearly justified by the public benefits of the scheme. I also recognise the loss of agricultural land, notwithstanding that the strategic policy allocation which removes the local plan policy conflict in this regard. The benefits are set out above include the very significant weight given to the provision of housing, including affordable housing, the considerable benefits of the transport infrastructure improvements and the significant economic benefits. Incorporating 68 affordable units, and with a range of other market housing types to be secured by the condition, the scheme would be capable of providing for the creation of a balanced and mixed community. Overall, the adverse effects would be significantly and demonstrably outweighed by the very significant benefits of the proposed development. The proposal would therefore amount to sustainable development as sought by the Framework.

### **Conditions**

87. I have considered the conditions agreed between the appellant and the Council following discussion at the inquiry and bearing in mind the tests in paragraph 56 of the Framework. Other than as described below, I have made some amendments to the wording of the suggested conditions for precision and clarity, but without changing the substance of any particular condition. Several of the conditions are pre-commencement conditions. I consider there to be clear justification for these as the early approval of the respective matters and carrying out of the particular actions required are necessary prior to commencement in order to prevent the possibility of adverse environmental, amenity or highway related effects that otherwise might occur.

88. In the case of conditions requiring certain details to be provided with subsequent reserved matters applications, I have omitted wording requiring the development to be carried out in accordance with the approved details as this would be more appropriately provided for at the reserved matters approval stage.

89. Conditions 1, 2 and 3 set out the reserved matters requiring approval, the timescales for relevant submissions and for the commencement of development. Condition 4 is required to provide certainty on what has been approved. A restriction on total housing numbers is not necessary as this is clear from the description of development. Condition 5 on phasing is necessary in order that the development is carried out in an appropriate way, including the provision of infrastructure and as assessed in the Environmental Statement. The details required by condition 6 are necessary in order to ensure an appropriate mix of dwellings to meet local needs.

90. Condition 7 on landscaping details is required to provide a suitable standard of landscaping design and amenity throughout the scheme. Compliance with the Parameter Plan and an approved Masterplan through condition 8 is necessary to provide for an acceptable overall form and scale of development minimising effects upon the environment and surroundings of the site and, including condition 9 requiring a Design Code, to promote good quality design and place making. I have amalgamated the suggested Parameter Plan and Masterplan conditions into one condition for precision and clarity. The Open Space

Specification required by condition 10 is required to promote amenity, health and wellbeing as well as encouraging recreation away from the Thanet Coast and Sandwich Bay SPA.

91. Conditions 11, 12 and 13 are necessary in order to safeguard and promote the archaeological interest of the site. Conditions 14, 15 and 16 are required to ensure the implementation of suitable surface water drainage provision and prevent localised flooding. Foul water drainage provision is secured by condition 17. Conditions 18 and 19 are necessary to deal with any risk of contamination. Condition 20 is required in order to minimise the effects of construction on the local residents and highway users.
92. Conditions 21, 22, 23, 25, 27 and 34 are necessary in order to ensure that the proposed highway and road works are carried out in a satisfactory manner and to safeguard highway safety and the free flow of traffic. Conditions 24 and 26 are required to promote cycling and walking, including links to surrounding routes. Condition 28 is necessary to promote electric car use in the interests of air quality. Condition 29 is also necessary in the interest of promoting air quality. I have merged the suggested two conditions into one in this respect for precision. Condition 30 is necessary in order to safeguard and promote biodiversity and ecology including the creation of the bird mitigation area. I have merged the separately suggested compliance condition with this for precision. Conditions 31 and 36 are also necessary to safeguard ecological interest and to safeguard local amenity from light pollution. Condition 31 includes a maintenance requirement to ensure the lighting is retained as approved.
93. Condition 32 is necessary in order to promote secure design and to seek to reduce the risk of crime within the development. Condition 34 promotes superfast broadband in order to contribute to the creation of a high quality residential environment. Condition 35 is necessary to promote sustainable methods of transport. Conditions 37 and 38 are necessary to promote energy and water use efficiency. Condition 39 is necessary in order to provide for a high quality of residential accommodation.
94. A separate condition requiring a landscape management plan prior to commencement is not necessary as this would be a reserved matter and is covered in any case by condition 7. A separate condition requiring the demonstration of safe emergency access is not necessary as this can be assessed by the local planning authority pursuant to other imposed conditions relating to access and layout. A condition requiring details and samples of external materials is not necessary as this would be closely related to 'appearance' which is a reserved matter. A condition preventing development on the safeguarded land is unnecessary as this is covered by the separate condition requiring compliance with the Parameter Plan. A separate condition relating to footpath TM41 is also unnecessary as the relevant matters are covered separately by condition 24 on footpath links.

### **Conclusion**

95. For the reasons given above, I conclude that the appeal should be allowed.

*David Cliff*

INSPECTOR

**Schedule of Conditions**

1. Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Any application for the approval of the reserved matters for the first phase of the development shall be made to the local planning authority before the expiration of three years from the date of this permission. Any application for approval of the reserved matters for any remaining phases shall be made to the local planning authority before the expiration of five years from the date of the permission.
3. Each phase of the development shall be begun within two years of the date of approval of the final reserved matters to be approved for that phase.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan CSA/4430/120 Rev B, SK09 Rev E, SK10 Rev A and SK11.
5. Prior to or at the same time as the submission of the first phase of the reserved matters application required under condition 1, details of the phasing of the development, broadly in accordance with the indicative Phasing Plan 2019-057-201 Rev A, 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.
6. The reserved matters submitted in accordance with Condition 1 shall include details of the distribution of market and affordable dwellings, along with an overall schedule of dwelling sizes (by number of bedrooms and floorspace).
7. The details of landscaping required by Condition 1 shall include the landscape design and specification of hard and soft landscape works (including boundary treatments) within each phase, including details surveys of all trees, shrubs and hedges in that phase, giving details of all trees having a trunk diameter of 75mm or more to include species type, spread of crown, height, diameter of trunk and condition assessment, details of existing trees, shrubs and hedges to be retained and details of new trees, shrubs, hedges and grassed areas to be planted, together with details of the species and method of planting to be adopted, details of walls, fences, other means of enclosure proposed. Such details shall be accompanied by a Landscape Management Plan and Open Space Specification for that phase.
8. Prior to the submission of any reserved matters, a Masterplan shall be submitted to and approved in writing by the local planning authority. The Masterplan shall demonstrate how the development would apply the principles established in the Parameter Plan CSA/4430/122 Rev C, the Development Framework Plan CSA/4430/104/Rev M and the Landscape Strategy Plan CSA/44301/118 Rev I. The reserved matters submissions shall thereafter be in accordance with the approved Masterplan and the Parameter Plan CSA/4430/122 Rev C.



9. Before the submission of any reserved matters a Design Code shall be submitted to and approved in writing by the local planning authority. The Design Code shall develop the vision, design concept and principles established in the Design and Access Statement, describe how the principles and parameters shall be implemented and shall address issues including public realm, use of external materials, approach to parking provision, community safety, recycling and servicing and external lighting the details of which are required to be submitted under other conditions. All reserved matters and detailed submissions shall thereafter be in accordance with the approved Design Code.
10. Prior to the commencement of each phase, or part thereof, an Open Space Specification for the phase shall be submitted to and approved in writing by the Local Planning Authority, to accord with principles shown in plan no. CSA/4430/118 Rev I. The Open Space Specification shall:
- Identify the location and extent of the main areas of formal and informal open space to be provided which shall accord with the details submitted under condition 1;
  - Outline local play space to be provided, providing also a detailed specification of any equipped play areas;
  - Detail how the relevant areas of public open space and play areas are to be laid out, paved, planted or equipped; and
  - Identify and demonstrate the "Trim Trail" proposed through plan CSA/4430/118 Rev I to encourage dog-walking within the site.

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

11. No development shall take place until fencing has been erected around the area identified as an Archaeological Exclusion Zone on Parameter Plan no. CSA/4430/122 Rev C, in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The temporary fencing shall be retained for the duration of the construction works in that phase, or part thereof. No works shall take place within the Exclusion Zone unless approved in writing by the local planning authority.
12. No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Scheme.
13. Prior to the occupation of any dwelling in each respective phase, a scheme of archaeological interpretation that includes information boards in public open space areas in that phase of the development shall be submitted to and approved in writing by the local planning authority. The scheme should include the location for information boards, their content and timetable for their erection. The interpretation boards shall be erected and thereafter retained in accordance with the approved scheme.

14. No development shall take place on each respective phase of development until a detailed surface water drainage scheme, to manage surface water run-off from the development (for up to and including the climate change adjusted 100 year storm event) for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall be based on Section 6 of the submitted Flood Risk Assessment (Enzygo, May 2020) and shall also include:

- The phasing and timetable for the implementation of the surface water drainage scheme; and
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The scheme shall be constructed in accordance with the approved details and timetable and shall be managed/maintained in accordance with the approved maintenance and management details for the lifetime of the development.

15. Any infiltration of surface water drainage into the ground shall have first been approved in writing by the local planning authority. Where infiltration is to be used to manage the surface water from the development hereby permitted, it shall only be within those parts of the site where information has been submitted to demonstrate to the Local Planning Authority's approval that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall be carried out in accordance with the approved details.

16. No dwelling shall be occupied until a Verification Report pertaining to the relevant surface water drainage system(s), has been submitted to and approved in writing by the local planning authority. This Report shall demonstrate the suitably modelled operation of the drainage system such that flood risk is appropriately managed.

17. No development shall commence until a scheme for the disposal of foul water discharge from the development and a timetable for its implementation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and details and permanently retained thereafter.

18. No development shall commence until a site characterisation and remediation scheme in respect of contamination has been submitted to and approved in writing by the local planning authority and the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria:

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the

site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the local planning authority, and shall include:

- A survey of the extent, scale and nature of contamination;
- An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological system;
- An appraisal of remedial options and a recommendation of the preferred options

(b) Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and shall be submitted to and approved in writing by the local planning authority, if required by part (a) of the condition. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

19. Any contamination that is found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the relevant part of the development is resumed or continued.
20. No development shall take place on any phase until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - hours of construction working;
  - routing of construction and delivery vehicles to/from site;
  - parking and turning areas for construction and delivery vehicles and site personnel;
  - timing of deliveries;

- measures to control noise affecting nearby residents;
- temporary traffic management/signage;
- any temporary access arrangements to the site for construction purposes;
- wheel cleaning/chassis cleaning facilities;
- dust control measures;
- lighting control measures;
- water quality protection measures;
- precautionary measures to protect Badgers (as per section 7.5.39 of submitted Environmental Statement) and other ecological protection measures including those related to nesting birds;
- maintenance of vehicular access to Margate Cemetery, Crematorium and Waste & Recycling centre throughout construction;
- pollution incident control and
- site contact details in case of complaints.

The construction works shall thereafter be carried out in accordance with the approved CEMP.

21. No development shall take place on any phase until a Highways Work Phasing Plan, outlining the implementation of highways works detailed in condition 22, has been submitted to and approved in writing by the Local Planning Authority. The Highways Work Plan should include details of the mitigation proposed in that phase (or part thereof) including the new link road through the site plus its associated access points and footways, how these will be completed and made operational. The works shall be carried out in accordance with the agreed phasing plan including the timings for the provision of each respective element of infrastructure.
22. No development shall take place in any respective phase, until details of the proposed highways works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- Local distributor standard link road;
  - Roundabout Junction on Manston Road;
  - Roundabout Junction on Shottendane Road; and
  - Right turn lane Priority Junction on Hartsdown Road.

All submitted details shall accord with the geometrical layout as those submitted in the plans numbered plans no. SK09 Rev E, SK10 Rev A and SK11.

These works shall be implemented and operational in accordance with the approved details and timings within the Highways Work Phasing Plan in condition 21.

23. Details submitted pursuant to condition 1, insofar as they relate to each phase of development, shall include the final route, specification, geometry and waiting restrictions of the link road through the site within the area of deviation shown on the Parameter Plan. The link road and associated footway/cycleways should be provided to an acceptable local distributor standard in accordance with the most up to date revision of the Kent Design Guide and include details of the pedestrian crossing provision and bus stop infrastructure where appropriate.

24. Details pursuant to condition 1 above shall include the provision of means and routes of access for pedestrians and cyclists within each phase of the development to and from the surrounding footway (including designated footpath TM14) and cycleway network.
25. Details submitted pursuant to condition 1 in respect of each phase of the development, shall include the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking, turning areas and street furniture and bus stops/borders to be laid out and constructed.
26. Details pursuant to condition 1, insofar as they relate to each phase of development, shall include the provision of secure covered cycle parking facilities, in accordance with local planning authority standards. Such facilities as approved shall be made available for use prior to the occupation of the unit for which they are provided to meet relevant parking and layout standards, and thereafter shall be retained for their approved purpose.
27. Prior to first occupation of each respective dwelling, the following works between a dwelling and the adopted highway shall be carried out in accordance with the following details to be submitted pursuant to condition 1: (a) Footways and/or footpaths, with the exception of the wearing course; (b) Carriageways, with the exception of the wearing course but including any turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
28. Details pursuant to condition 1, shall include details of the number, type and location of electric vehicle charging points (EVCP) on the basis of 1 Electric Vehicle Charging point per residential property with dedicated parking and 1 in 10 of all non-allocated parking.
29. Prior to the first submission of any reserved matters application, an Emissions Mitigation Assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance 2016 shall be submitted to and approved in writing by the local planning authority. The Emissions Mitigation Assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and details of mitigation and any air quality improvements to be included in the development which will reduce the emissions from the development during construction and when in operation. The development shall be carried out in accordance with the approved details.
30. Prior to the submission of the first reserved matters application under condition 1, an Ecological Design Strategy, addressing ecological enhancement and mitigation across the whole site as outlined in Section 7 of the submitted Environmental Statement shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Design Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed works;
  - b) Review of site potential and constraints;

- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans (including the bird mitigation area);
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works; and
- h) Details of initial aftercare and long term maintenance and management.
- i) Details of provision of calcareous grassland on site as outlined in 7.8.3 of the applicant's Environmental Statement; and
- j) Details of how Biodiversity Net Gain will be achieved.

Details pursuant to condition 1 shall demonstrate compliance and alignment with the agreed Ecological Design Strategy. It shall be implemented as part of the development in accordance with the approved details and all features shall be retained in that manner thereafter.

- 31. Prior to the commencement of each phase, or part thereof, a detailed outdoor lighting scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of lighting columns, the extent/levels of illumination over the site and on adjacent land and measures to contain light within the curtilage of the site. The development shall be implemented, and thereafter maintained, in accordance with the approved scheme.
- 32. Details pursuant to condition 1, insofar as they relate to each phase of development, shall demonstrate how the proposed layout meets Secure by Design principles.
- 33. All dwellings hereby permitted shall be provided with the ability for connection to Superfast Fibre Optic Broadband fibre to the premises, where there is adequate capacity to do so.
- 34. Prior to the commencement of any highways works, a Parking Restriction Strategy detailing the extent of the proposed Traffic Regulation Order for double yellow lines on Hartsdown Road and the internal link road infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 35. Prior to the occupation of any dwelling hereby approved, a final Travel Plan, to substantively accord with the Framework Travel Plan June 2020 by Icenl Projects and a programme for implementation shall be submitted to and approved in writing by the local planning authority. The approved Travel Plan shall thereafter be implemented in accordance with the programme.
- 36. Prior to the occupation of any dwelling within each phase, a copy of a Homeowner/Occupier Information Pack, setting out measures to encourage considerate pet ownership, minimising light spill and not cause excessive

and extended noise, information on how residents can minimise their impact on the surrounding wildlife, such as breeding birds, and providing information on the European designated sites in the locality and their significance, shall be submitted to and approved in writing by the Local Planning Authority. The approved Homeowner/Occupier Information Pack shall be provided to occupiers of each new dwelling at the point of occupation.

37. The residential dwellings hereby permitted shall not be occupied until the relevant requirements of the level of energy performance equivalent to ENE Level 4 of the Code for Sustainable Homes have been met and the details of compliance provided to the local planning authority.
38. No dwelling shall be occupied until the Building Regulations optional requirement (paragraph 2(b) of Part G2, regulation 36) to limit water usage to 110 litres per person per day has been complied with.
39. The details to be submitted in pursuant of condition 1 shall show all units in compliance with the Nationally Described Space Standards and as accessible and adaptable accommodation in accordance with Policy QD05 of the Thanet Local Plan.

**End of conditions**

**APPEARANCES**

## FOR THE APPELLANT:

Guy Williams of Counsel	Instructed by Chis Ball (Gladman Developments Ltd)
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He called:

Chris Ball BSc (Hons) MURP MSc MRTPI	Planning Director at Gladman Developments Ltd
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Edmund Couldrey BA (Hons) MSc MRICS	Director at Jones Lang LaSalle
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Other contributors including during roundtable discussions:

Clare Caudwell BSc MSc CEcol MCIEEM	Associate Director at CSA Environmental
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Mathew Travis BSc (Hons) MSc C.WEM M.CIWEM CSci C.E	Director at Enzygo Ltd
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Rosemary Meara MA (Hons) PGCert, MCIfA	Associate at CSA Environmental
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Rachel Goddard	Solicitor at Gladman Developments Ltd
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## FOR THE LOCAL PLANNING AUTHORITY:

William Upton QC	Instructed by Estelle Culligan (Director of Law and Democracy, Thanet District Council)
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He called:

Vic Hestor MRTPI	Chartered Town Planner
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Other contributors including during roundtable discussions:

Iain Livingstone	Planning Applications Manager
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## FOR THE SALMESTONE WARD RESIDENTS ASSOCIATION:

Mr Dickman	Salmestone Ward Residents Association
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Mr Hand	Planning consultant
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## INTERESTED PARTIES:

Cllr Pauline Farrance BSc (Hons) Cert Ed PG Dip (ADDS)	Member of Thanet District Council
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Cllr Reece Pugh	Member of Thanet District Council
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Cllr Kerry-Boyd	Member of Thanet District Council
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Sir Roger Gale	Member of Parliament for North Thanet
Jackeline Brown	Westgate and Garlinge Action Group
Sonia Stewart	Westgate and Garlinge Action Group
David Morrish	Chair of Thanet District Branch of the Campaign for the Protection of Rural England
Timothy J Knibb	Local resident
Sarah Bowers	Local resident

### **DOCUMENTS SUBMITTED AT THE INQUIRY**

1. Correction to Appendix B of Mr Hestor's proof of evidence
2. Appellant's Opening Statement
3. Council's Opening Statement
4. SWRA's Opening Statement
5. Supplementary Position Statement from CPRE Kent
6. Statement of Common Ground between the Appellant and the Council on Affordable Housing/Viability
7. Written submission from Cllr Candy Gregory
8. Council's Annual Monitoring Report 2020
9. Letters from Natural England dated 10 January 2022
10. List of suggested conditions agreed by the Appellant and the Council
11. Unsigned S106 Agreement
12. Unsigned Unilateral Undertaking
13. Appellant's Planning Obligation Summary
14. Email from Kent County Council (dated 13 January 2022) confirming its agreement to the S106 Agreement
15. Council's Closing Submissions
16. SWRA's Closing Submissions
17. Appellant's Closing Submissions

### **DOCUMENTS SUBMITTED FOLLOWING THE INQUIRY**

1. Appellant's application for costs
2. Council's response to costs application
3. Appellant's comments on Council's costs response
4. Council's submission on 2021 Housing Delivery Test Results
5. Appellant's submission on 2021 Housing Delivery Test Results
6. SWRA's submission on the updated Standing Advice on protected species and development
7. Appellant's submission on the updated Standing Advice

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**A02**

**F/TH/23/1449**

**PROPOSAL:** Variation of condition 3 of planning permission F/TH/20/1060 for the "Change of use from Drinking Establishment (Sui Generis) to Drinking Establishment (Sui Generis) and Restaurant (Class E), together with erection of single storey rear extension to No. 53 Albion Street" to allow an extension of opening hours

**LOCATION:** 53 To 55 Albion Street BROADSTAIRS Kent CT10 1NE

**WARD:** Bradstowe

**AGENT:** Mr Will Whitelock

**APPLICANT:** DL Bar Ltd

**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 01 received 03/11/23 and the premises noise management plan, contained in Appendix B of the submitted Noise Impact Assessment received 19/12/23.

**GROUND;**

To secure the proper development of the area.

3 The use of the premises hereby approved shall not be used other than between the hours of 07:00AM to 02:30AM Sunday to Thursday, and 07:00AM to 03:00am on Friday and Saturday.

**GROUND**

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

**INFORMATIVES**

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

## SITE, LOCATION AND DESCRIPTION

Number 53 to 55 Albion Street (known as "The Dolphin") is a public house and restaurant spanning two buildings on the corner of Albion Street and Harbour Street. It is sited in a prominent position within the lower part of Broadstairs high street and sits within the Broadstairs Conservation Area. The site sits in a very sensitive location, being within the Broadstairs Conservation Area and in close proximity to a concentrated number of listed buildings, mainly to the east and south, and immediately adjacent to the Broadstairs Promenade and Beach Front character area.

The site has its own unique history and has had its part to play in the cultural and historic development of Thanet and, in particular, Broadstairs. The building is believed to date back to the 17th century, with early records from local newspapers indicating the presence of auctions at the site for the sale of boats, and licensee lists as far back as the 1800's. Broadstairs was famously known for its boat life and difficulties with smuggling operations around the district and use of the tunnel network below many of the local buildings of the time. Many of the local public houses at that time became the haunt of fishermen and smugglers alike. The Dolphin is on the Council's 'local list', being considered a non-designated heritage asset for some of the important cultural and historic connections it has. Even today, it forms an important and vibrant part of the local night time economy and the charm of Broadstairs, both for local people and for tourists alike.

## RELEVANT PLANNING HISTORY

F/TH/20/1061 - Reconstruction of roof to facilitate conversion of loft to increase living accommodation to existing maisonette. Withdrawn 15/02/2021.

F/TH/20/1060 - Change of use from Drinking Establishment (Sui Generis) to Drinking Establishment (Sui Generis) and Restaurant (Class E), together with erection of single storey rear extension to No. 53 Albion Street. Granted 01/02/2021.

## PROPOSED DEVELOPMENT

Planning permission was granted in February 2021 for the change of use of the former public house known as 'The Dolphin', to a drinking establishment and restaurant, together with a single storey rear extension (application F/TH/20/1060 refers). In March 2022 the Council's Planning Enforcement Team received complaints about unauthorised works at the site and found a number of inconsistencies with the approved plans for the site.

Originally the application proposed to vary the previous approval for the change of use of the site and erection of a single storey rear extension to allow alterations to the front facade, the erection of timber structures and boundary fencing to the rear garden, alterations to the previously approved rear extension, the erection of an external flue, and an extension to the

previously agreed opening hours, seeking to address inconsistencies identify by the Enforcement Team. Most of the works had already taken place at the time of the Officer visit in December 2023.

Officers expressed concerns about a number of works and the applicant expressed concerns about the impact of the change to operating hours on business. The majority of works were therefore withdrawn from the current submission in order to address only the matter of operating hours, and the proposal is now for the variation of the approved scheme to allow for extended opening hours. Condition 3 of application F/TH/20/1060 restricted opening hours as follows:

"The use of the premises hereby approved shall not be used other than between the hours of 10:00AM to 12:00PM and through until 1:00AM Monday to Sunday.

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."

The current proposal is for the following operating hours:

07:00 AM to 02:30 AM Sunday to Thursday  
07:00 AM to 03:00 AM on Friday and Saturday

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2020**

SP04 - Economic Growth  
SP08 - Thanet's Town Centres  
SP12 - Broadstairs  
SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
CM01 - Provision of New Community Facilities  
CM02 - Protection of Existing Community Facilities  
E04 - Primary and Secondary frontages  
E06 - District and Local Centres  
HE02 - Development in Conservation Areas  
HE03 - Heritage Assets  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD06 - Advertisements  
TP02 - Walking  
TP03 - Cycling  
TP04 - Public Transport  
TP06 - Car Parking

#### **Broadstairs and St Peters Neighbourhood Plan 2023**

BSP6: Sustaining Community Facilities  
BSP9: Design in Broadstairs and St Peter's

## 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.

**Broadstairs and St Peters Town Council:** The Committee unanimously recommends OBJECTION on the grounds that the structures to the rear are attached to Broadstairs & St Peter's Town Council's property without permission.

**Broadstairs Amenity Group:** The Society supports the application subject to any comments from the Conservation Officer.

## CONSULTATIONS

**TDC Conservation Officer:** 53 To 55 Albion Street or locally known as The Dolphin in Broadstairs is a traditional property with a prime position within the conservation area. Although not formally designated, it would be considered to be a non designated heritage asset and a positively contributing property to the surrounding area.

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

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.

Within the NPPF Section 16, 197 questions 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability' and 'the desirability of new development making a positive contribution to a local character and distinctiveness'.

Also within the NPPF is Section 194 which states In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be

proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

This application is to vary a previous approval on the site, proposing varying amendments to both the front, rear and side elevations of the property.

To the principle elevation on the front of the site a historic bay window has been removed and replaced with a contemporary aluminium shopfront with wide set glazing. This is hugely disruptive to the outward appearance of the site as it negatively juxtaposes with the largely traditional and historic fabric of the site totally unbalancing its appearance. The footprint of the site has also stepped forward with this conversion and the front in this location has lost the sense of recess and prominence, resulting in an unsympathetic flat frontage.

Whether this bay window was original to the form of the building is unknown but it appears to be present in all recent histories as they present themselves online. As such the loss of fabric is unacceptable in itself but also to the detriment of the setting and appearance of the surrounding conservation area.

Within the Broadstairs Conservation Area Appraisal it details key unlisted properties of which The Dolphin or 53 - 55 Albion Street is the first to be mentioned, specifically focusing on its main frontage. Under Section 5.2.3 of the same appraisal it also details, Windows are mainly timber sash, casement with some canted bays. There is a pre-dominance of well proportioned timber shop-fronts. Some historic shop-fronts with early glazing are present. Referencing this I would consider the bay as a notable example of the characteristics of this conservation area and at what point it was allowed to be converted to a shopfront that frontage would need to be timber to cohesively blend itself with the existing environment.

53 - 55 Albion Street has been a licensed public house since at least 1824 therefore the justification that the public house needs to improve its presence on the Albion Street is somewhat weak as it is a well known and prominent institution in the area and the harm caused is not outweighed by the justification suggested.

To the rear of the site under the original application a small extension was allowed for expansion of the kitchen as detailed under this variation of condition. What has been erected instead is a much larger structure, competing with two rear windows as shown in the plans. Under the previous applications no concerns were raised to this asset given they were subservient to the structure with limited implication to the setting and appearance of the property in the context of the conservation area. However, due to their increase in height and change of materials from matching render to unrated timber cladding I would have concerns that their outlook appears congested, presenting as overdevelopment and a mismatch of materials which ultimately appears poorly and should not be allowed.

This variation states that it also includes the flue element of the scheme but this is not shown on any plans but is present in some images where it appears above the height of the

unlawful extension which is taller than that approved. This would suggest that, given its scale, size and cumbersome nature it causes harm to the outlook to the rear of the site and as such should be removed.

Timber fencing has been installed along the longest side of the site of which no justification has been given as to why it was required. It does create an internal terrace and use of the existing flat roof where a shed has been erected, made somewhat visible by the fence in place. Hi level fencing or timber structures at first floor is not a common feature within the conservation area and appears highly out of place at such a height. As such I would recommend that it is removed.

Overall I do not consider that this variation of condition has fully considered the harm caused to the setting and appearance of the surrounding conservation area which is evident from the lack of justification provided and harmful design choices made. It is also in direct violation of Thanet's Local Plan, policy HE02, states within Section 7 as well as NPPF Section 16, 197. As such I object to the variation proposed and would suggest that the previous approval is complied with or enforcement action is taken.

### **TDC Environmental Health Officer:**

Initial comment:

EP do not have any objection given the Dolphin were previously to these hours and the licence was granted to these hours. I also believe the application is retrospective and the premises has been operating to these hours without significant issue.

Further comments were received and stated:

"EH has no objection to the opening regularising opening hours to that consented within the premises licence as well as the locality and history of the site.

Condition: Opening Hours

Opening hours only between the hours of 07:00AM to 02:30AM Sunday to Thursday, and 07:00AM to 03:00AM on Friday and Saturday

However, with regard to the retrospective approval for the increase in height of the flue, we require the information requested in the original consent as height and position is determined by the compliance with Defra guidance:

(4) 'Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems January 2005. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.'



Given the flue could operate until 2.30am the following noise safeguarding condition is recommended:

Condition: External Plant

The noise rating level (LA,T) associated with the development site shall not exceed the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014 + A1:2019."

## COMMENTS

This application is reported to Planning Committee at the request of Councillor Garner in order for members to consider overdevelopment and structures attached to adjacent buildings. It was clarified whether in light of the changes to the proposal Councillor Garner wished for Members to still consider the application, and confirmed that he did.

Section 73 of the Town and Country Planning Act 1990 (as amended) relates to the determination of applications to develop land without compliance with conditions previously attached. The wording of the Act indicates that the Local Planning Authority can only consider the question of the condition(s) and nothing further.

Paragraph 135 of the National Planning Policy Framework (NPPF) sets out that Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme.

The applicant has set out in their covering letter that Condition 3 of application F/TH/20/1060 is placing a "financial burden" on the applicant by restricting both opening and closing times, that the premises cannot open for breakfast trade, and that shorter closing times does not as efficiently lead to a staggered exit of people. The condition was imposed to control general operating hours in line with those requested by the former owner of the site.

The current proposal is in respect of changes to formally agreed operating hours. Broadstairs as a town is well known for its role in leisure and tourism, late night venues and its contribution to Thanet's night time economy. Given the location of the site, the former operating hours being the same as those proposed, and nearby late night venues of a similar nature, the proposal is not considered by Officers to harmfully alter the character of the area.

In terms of the impact of the changes to neighbouring living conditions, it is understood from the Council's Licensing and Environmental Health Teams that the previous hours of operation prior application F/TH/20/1060 were in line with that proposed, and that this would be a reversion back to former opening hours.

Officers do not object to a reversion to the former operating hours and the applicant has provided a premises noise management plan in Appendix B of the Noise Impact Assessment submitted, which could be conditioned.

## **Conclusion**

Given the reversion to former hours, and lack of objection from Environmental Health or Licensing, the proposal is considered to be acceptable and appropriate mitigation has been considered by the applicant.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. No other conditions imposed in application F/TH/20/1060 are relevant to this proposal or necessary to be carried over.

The application is recommended for approval, subject to conditions.

**Case Officer**

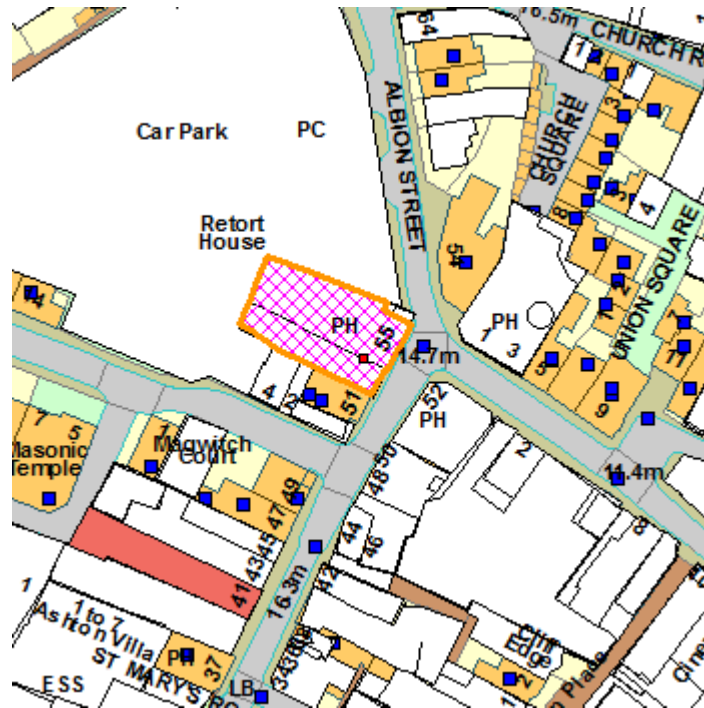
Vicky Kendell-Bryant

TITLE:

F/TH/23/1449

Project

53 To 55 Albion Street BROADSTAIRS Kent CT10 1NE



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**A03**                                      **L/TH/23/1080**

**PROPOSAL:**                                      Application for listed building consent for conversion of former public house into 4No 3 bed flats erection of part single and two storey rear extension together with external alterations to fenestration and roof and internal alterations.

**LOCATION:**                                      The Britannia Fort Hill MARGATE Kent CT9 1HH

**WARD:**    Margate Central

**AGENT:**    Mr Ian Barber

**APPLICANT:**                                      Miss Otilie Godfrey

**RECOMMENDATION:**                                      Approve

Subject to the following conditions:

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

**GROUND;**

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

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

**GROUND**

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

3        Prior to the installation of the rainwater goods, details including the material and a sectional profile shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall be installed in accordance with the approved details.

**GROUND**

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

## INFORMATIVES

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

## SITE, LOCATION AND DESCRIPTION

The application relates to the former Britannia Public House which is located on the southern side of Fort Hill, Margate. To the south of the site is Margate Police Station. To the north and east are residential properties.

The Britannia is Grade II listed and is located within the Margate Conservation Area. It is two storey in height and also has a basement. The building has a slate roof and castellated parapet and a small single storey projection at the front. The building is part rendered at the front with a glazed area and fascia sign indicating its last use as a public house. To the rear the building is constructed in yellow/brown bricks and is enclosed by a brick and flint wall to the boundaries.

The site lies within the urban confines, inside the Conservation Area in a sustainable location, and currently comprises a Public House- although not operating at the time of the application site visit. It fronts Fort Hill with hard surfacing to the front for vehicle parking and to the rear the former pub garden.

## RELEVANT PLANNING HISTORY

The site has had numerous applications over the years, directly relevant to this application is the corresponding full application.

F/TH/23/0945 - Change of use and conversion of public house into 4No. 3 bed flats, erection of part single and two storey rear extension together with external alterations to fenestration and roof. Current

## PROPOSED DEVELOPMENT

Since the application was submitted the cottages to the rear of the site, within the public house gardens have been removed, following officers' concerns.

Listed building consent is now sought for the conversion of former public house into 4No 3 bed flats erection of part single and two storey rear extension together with external alterations to fenestration and roof and internal alterations.

The 4 flats would be contained over the three floors of the property (first floor, ground floor and basement) . Flat 1 would have its entrance from the front of the building, having its living room, snug and store at basement level (a larger window created to the front and a new window to the rear, at ground floor level there would be a kitchen, family/dining area family bathroom, three bedrooms one with an ensuite. Flat 2 would have its own access to the site of the building leading directly into the open plan kitchen/dining and living area, in addition there is a family bathroom and three bedrooms one having an en suite. At first floor level, accessed via the front entrance; also serving flat 1 are the two further flats (flats 3 and 4)

The development also includes the erection of part single and two storey rear extension (basically 'squaring off' the rear of the building- extending bedroom 3 of flat 1 (ground floor) and at first floor the removal of the shower room and W.C projection and the erection of a first floor that would create the rear living section of flat 4; 3 bedrooms, family bathroom, -W.C and kitchen having a pitched roof over. In addition there would be external alterations to fenestration and roof and internal alterations.

## REPRESENTATIONS

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

15 representations have been received, this includes 6 objections (including two from the same objector) and 9 letters of support. The objections can be summarised as follows:

- Trees should be retained
- Ecology enhancements should be incorporated
- PH needs time to reestablish itself
- Cottages to the rear inappropriate and an overdevelopment
- Pub garden provides a setting to the LB
- Concern for the location of the bins in relation to the dwellings
- Does not meet the secured by design
- Dwellings not meet the national space standards
- Loss of privacy/overlooking
- Question the amount of light into the basement
- Extension changes the character of the building
- Waste will be an eye sore if to the site frontage
- Fire escape concerns
- Pollution air pollution through chimneys in the new dwellings
- Loss of light

The supporters of the application make the following observations:

Conversion appears sympathetic

Viable use is essential to the site to stop the deterioration of the building

Family homes needed

Beer garden bigger enough to take two cottages

Should specify the flats should be rented only

Enough pubs in the area

## DEVELOPMENT PLAN POLICIES

Policy SP36 - Conservation and Enhancement of Thanet's Historic Environment

Policy HE03 - Heritage Assets

## CONSULTATIONS

**TDC Conservation Officer:** *Final comment* - "Following a review of the amendments to the scheme and the removal of the additional properties to the rear of the site I do not object to the conversion of the listed property.

I would suggest conditions covering proposed landscaping, hardstanding and fences, joinery conditions of proposed windows and doors and rainwater goods."

comments - "The Britannia Fort Hill Margate is a Grade II listed building located adjacent to Margate Conservation Area in a prominent location, highly visible from the surrounding area.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.'

As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area.

New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.' NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

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.

This application comprises two distinct elements: the conversion of the existing building and the construction of semi-detached properties within its grounds. Prior to submitting this formal application, pre-application advice was sought, during which concerns were raised regarding the proposed development within the grounds of the listed property. These concerns revolve around the potential harm this development could inflict on the overall setting and appearance of the site.

At the pre-application stage, the properties were initially designed with a taller scale, but these plans have since been revised, resulting in a reduction in height. However, the



fundamental concern persists due to the implications of the proposed development on the setting and appearance of the listed property. It is important to note that the proposed development fills a substantial portion of the space surrounding the site, thereby bringing about irreversible alterations to its layout and perception. These changes impact not only the view from within the site but also from the opposing conservation area. The placement of gardens at the forefront of the Britannia PH, which deviates from typical layouts, underscores the perceived congestion of the site.

While it is acknowledged that the layout of the grounds has evolved over time, as has the pub itself, there is no historical record of a structure of this form or scale within its grounds. Consequently, this proposal is deemed to cause a significant amount of harm.

Regarding the conversion of the existing building, there are no objections in principle. The proposal aligns largely with appropriate and sympathetic measures, as outlined in the design and access statement and heritage statement. Particular attention has been given to the octagonal room, which has been preserved in its current form with minimal changes. Some harm is anticipated due to the rear extension and general room rearrangement; however, these issues are outweighed by the benefits associated with maintaining the building's use and converting it into a solely residential property which will ultimately ensure its sustained use and condition.

The primary significance of the building lies in its retained internal details and its overall setting and appearance, which positively influence the surrounding environment and the nearby conservation area. Altering this rear outlook in a significant manner would have detrimental effects on both the listed property itself and the adjacent conservation area. As such, it cannot be supported. While some external changes to the main property are expected, they are within reasonable bounds, unlike the extensive scheme proposed for the rear of the site.

In conclusion, it is believed that the successful conversion of the Britannia is feasible with an acceptable level of harm to the Grade II listed property. However, the separate development, in terms of its scale and form, is deemed inappropriate, as it ultimately causes harm to the primary listed property. Therefore, it should be excluded from the scheme. Consequently, we cannot endorse the proposed application, as it does not align with the applicable legislation."

### COMMENTS

This application is referred to the Planning Committee at the request of Cllr. Bambridge due to concerns about the development representing an over development of the site and loss of a community asset.

It is confirmed that since the submission of the application the rear cottages have been omitted from the scheme.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when 'considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Paragraph 203 of the National Planning Policy Framework (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 205 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.

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 is supported by a Heritage, Design and Access Statement which sets out the significance of the building and the works proposed. It concludes that the development would "...improve the living quality and standard of the existing building and future occupiers, while not unacceptably intruding into the landscape and street scene within the area bounding onto the adjoining conservation area or to the listed building. The proposals ensure that the existing building will be complemented by the new works, allowing for a positive addition to the site without detriment to the locality, particularly as it is a sensitive nature"

The only consideration in the determination of this application is the impact of the work on the significance of the listed building bearing in mind the National Planning Policy Framework (NPPF) which advises that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them into a viable use consistent with their conservation.

The aim of this application is to convert a former public house (Britannia) into 4 3 bed flats, the erection of part single and part two storey rear extension together with external alterations to fenestration and roof and internal alterations.

In terms of the internal layout at basement level there would be a living room leading onto a snug together with a store on the ground floor this flat would have a family/dining room, kitchen and three bedrooms (one with en suite) and family bathroom. The entrance to this flat (1) would be via the front entrance which also gives access to flat 3 and 4. Flat 2 would have its own entrance directly into a large open plan living/dining/kitchen area and three bedrooms (one with en-suite) and family bathroom. Flats 3 and 4 are both located at first floor level again with three bedrooms, one of which has an en-suite bathroom. All flats would have an outside space; flat 1 having an area to the front and rear, flat 2 having an area to the rear, flat 4 to the front of the building and flat 3 again to the rear, although not directly

accessed from the building but rather the side alleyway. Six off street parking spaces are proposed to the front with some landscaping including tree planting, this is on the current car park.

Alterations include the introduction of openings and replacement of windows (with the applicants advising that all the existing joinery will be repaired where possible) and also the erection of partition walls to create separate rooms, at ground floor and first floor level. A rear extension - part single (to create additional space within flat 1's third bedroom) and two storey to accommodate the kitchen, three bedrooms and bathroom of flat 4 is also proposed. The extension would project out, at first floor level a distance of 5.7m and have a width of between 11.5 and 11.9 metres does it vary due to its stepped nature . The extension would have a pitched roof of between ; between 6.8 and 7.5 metres due to its steeped nature. The material will be a slate roof to match the existing and facing brickwork, to match the existing.

The submitted Heritage statement details that there has been various alterations to the existing building over time, not all in character with the age and style of the property, consisting of extensions to the front side and rear, with many unsympathetic internal alterations. The main area that has had minimal disturbance is the right-hand hexagonal room to the first floor, which has retained all its original openings, mouldings, and details. The statement also details that the Britannia has some of the original flint walling visible and this would be retained along with any other traditional details that would be uncovered during the work.

The Conservation Officer has reviewed the proposal and raises no objection to the proposed works.

I consider the works proposed internally, subdivision of existing rooms, work effectively with the constraints of the site resulting in a cohesively balanced proposed floor plan which converts the building as required whilst respecting the existing features that remain, the rear extension to the property will cause some harm, but this is less than substantial. The conversion and extension can be viewed as the next stage of the building and the fact that the building will be brought back into active use.

It is noted that the subdivision of the building and the external alterations/extensions will alter the building and cause some harm, it is noted that this is a building which has evolved over time and through its use and this development would be seen as a logical evolution of its layout. It is considered that the harm generated would be less than substantial and weighed against the fact that the development would help ensure that the building is brought back into an active use.

It is, however, considered appropriate that conditions are imposed to ensure that the works are carried out using appropriate materials and detailing that would be expected within such an important historic building, joinery details of the proposed windows and doors and rainwater goods.

Given the above, whilst great weight is given to the impact on the significance of the listed asset, it is considered that the proposal as amended and to be conditioned complies with the

guidance in the NPPF relating to heritage assets and Policies SP36 and HE03 and the application is recommended for approval.

**Case Officer**

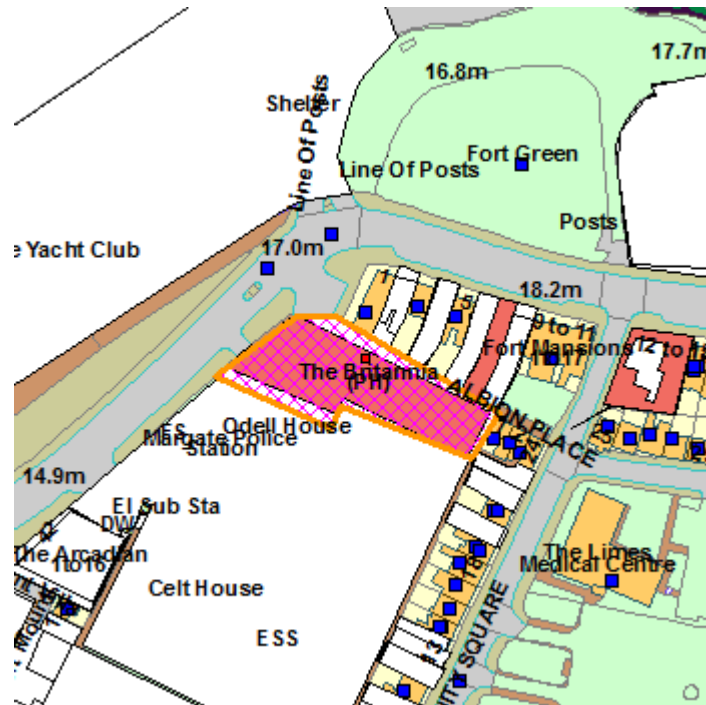
Gillian Daws

TITLE:

L/TH/23/1080

Project

The Britannia Fort Hill MARGATE Kent CT9 1HH



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**A04** **F/TH/24/0203**

**PROPOSAL:** Variation of condition 2 of planning permission F/TH/22/0494 for the "Formation of a footpath on the south side of Joss Gap Road between Convent Road and the existing shared pedestrian and cycle facility, together with the erection of a 2m high timber fence and planting" to allow realignment of pathway and alterations to landscaping (retrospective)

**LOCATION:** Joss Gap Road BROADSTAIRS Kent

**WARD:** Kingsgate

**AGENT:** Ben Meekings

**APPLICANT:** Mr Ben Meekings

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The development hereby approved shall be commenced before the 22nd September 2025.

## **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 1000007350-001-C-GA S73 Rev C received 23 February 2024.

## **GROUND;**

To secure the proper development of the area.

3 All hard and soft landscape works shall be carried out in accordance with the approved details. The approved planting shall be completed within the next planting season. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

## **GROUND**

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

## INFORMATIVES

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

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

## SITE, LOCATION AND DESCRIPTION

The site is located on the south western side of Joss Gap Road and extends from the junction of Joss Gap Road, Kingsgate Bay Road and Convent Road to the existing cycle and footpath. The southern section of the site is located on North Foreland Golf Course and the northern section of the site is located on land owned by Kingsgate Castle. The footpath approved as

## RELEVANT PLANNING HISTORY

F/TH/22/0494 - Formation of a footpath on the south side of Joss Gap Road between Convent Road and the existing shared pedestrian and cycle facility, together with the erection of a 2m high timber fence and planting. Granted 22 September 2022

Secretary of states decision - <https://www.gov.uk/government/publications/coastal-access-section-52-notice-for-ramsgate-to-whitstable>

TCA/TH/16/1526 - 3no. Holm oaks (T1, T2 & T4) - cut back by 2m from the power line, 1no. Holm Oak (T3) - crown reduce by 3m. Raise no objection 24 February 2017.

## PROPOSED DEVELOPMENT

This is a retrospective application for the variation of condition 2 of planning permission F/TH/22/0494 for the "Formation of a footpath on the south side of Joss Gap Road between Convent Road and the existing shared pedestrian and cycle facility, together with the



erection of a 2m high timber fence and planting" to allow realignment of pathway and alterations to landscaping.

The submitted documents indicate that the alignment of the path and fence has been altered to best fit with the existing gradients, features and constraints including the edges of the road and golf course. The height of the fence has also been altered from 2m to 1.975m and some planting has been moved from the northern to the southern side of the fence.

The application is made by Kent County Council in partnership with Natural England as part of the wider English Coast Path project.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

CC02 - Surface Water Management  
GI02 - Locally Designated Wildlife Sites  
HE01 - Archaeology  
QD01 - Sustainable Design  
QD02 - General design Principles  
QD03 - Living Conditions  
SP24 - Development in the Countryside  
SP25 - Safeguarding the Identity of Thanet's Settlements  
SP26 - Landscape Character Areas  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP37 - Climate Change  
SP43 - Safe and Sustainable Travel  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

### **Broadstairs and St Peters Neighbourhood Plan**

BSP1 - The Green Wedge  
BSP2 - Important Views and Vistas  
BSP3 - Protecting and Providing Important Trees  
BSP4 - Seafront Character Zones  
BSP6 - Sustaining Community Facilities  
BSP9 - Design in Broadstairs & St. Peter's  
BSP14 - Sustaining Leisure and Tourism Assets

## NOTIFICATIONS

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

One letter of support has been received raising the following points:

Development is part of a national walking route  
Secretary of state approval has been given  
Changes do not undermine the original work

## CONSULTATIONS

**KCC Biodiversity** - We advise that we are satisfied that the condition can be varied.

The proposal will result in a reduction of planted vegetation but we are satisfied that over time the edges of the footpath will revegetate naturally.

We provided pre application advice on this condition variation and we were of the view that if the areas were planted up (as originally proposed) the path may become overgrown very quickly and require constant management.

We are supportive of additional planting which will be carried out on the other side of the fencing within the adjacent golf course.

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

**KCC Highways** - I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

**TDC Conservation Officer** - Following a review of the proposed application I would raise no objections from a heritage perspective.

## COMMENTS

This application is brought before memes as part of the site is on land owned by Thanet District Council.

### **Principle**

The previously approved application for the formation of a footpath and the erection of a fence (Reference F/TH/22/0494) has been implemented, therefore the principle of development on the site is considered acceptable.

Section 73 of the 1990 Town and Country Planning Act allows applications to be made for planning permission without complying with conditions applied to a previous permission. Planning authorities may decide whether to grant permission, subject to differing conditions, remove the conditions altogether or refuse to alter conditions.

Section 73 makes it clear that in considering an application to remove or modify a condition or conditions a local planning authority may only consider the question of the condition/s.

However, just like the determination of any other application due regard must be paid to the development plan and other material considerations.

Thus the key issue in the consideration of this application is whether there are sound and clear-cut reasons for the conditions of planning permission FH/TH/22/0494 to be retained in their current format.

## **Character and Appearance**

The NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and appropriate landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; and provide a high standard of amenity for existing and future users (Paragraph 135).

As noted above the site is located within the open countryside and a green wedge. The site is also located within the St Peter's Undulating Farmland Landscape Character Area as defined by policy SP26 of the Thanet Local Plan and the northern part of the site is located within Kingsgate Conservation Area.

The site is located within the Kingsgate Conservation Area and, therefore, the Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' The NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." (Paragraph 199)

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

Policy QD02 of the Thanet Local Plan provides general principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. In this regard development must relate to the surrounding development, form and layout and strengthen links to the adjacent areas.

Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design.

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines. Proposals

which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported.

The site falls within the St Peters Undulating Chalk Farmland Landscape Character areas as defined by policy SP26 of the Thanet Local Plan. Within these areas development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas. All development should seek to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea, and proposals should demonstrate how the development will take advantage of and engage with these views.

The submitted statement indicates that existing natural features and gradients were only apparent on the site during construction and upon clearance of the vegetation on the site. The applicant has also indicated that "When the works were carried out attention was paid to keeping as much existing vegetation as possible following advice from the on-site ecologist." The construction of the footpath was altered to take into account these natural features and existing gradients. This alteration to the arrangement of the footpath has resulted in the fencing on the southern side of the site to largely abut the southern side of the footpath and leaving limited space for planting between the path and fence.

It is now proposed to allow the existing remaining vegetation to remain and regrow rather than replace it with new planting. The submitted plans show three areas of planting that are proposed around the fence, two on the northern side of the fence and one on the southern side. Honeysuckle, Wildrose and Hedra Helix are proposed on the northern side of the fence and Hawthorn and Blackthorn are proposed in the area on the southern side of the fence.

The changes to the alignment of the footpath are considered to be limited in nature, however opposite Lauriston, the plans show the footpath to be set further away from the road than approved with existing vegetation retained between the footpath and the road. The new arrangement would result in the fencing being more prominent from the footpath due to the lack of planting between the path and fence, however this is considered to be a local impact. Given the similarities between this arrangement and the original proposal, this application is not considered to result in any significant harm to the character and appearance of the area, or the surrounding conservation area, in line with policies HE02, QD02 and SP26 of the Thanet Local Plan and the National Planning Policy Framework.

## **Living Conditions**

The footpath and fencing are located on the south western side of the Joss Gap Road. The closest residential properties are located on the north eastern side of the road, directly opposite the site. Given the height and location of the fence and footpath and its function, this development is not considered to result in any significant harm to the living amenity of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

## **Biodiversity**

The site falls within the Golf Course Roughs Locally Designated Wildlife Site as defined by policy GI02 of the Thanet Local Plan. This policy states "Development which would have a detrimental impact on locally designated wildlife sites will not be permitted unless suitable mitigation can be provided either on or off site within Thanet. Exceptionally, where a strategic need for a proposed development is identified which outweighs the importance of the locally designated sites and cannot be located elsewhere, an equivalent area of habitat will be created elsewhere at a suitable location well related to other existing habitats.

Wherever possible and appropriate, new developments will provide a net environmental gain in accordance with Policy SP30, and include measures to enhance and improve wildlife connectivity to designated wildlife sites."

The plans approved as part of the 2022 permission included planting on both sides of the footpath. Due to changes in the alignment of the footpath there is limited space between the footpath and the fencing on the southern side of the path. It is now proposed to allow the existing remaining vegetation to remain and regrow rather than replace it with new planting. The submitted plans show three areas of planting that are proposed around the fence, two on the northern side of the fence and one on the southern side. Honeysuckle, Wildrose and Hedra Helix are proposed on the northern side of the fence and Hawthorn and Blackthorn are proposed in the area on the southern side of the fence.

Both KCC Biodiversity and the Council's Arboricultural consultant have reviewed the application and are satisfied with the proposal to allow the existing vegetation adjacent to the path to regrow naturally rather than to remove further existing vegetation and add new planting.

Given the limited changes to the alignment of the fencing and footpath and the existing retained vegetation, this development is not considered to result in significant harm to biodiversity in the area compared to the approved development.

### **Transportation**

The footpath runs alongside Joss Gap Road and provides a link between the existing footpaths to the north and south of the site. This development removes pedestrian traffic from the highway and is considered to represent a notable improvement in highway safety.

KCC Highways raised no objection to the proposed development and the amended plan has retained the staggered barrier at the existing northern entrance to the highway.

The alterations to the arrangement of the footpath compared to the approved arrangement have not significantly altered its width or proximity to the highway. It is therefore considered that the amended footpath would still represent an improvement in highway safety and connectivity in the area.

### **Other Matters**

Policy BSP14 of the Broadstairs and St Peter's Neighbourhood Plan restricts the loss of existing leisure and tourism assets. The existing golf course would be considered a leisure

and tourism asset, however so would the proposed footpath. This development would remove a small section of the golf course and is not considered to result in any significant harm to its function or appeal. It is therefore considered that this proposal would comply with the aims and objectives of this policy.

### **Conclusion**

The development would result in the direct loss of woodland/hedgerow to create the footpath, however would allow pedestrians to move between Kingsgate Bay and Joss Bay without walking along the highway. This proposal is not considered to result in a significant change in loss of woodland and hedgerows compared to the approved development and is still considered to result in an improvement in highway safety. Furthermore this route is part of the new National Walking Trail, the English Coastal Path, which seeks to provide a walking route around the English coast and is supported by Natural England and the Secretary of State. Subject to the agreed mitigation, the benefits to highway safety and facilitating wider coastal access as part of the National Walking Trail, are, therefore, considered to outweigh the harm to biodiversity and the amenity of the area.

It is therefore recommended that members approve the application.

### **Case Officer**

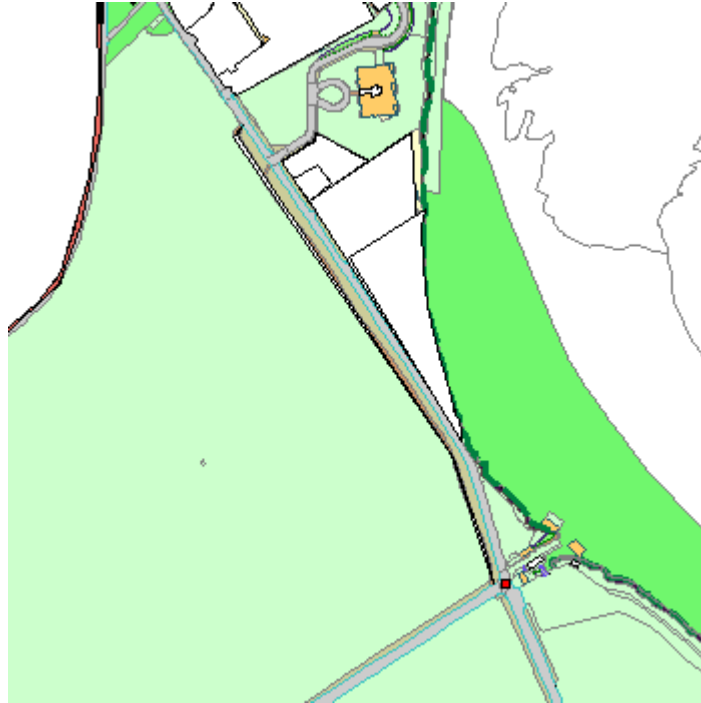
Duncan Fitt

TITLE:

F/TH/24/0203

Project

Joss Gap Road BROADSTAIRS Kent



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**A05**

**L/TH/24/0187**

**PROPOSAL:** Application for Listed Building Consent for the installation of replacement steel crittall windows.

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

**WARD:** Central Harbour

**AGENT:** No agent

**APPLICANT:** Thanet District Council

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND;**

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

2 Prior to the installation of the windows hereby approved, details of the specific designs to be used and colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND**

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

**INFORMATIVES**

For the avoidance of doubt, the Council has determined the application on the following plans numbered CR/23-24/102/01 and CR/23-24/102/02A and the Heritage Statement received on 20th February 2024.

**SITE, LOCATION AND DESCRIPTION**

The site is located to the end of the East Pier which forms part of the Grade II\* Listed Royal Harbour, and by virtue of its setting, the East Pier Building is considered to be Curtilage Listed. The East Pier provides the only access route to the East Pier Building and is

accessible to both pedestrians and vehicles, and the East Pier Building is visible in long views across the Royal Harbour, the beach and from the surrounding Cliff tops.

## RELEVANT PLANNING HISTORY

There is an extensive planning history for the East Pier. This application seeks permission for additional windows to those already approved under application L/TH/23/1277.

L/TH/23/1277            Granted            5/1/2024

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

F/TH/23/1278            Granted            5/1/2024

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

F/TH/23/1002            Granted            16/11/2023

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

L/TH/23/1003            Granted            16/11/2023

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

## PROPOSED DEVELOPMENT

The proposed development is for Listed Building Consent for the replacement of existing windows within the East Pier building, in addition to the 16no. replacement windows already approved under L/TH/23/1277. The replacement windows for installation through this application include 3 no. crittall windows to the south west (rear) of the Restaurant area, 4 no. windows on the north western elevation, and 1 no. window on the south eastern elevation. The windows will be steel crittall within the existing openings, to match the existing design.

## DEVELOPMENT PLAN POLICIES

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE03 - Heritage Assets

QD01 - Sustainable Development

QD02 - General Design Principles

## NOTIFICATIONS

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

No responses have been received.

## CONSULTATIONS

### **TDC Conservation Officer -**

Following a review of the proposed application I would raise no objections from a heritage perspective and consider the integrity of the listed building preserved.

### **Historic England -**

Thank you for your letter of 11 March 2024 regarding the above application for listed building consent.

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

## COMMENTS

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

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

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

Policy HE03 of the Thanet Local Plan states that; "Proposals that affect both designated and non-designated heritage assets, will be assessed by reference to the scale of harm, both direct and indirect, or loss to, the significance of the heritage asset in accordance with the criteria in the National Planning Policy Framework."

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

Replacement of windows with steel crittall frames to Restaurant Level and Port Control Level

It is not known if the existing windows are original to the building and date back to 1938, however given the constant attack they would have under from the salts, wet weather and direct sunlight due to their exposed location, they are assumed to be replacements.

Nevertheless, their design and material remains in keeping with the age of the structure and they have clearly been in situ for many years.

The proposed replacement of the 3 no. crittall windows to the south west (rear) of the Restaurant level, and 4 no. windows on the north western elevation and 1 no. window on the south eastern elevation at Port Control level with steel crittall windows within the existing openings, to match the existing design, is welcomed. These windows will be in addition to those approved under the wider window replacement, repair and redecoration programme approved for the East Pier under L/TH/23/1277, which agreed the replacement of 6 no. windows to the north west elevation and 10 no. windows to the south eastern elevation at Restaurant level. As such, they are considered to help create a more uniform appearance.

Whilst the addition of double glazing is considered to cause an element of harm to how the light reflects on the panes, it is acknowledged that the building is curtilage listed and subject to slightly less rigidity in the need to replace the glazing exactly as before.

Taking this all together, with the fact that the building is not listed in its own right, but curtilage listed, the overall benefits provided by the introduction of double glazing with steel crittall frames within the existing openings are considered to outweigh the element of harm from the change in the reflection of light. Therefore, the use of double glazing is considered acceptable in this specific instance.

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

### **Conclusion**

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

It is acknowledged that there would be some harm through the physical replacement of the windows, however this is considered to be limited and part of the wider window replacement scheme already approved L/TH/23/1277. The Conservation Officer has no concerns with the proposed work.

Where harm is identified the NPPF requires a balancing exercise with any public benefit that might outweigh the harm caused to a designated heritage asset. In this case, the works would be part of the wider approved scheme for the much needed maintenance of the East Pier Building and help to ensure its longer term survival through its continued occupation and use, as well as allowing access to members of the public who either patronise the establishment or simply appreciate its historic merit, walking up to and around it.

These benefits are considered to outweigh any harm and therefore it is recommended that members approve this application subject to safeguarding conditions.

### **Case Officer**

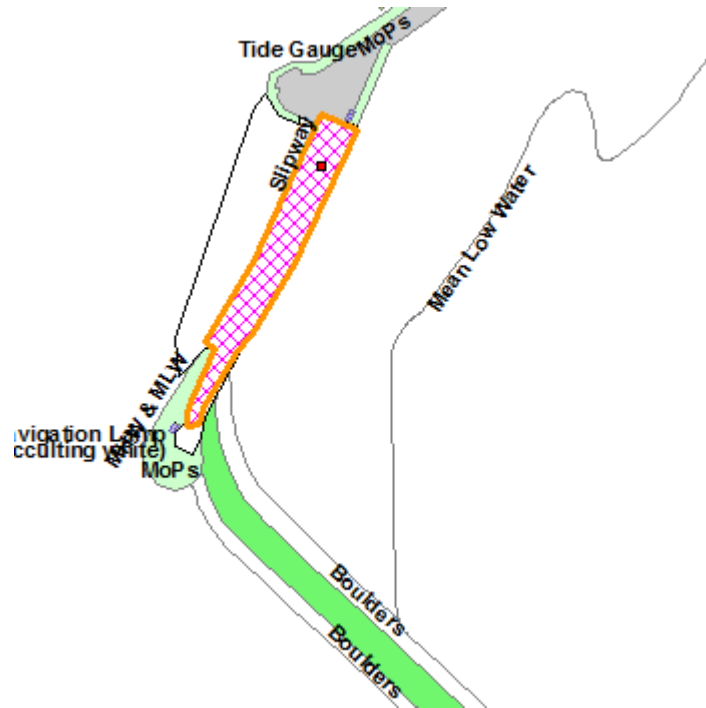
Tanya Carr

TITLE:

L/TH/24/0187

Project

East Pier Building East Pier Ramsgate Kent CT11 8LJ



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**R06**

**F/TH/23/1470**

**PROPOSAL:** Replacement of the existing shopfront and associated signage works, and proposed works to the first floor front elevation, which include the replacement of the existing windows with doors and the installation of glass handrails to create a balcony.

**LOCATION:** 35 Marine Terrace MARGATE Kent CT9 1XJ

**WARD:** Margate Central

**AGENT:** Mr Marius Alexandru Pustai

**APPLICANT:** Mr D Brar

**RECOMMENDATION:** Refuse Permission

For the following reasons:

1 The replacement shopfront by virtue of its modern design and materials fails to preserve the architectural and historic merit of the building, detracting from the special character and significance of the Conservation Area as a designated heritage asset, resulting in significant harm which is not considered to be outweighed by the public benefits of the proposal. This development is therefore contrary to the aims of paragraphs 135, 203, 205, 206, and 208 of the National Planning Policy Framework and Thanet Local Plan Policies HE02 and QD02.

2

The first floor balcony to the front elevation, due to its height appears as an incongruous feature, that is unrelated and visually jars with adjoining balconies due to its unrelated height, detracting from the special character and significance of the Conservation Area as a designated heritage asset, resulting in significant harm which is not considered to be outweighed by any public benefits of the proposal. This development is therefore contrary to the aims of paragraphs 135, 203, 205, 206, and 208 of the National Planning Policy Framework and Thanet Local Plan Policies HE02 and QD02.

## SITE, LOCATION AND DESCRIPTION

No. 35 Marine Terrace (A28) is located on the southern side facing onto Margate Main Sands. The property is four storey in height and within a row of properties that have a similar appearance in terms of height and window openings. Properties along Marine Terrace have commercial uses at ground floor- comprising amusement arcades, public houses, takeaways and gift shops. The site is located within the confines of the Margate Conservation Area, it is confirmed that the property is not listed.

## RELEVANT PLANNING HISTORY

F/TH/23/1206 - Replacement of the existing shopfront together with replacement of existing timber windows with timber doors and the installation of glass balustrade to create balcony at first floor (part retrospective). Refused 01/11/2023

The reasons for refusal were:

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

"The proposed first floor balcony to the front elevation, due to its height appears as an incongruous feature, that is unrelated and visually jars with adjoining balconies due to its unrelated height, detracting from the special character and significance of the Conservation Area as a designated heritage asset, resulting in significant harm which is not considered to be outweighed by any public benefits of the proposal. This development is therefore contrary to the aims of paragraphs 130, 197, 199, 200, and 202 of the National Planning Policy Framework and Thanet Local Plan Policies HE02 and QD02."

A/TH/23/1471 Erection and display of 1No internally illuminated fascia sign. Current

A/TH/23/1207 - Erection and display of internally illuminated fascia sign. Refused 01/11/2023

## PROPOSED DEVELOPMENT

Planning consent is sought for the replacement of the existing shopfront and associated signage works, and proposed works to the first floor front elevation, which include the replacement of the existing windows with doors and the installation of glass handrails to create a balcony.

The shopfront which is in situ has two large glazed panels from the fascia to approximately 0.2m above street level and an entrance door to the side with a glazed window above. The fascia advert and fascia as described within the advert application is above this. At first floor level a glazed balcony is proposed- again already in situ. This is constructed in toughened glass with a brushed aluminium handrail. The glazed balcony has a height of approximately 1.1m and sits in from the neighbouring properties by between 0.1 and 0.2m

This application is the same as the previously refused application for changes to the shopfront and construction of the first floor balcony.

## PLANNING POLICIES



SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
HE02 - Development in Conservation Areas  
HE03 - Heritage Assets  
QD01 - Sustainable Design  
QD02 - General design Principles  
QD03 - Living Conditions  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

Neighbours have been notified, a site notice posted and an advert placed in a local newspaper. No representations have been received.

## CONSULTATIONS

**TDC Conservation Officer** - 35 Marine Terrace is a prominent property on Margate's main seafront as well as being within Margate Conservation Area.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.'

As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area.'

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

As well as the NPPF Section 16, Paragraph 192 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 and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

This application is for the removal and replacement of the existing shopfront from timber to aluminium as well as a contemporary balcony proposed at first floor level. Largely this application is retrospective and has already been undertaken. Application F/TH/23/1206 for similar works to the site has also been refused, the comment below reflects that also made previously.

The previously present shopfront, which has already been replaced, was constructed of timber and had traditional proportions to its form and layout. More recently this was covered with an additional layer of hoarding. Looking at images from the past it was unlikely it was original to the shop front but it did have some merit. To remove this timber shopfront and the historic features, is to the detriment of the setting and appearance of the surrounding conservation area and a direct violation of NPPF Section 16 Paragraph 192. Its then further replacement with a more contemporary aluminium framework is also viewed as a reduction in quality of materials, with further assists in the overall depletion of historical integrity of the shop front asset.

None of the original proportions of the shopfront removed have been reflected in its replacement and the design is almost fully glazed. There are examples of aluminium shop frontages neighbouring this property, however I would not consider this a reason to further degrade the appearance of the street scene.

An internally lit fascia sign is proposed as part of the works, this is inappropriate for the conservation environment given that signage would ideally be externally lit to reduce its contemporary appearance as well as its brightness and outlook in the historic environment.

Secondly, a contemporary balcony treatment has been added to the first floor of the property. Which, although is of modern appearance, is obviously so and reads as a later addition to the property. However this should have been installed to match that of the adjacent property in order to create a horizontal emphasis on the street scene and retain a sense of balance through development. As it sits now, it is somewhat higher than both neighbours, and as such should be reduced appropriately.

No design and access statement has been provided in order to justify the harm caused by the proposed setting and appearance of the surrounding conservation area nor any explanation of design choices made.

The application does not state that it is retrospective although largely the works have already taken place.

Concerns were raised previously about a lack of design and access statement and justification of which has also not been included in this application.

Unfortunately I do not believe that this proposal has taken into consideration the full weight of the harm caused by this application and the loss that is accumulated by the alteration to the design of the timber shop front.

More frequently traditional shop frontages are being lost within conservation areas which have a large impact on the character of the area in question and it is vital that they are

protected and retained where possible. I do not feel that this proposal meets with national or local guidance or sets a betterment standard for the area and therefore I object to this application and suggest that it is reconsidered.

## COMMENTS

The application is brought before members as the application has been called in by Cllr Pugh for Members to consider the economic benefits of allowing this proposal.

It is confirmed that the Planning Officer contacted the agent to advise of the concerns and invited them to make changes to the application, however, no response has been received and accordingly the application is brought to Members as submitted.

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

### **Principle**

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

### **Character and Appearance**

The site is located within the Conservation Area and, therefore, the Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' The NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." (Paragraph 205)

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 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.

The shopfront that has now been installed is constructed from aluminium and has a flat frontage and an aluminium bar divides the window within the shopfront creating two large expanses of glazing.

The shopfront that was previously located within the front of the property was constructed from timber with more traditional shopfront features - stall risers, fenestration detailing - and was more traditional and sympathetic to the area and had a fascia of more appropriate proportions.

It is not clear if that shopfront was original, however, it was constructed from traditional materials with a traditional design. The replacement with a more contemporary aluminium framework is viewed as a reduction in quality of materials, which again has a negative overall impact. It is therefore considered that the shopfront that was previously in situ, which due to its design and materials, made a positive contribution to the character and appearance of the conservation area.

It is also considered that the loss of the smaller fascia board that was previously located above the shop front and its replacement with a much larger one is an incongruous feature and a further negative element.

The proposed balcony treatment at the first floor of the front property has a modern appearance, (toughened glass and brushed aluminium handrail) and reads as a later addition to the property. It is however, considered that this should have been installed to match that of the adjacent property (36-42 Marine Terrace) in order to create a horizontal emphasis on the street scene and retain a sense of balance through development. As it sits now, it is higher than both neighbours, and appears as an incoherent and incongruous addition to the principal elevation. Given its position on Marine Terrace these alterations are clear and visible from a distance and the building is read in conjunction with the adjoining properties.

The agent was invited to amend the proposal to address officers' concerns, however, no revised plans or justification for the submitted scheme have been received.

As set out above, benefits from the scheme, such as improved the security of the property, is not considered to be a public benefit and therefore cannot be weighed against the harm to the conservation area through the change of the shopfront, this is considered to be a private benefit. Given the modern design and materials of the shopfront and the absence of any evidence to show that these benefits could not be achieved through the adaption of the previous shopfront or the use of more sympathetic materials and design, the harm resulting to the conservation area is considered to outweigh any private benefit.

It is, therefore, considered that the retrospective alteration to the shop front results in significant harm to the character and appearance of the conservation area and without justification the public benefits of the proposal do not outweigh this harm. This development is therefore considered to be contrary to policies HE02 and QD02 of the Thanet Local Plan and 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 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 alterations to the shopfront has not significantly altered the scale of the property and is, therefore, not considered to result in any significant harm to the living conditions of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

In regard to the provision of a first floor balcony, this would overlook the sea and other public areas. It is set slightly in from the neighbour terrace properties to either side. This is a similar arrangement to other first floor balconies within this area, as such I consider this aspect not to result in any significant harm to the living conditions of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

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.

## **Highway Issues**

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.

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

### **Conclusion**

The site lies within the Margate Conservation Area, in which it is the duty of the Council, as Local Planning Authority, to preserve or enhance the area's special character and appearance. The retrospective alterations to the shop front have resulted in the loss of a shop front that was constructed from traditional materials and with a traditional design. The new shopfront has resulted in some public benefits such as improved security, thermal efficiency and accessibility, however, it has not been adequately demonstrated that these benefits could not be achieved through the adaption of the previous shopfront or the use of more sympathetic materials and design and therefore these benefits are considered to be outweighed by the harm. Furthermore the proposed balcony at first floor takes no account of adjoining structures and therefore appears as an incongruous addition. There are no clear public benefits from this element. This development is therefore contrary to the aims of paragraphs 135, 203, 205, 206, and 208 of the National Planning Policy Framework and Thanet Local Plan Policies HE02 and QD02.

### **Case Officer**

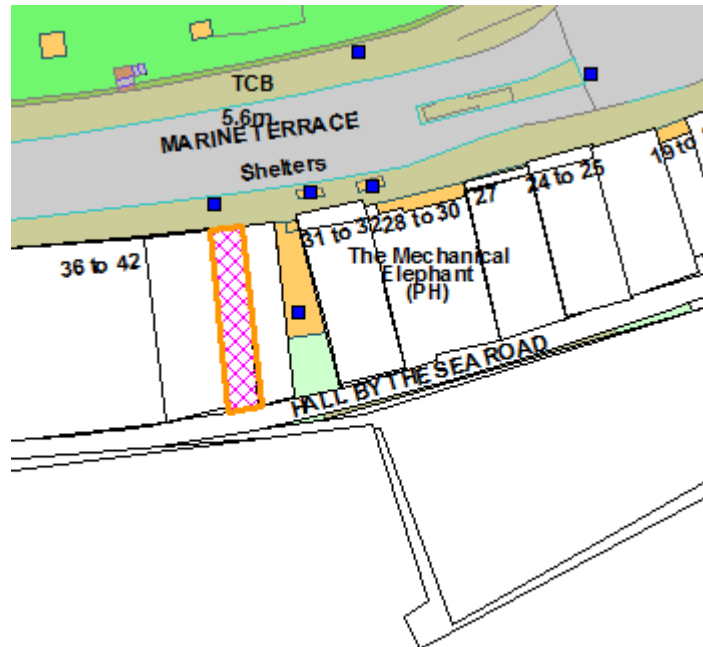
Gillian Daws

TITLE:

F/TH/23/1470

Project

35 Marine Terrace MARGATE Kent CT9 1XJ



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**R07**                                      **A/TH/23/1471**

PROPOSAL:                                Erection and display of 1No internally illuminated fascia sign

LOCATION:                                    35 Marine Terrace MARGATE Kent CT9 1XJ

WARD:                                        Margate Central

AGENT:                                        Mr Marius Alexandru Pustai

APPLICANT:                                Mr D Brar

RECOMMENDATION:                      Refuse Permission

For the following reasons:

1            The application site lies in the conservation area. The fascia advert, by virtue of its excessive depth, method of illumination and material, is considered inappropriate to the building and wider conservation area. The method of internal illumination and appearance of the fascia sign ultimately fails to preserve or enhance the character and appearance of the conservation area, and the locality. It is contrary to Policies QD06 and HE02 of the Local Plan and paragraphs 135 & 141 of the National Planning Policy Framework.

#### SITE, LOCATION AND DESCRIPTION

No. 35 Marine Terrace (A28) is located on the southern side facing onto Margate Main Sands. The property is four storey in height and within a row of properties that have a similar appearance in terms of height and window openings. Properties along Marine Terrace have commercial uses at ground floor- comprising amusement arcades, public houses, takeaways and gift shops. The site is located within the confines of the Margate Conservation Area, it is confirmed that the property is not listed.

The property currently has the balcony and shopfront and shutters as proposed under application reference number F/TH/23/1470 in situ.

#### RELEVANT PLANNING HISTORY

F/TH/23/1470 - Replacement of the existing shopfront and associated signage works, and proposed works to the first floor front elevation, which include the replacement of the existing windows with doors and the installation of glass handrails to create a balcony. Current

A/TH/23/1207 - Erection and display of internally illuminated fascia sign. Refused 01/11/2023

The reason for refusal was:

*The application site lies in the conservation area. The fascia sign, by virtue of its excessive depth, method of illumination and material, is considered inappropriate to the building and wider conservation area. The method of illumination and appearance of the fascia sign ultimately fails to preserve or enhance the character and appearance of the conservation area, and the locality. It is contrary to Policies QD06 and HE02 of the Local Plan and paragraph 132 of the National Planning Policy Framework paragraph 197 and 202.*

F/TH/23/1206 - Replacement of the existing shopfront together with replacement of existing timber windows with timber doors and the installation of glass balustrade to create balcony at first floor (part retrospective). Refused 01/11/23

A/TH/02/0172 - Erection and display of internally illuminated double sided projecting sign and fascia sign. Granted 27/06/2002

## PROPOSED DEVELOPMENT

The application seeks advertisement consent for the erection and display of an internally illuminated fascia sign - an aluminium face panel in white with push through acrylic with block out vinyl creating halo illumination to letters and logos - the words being "WorkPlace by GOLDEX".

The proposed fascia sign is located on the front elevation of the building and faces towards Margate Main Sands. The illumination is proposed at 300 cd/m<sup>2</sup> (candela per square metre). The lettering and logos would be mounted onto a 5.07 metre by 1.2 metre white panel. The lettering varies in height; 'Workplace' is 365mm high and the remaining letters are 175mm high.

The proposal is the same as previously refused under A/TH/23/1207.

## PLANNING POLICIES

QD06 - Advertisements

HE02 - Development in Conservation Areas

## NOTIFICATIONS

Neighbours have been notified, a site notice posted and an advert placed in a local newspaper. No representations have been received.

## CONSULTATIONS

**TDC Conservation Officer** - Following an initial review of the proposed application any signage within the conservation area should be externally lit rather than internally. As such I would suggest amending the proposed design before further comment is made. Given this is an advert application other elements need to be considered through the separate F/TH/23/1470 application addressing the shopfront design itself.

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

The maximum value of luminance must not exceed the maximum permitted values for the relevant zone given in the Institution of Lighting Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'. The zones and their corresponding maximum level of luminance are detailed below:

Size of Advert/Sign - Up to 10m<sup>2</sup>:

- \* Zone E0 (Protected; dark) - 0 cdm-2
- \* Zone E1 (Natural; intrinsically dark) - 100 cdm-2
- \* Zone E2 (Rural; low district brightness) - 400 cdm-2
- \* Zone E3 (Suburban; Medium district brightness) - 600 cdm-2
- \* Zone E4 (Urban; High district brightness) - 600 cdm-2

Size of Advert/Sign - Over 10m<sup>2</sup>:

- \* Zone E0 (Protected; dark) - 0 cdm-2
- \* Zone E1 (Natural; intrinsically dark) - n/a
- \* Zone E2 (Rural; low district brightness) - 200 cdm-2
- \* Zone E3 (Suburban; Medium district brightness) - 300 cdm-2
- \* Zone E4 (Urban; High district brightness) - 300 cdm-2

All measurements are in Candelas per metre squared

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

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

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

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

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies

to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

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

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

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

### COMMENTS

The application is brought before members as the application has been called in by Cllr Pugh for Members to consider the economic benefits of allowing this proposal.

The main considerations in assessing the proposal are the principle of development, impact on the amenity of the area and public safety.

It is confirmed that the Planning Officer contacted the agent to amend the application - to change the illumination - however, no response has been received and accordingly the application is brought to Members as submitted.

It is also highlighted to Members that this application is identical to the one previously refused- please see the planning history section.

In considering the application the Local Planning Authority is required to take into account the requirements of Thanet Local Plan Policy QD06 which states applications for advertisements will be considered in relation to their effects upon amenity and public safety. In and adjoining conservation areas the Council will require that the design and siting of advertisements does not detract from, and preferably makes a positive contribution to, the character and/or appearance of the area. This policy is supported by paragraph 141 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed and consents should take into account cumulative impacts.

### **Impact on the Amenity of the Area**

The site comprises an existing commercial property that fronts Marine Terrace. The site is located within the Conservation Area. Consideration, therefore, needs to be given as to

whether the signs would have a detrimental impact on the character and appearance of the Margate Conservation Area.

The Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' Paragraph 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.

The Marine Terrace frontage is located in an area where commercial uses are common particularly at ground floor level and there are a variety of different advertisements visible in the surrounding area. The fascia appears much deeper than the existing measuring approximately 1.2 metres and a length of 5.1 metres. The fascia advert would have a depth of 100mm. The materials would be an aluminium fascia board with push through acrylic with block out vinyl to the face creating a halo illumination to the letters and logos.

The Council's Conservation Officer has been consulted and raised concerns about the method of illumination as internal illumination is not considered appropriate and it was recommended that external illumination be used. As stated previously the agent was contacted in this regard but no response was received and the application remains unchanged.

As such, it is considered that the scheme as submitted uses materials that are not sympathetic to the Conservation Area, an inappropriate width of fascia and that the internal illumination is inappropriate. Furthermore the use that the fascia is advertising does not appear to be one that is related to the night time economy, where there is normally some relaxation - such as the amusement arcades and public houses along this stretch of Marine Terrace. Accordingly an external method of illumination would normally be sought if it requires illumination, for example by trough lighting.

The NPPF states that 'the quality and character of places can suffer when advertisements are poorly sited and designed'. Furthermore, in the NPPF, any harm to designated heritage assets should be balanced against the public benefit of the scheme.

The proposed sign appears disproportionately large to the building and would be unduly conspicuous in Northdown Road. Officers consider that although the fascia advert would serve a commercial unit, ultimately the harm of the advert on the conservation area is not considered to be outweighed by the function of the advert to serve the commercial unit. A more sympathetic advert that has more sympathetic dimensions, materials like timber, and external illumination could be used. Accordingly the harm caused is not considered to outweigh the public benefits of the proposal.

The call in request was due to the economic benefits of refurbishing this building and the safety of users of the balcony. It is considered that signage appropriate to the Conservation

Area would not harm or place additional burden on the applicant and would still lead to the economic benefit of getting this building back into use.

Taking into account the above, the internally illuminated fascia advert which is proposed on the building is considered to harm the setting of the conservation area. It would fail to preserve the character and appearance of the conservation area to the detriment of the area, the harm would not outweigh any public benefits.

## **Public Safety**

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

As this is a fascia sign the bottom edge of the panel finishes 2.9 metres above ground level. This will not interfere or obstruct pedestrians using the pavement.

The sign is located a significant distance from the public highways and has static illumination at a relatively low level that would not cause glare to users of the highway. KCC advises that adverts up to 10m<sup>2</sup>, that this is can go up to 600 cdm<sup>-2</sup> in an urban zone, the proposed advert is 300 cdm<sup>-2</sup>

The submitted plans confirm that the proposed signs would comply with the requirements of KCC Highways in terms of height and level of illumination and would not result in harm to public safety.

Given the area which the advert is within close to amusement arcades officers would concur with the views of the highway authority and consider that there would be no material harm to public safety.

## **Other matters**

It is noted that the planning history shows an approval in 2002 for internally illuminated adverts, however, this is over twenty years ago and planning guidance and Local Plan policies thus the position of the Council has changed over this period of time.

## **Conclusion**

The application site is located in the Conservation Area. The proposed development will lead to harm to the Conservation Areas setting by reason of the adverts method of illumination; internal and the excessive depth of the fascia advert as well as inappropriate and non traditional materials within a Conservation Area. The proposal is considered to result in less than substantial harm. Paragraph 92 of the Framework affirms that flexibility should be applied on issues such as format and scale in promoting the vitality of town centres, and Paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity. Nevertheless, the proposal is harmful to visual amenity and more sensitively designed signage would be appropriate in respect of both economic

and environmental considerations. It is considered that the new fascia advert would be unduly harmful to the Conservation Area and accordingly officers recommend refusal.

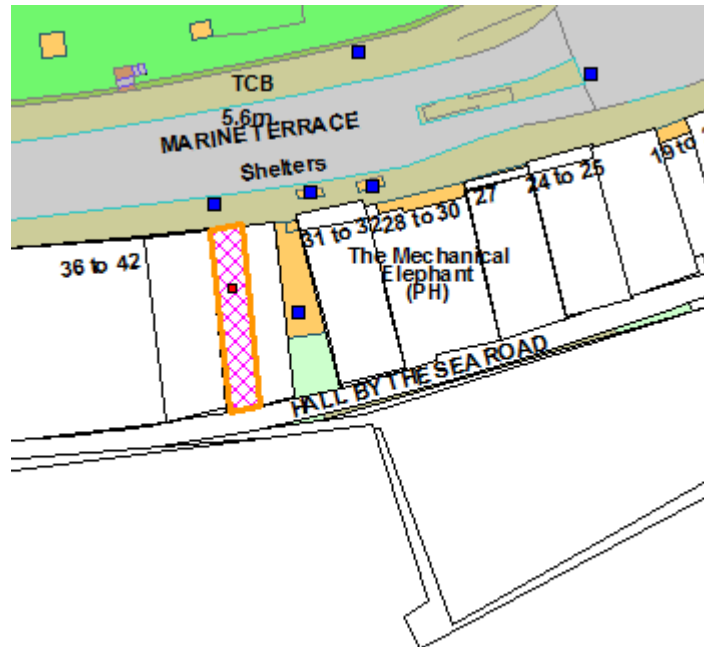
**Case Officer**  
Gillian Daws

TITLE:

A/TH/23/1471

Project

35 Marine Terrace MARGATE Kent CT9 1XJ





**D08** **F/TH/23/1475**

**PROPOSAL:** Erection of 36no. dwellings, with vehicular access onto Tothill Street, and associated landscaping

**LOCATION:** Land On The West Side Of Tothill Street RAMSGATE Kent

**WARD:** Thanet Villages

**AGENT:** Mr Andrew Watson

**APPLICANT:** Ms Amy Tamplin

**RECOMMENDATION:** Defer & Delegate

Defer and delegate for approval subject to the submission of a legal agreement within 6 months securing the required financial contributions and the following safeguarding conditions:

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

**GROUND:**

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

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

Site Layout 110222/FA/P2(B)/SL01 - Rev H  
Tothill St Access 8949-GA-001 Rev. P5  
Greenhill Gardens Access 8949-SK-002 Rev B  
Storey Heights Plan 110222/FA/P2(B)/SL02 - Rev D  
Dwelling Types Plan 110222/FA/P2(B)/SL03 - Rev D  
Tenure Plan 110222/FA/P2(B)/SL04 - Rev D  
Parking Plan 110222/FA/P2(B)/SL05 - Rev D  
Refuse Plan 110222/FA/P2(B)/SL06 - Rev D  
Materials Plan 110222/FA/P2(B)/SL08 - Rev D  
Boundary Treatment Plan 110222/FA/P2(B)/SL09 - Rev D  
M42(2)/M4(3) Plan 110222/FA/P2(B)/SL10 - Rev D  
Colour Site Layout 110222/FA/P2(B)/SL11 - Rev C  
Hard Landscaping Plan 110222/FA/P2(B)/SL12 Rev C  
Street Scenes - Sheet 1 110222/FA/P2(B)/SS1 Rev B  
House Type BLA Elevations & Floor Plans 110222/BLA/FA/P2(B)/EP  
House Type BRC Elevations & Floor Plans 110222/BRC/FA/P2(B)/EP Rev A  
House Type BRC-HIPPED Elevations & Floor Plans 110222/BRC-H/FA/P2(B)/EP Rev C  
House Type BUR-HIPPED Elevations & Floor Plans 110222/BUR-H/FA/P2(B)/EP Rev D

House Type CUL Elevations & Floor Plans 110222/CUL/FA/P2(B)/EP  
House Type HAZ Elevations & Floor Plans 110222/HAZ/FA/P2(B)/EP  
House Type WYC Elevations & Floor Plans 110222/WYC/FA/P2(B)/EP  
House Type SH51 Elevations & Floor Plans 110222/SH51/FA/P2(B)/EP  
House Type SH52 Elevations & Floor Plans 110222/SH52/FA/P2(B)/EP Rev A  
House Type SH55 Elevations & Floor Plans 110222/SH55/FA/P2(B)/EP Rev A  
House Type M3/M1 Elevations & Floor Plans 110222/M3-M1/FA/P2(B)/EP  
Single Garage Elevations & Floor Plans 110222/SG/FA/P2(B)/EP  
Twin Garage Elevations & Floor Plans 110222/TG/FA/P2(B)/EP  
Planting plans: 6142-LLB-EA-E1-DR-L-0021-S4-P05, 6142-LLB-EB-E1-DR-L-0028-S4-P04,  
6142-LLB-EB-E2-DR-L-0029-S4-P05, and 6142-LLB-XX-XX-  
Landscape Masterplan DR-L-0007-S4-P06

## **GROUND;**

To secure the proper development of the area.

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

## **GROUND**

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

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

## **GROUND**

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

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

## **GROUND**

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

6 Prior to the first occupation of the development hereby permitted, a verification report shall be submitted to, and approved in writing by, the Local Planning Authority, demonstrating that the ecological enhancement features detailed within Biodiversity Method Statement (Bakerwell; October 2023) have been installed.

### **GROUND**

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

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

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

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

### **GROUND**

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

8 (i) Prior to the first occupation of the development hereby permitted, an Archaeological Post Excavation Assessment Report covering the investigations carried out within the development site shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall include an Updated Project Design and accompanying timetable for further analysis, publication and archive deposition of the findings of the archaeological investigations.

(ii) The archaeological publication shall be produced in accordance with the programme and timetable set out in the report.

### **GROUND**

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

9 No development shall take place until protective fencing has been erected around the archaeological exclusion zone (excluding the access point), in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The protective

fencing shall be installed prior to the commencement of works on site, including site clearance, and shall remain in situ throughout the construction period.

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains. in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

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

**GROUND:**

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

11 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The design shall promote the use of infiltration SuDS and shall only dispose of surface water off-site for those parts of the site where infiltration presents an unacceptable risk to controlled waters.

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

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

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

**GROUND:**

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

12 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified

on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

**GROUND:**

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

13 The development hereby permitted shall be carried out in accordance with the construction management plan dated 8th November 2022.

**GROUND:**

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

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

**GROUND:**

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

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

**GROUND:**

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

16 Prior to the first occupation of the development hereby permitted, the site access onto Tothill Street and associated improvements, along with the pedestrian uncontrolled crossing point, as shown on drawing numbered 8949-GA-001 Rev. P5, and the emergency access onto Greenhill Gardens, as shown on drawing numbered 8949-SK-002 Rev B (or amended as agreed in writing by the Local Planning Authority), shall be completed and made operational.

**GROUND:**

In the interests of highway safety.

17 Prior to the first occupation of the development here permitted, the improvements to the Tothill Street approach to the Minster Roundabout, as shown on drawing numbered 8949-GA-002 Rev. A (or amended as agreed in writing by the Local Planning Authority), shall be completed and made operational.

**GROUND:**

In the interests of highway safety.

18 Prior to the first occupation of the dwelling the following works between the dwelling and the adopted highway shall be complete

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

**GROUND:**

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

19 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 QD02 and GI04 of the Thanet Local Plan

20 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

21 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.

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

## **GROUND:**

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

23 The windows to be provided in the eastern rear elevation roofslope of unit nos. 215-231 hereby approved (as shown on plan numbered 110222/FA/P2(B)/SL01 Rev H) shall be provided and maintained with a cill height of not less than 1.7 metres above the finished internal floor level.

## **GROUND**

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

24 No further roof alterations, extensions or openings, whether approved by Class B or C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out to unit nos. 215-231 (as shown on plan numbered 110222/FA/P2(B)/SL01 Rev H) without the prior permission in writing of the Local Planning Authority.

## **GROUND**

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

## **INFORMATIVES**

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

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

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There

should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

### SITE, LOCATION AND DESCRIPTION

The site is located to the north of Minster, and until recently was in agricultural use. Through the adoption of the Thanet Local Plan 2020, the rural confines boundary of the village has been amended to enclose all of the application site other than the area proposed for the cemetery expansion, which remains outside of the village confines.

The application site lies adjacent to Tothill Street, and adjoins properties in Fairfield Road, Greenhill Gardens, and Prospect Road/Gardens. These residential areas lie adjacent to the southern and eastern boundaries of the site. To the west of the site is agricultural land. The north of the site borders Minster Cemetery, beyond which is the Holiday Inn; and agricultural land, beyond which is the A299.

The site consists of open countryside, with hedge planting along a number of the boundaries. Adjoining the western boundary of the site is Bridleway TE29, which connects the A299 to the north with Prospect Road to the south, and provides an off-road link to an existing cycle route adjacent to Canterbury Road West.

### RELEVANT PLANNING HISTORY

R/TH/23/1474 - Application for the reserved matters of outline permission OL/TH/18/1488 "Outline application for the erection of up to 214no. dwellings, cemetery expansion, and associated access, with all other matters reserved" for the approval of appearance, landscaping, layout and scale of development within phase 2 (81No dwellings).  
Pending

R/TH/22/1393 - Application for the reserved matters of outline permission OL/TH/18/1488 "Outline application for the erection of up to 214no. dwellings, cemetery expansion, and associated access, with all other matters reserved" for the approval of appearance, landscaping, layout and scale of development within phase 1 (133no. dwellings)  
Granted - 19/06/2023

OL/TH/18/1488 - Outline application for the erection of up to 214no. dwellings, cemetery expansion, and associated access, with all other matters reserved.  
Granted - 03/09/2021



## PROPOSED DEVELOPMENT

The application is for the erection of 36no. dwellings, including 2no. 1-bed flats, 2no. 2-bed flats, 3no. 2-bed houses, 26no. 3-bed houses, and 3no. 4-bed houses.

Access to the units is via Tothill Street, and parking is provided in the form of 2no parking spaces per dwelling.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

SP01 - Spatial Strategy - Housing  
SP22 - Type and Size of Dwellings  
SP26 - Landscape Character Areas  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
HO1 - Housing Development  
HO10 - Land at Tothill Street  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
HE01 - Archaeology  
HE03 - Heritage Assets  
CC02 - Surface Water Management  
CC04 - Renewable Energy  
CC05 - District Heating  
SE04 - Groundwater Protection  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

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

- Impact on character of area,
- Houses will be too small,

- Loss of space,
- Impact on vegetation and trees,
- Impact on infrastructure,
- Increased traffic,
- Increased pollution levels,
- Impact on highway safety,
- Increased noise,
- Safety of swale and impact on wildlife due to depth,
- Mosquitos from standing water,
- Flood sensitive area,
- Impact on bridleway.

**Minster Parish Council** - With regard to the above, Minster Parish Council wish to place a holding OBJECTION subject to clarification that properties that bound Greenhill Gardens will be 1.5 storey in line with the bungalows that they will back on to. Also that permitted development rights will be withdrawn on these properties to ensure that they cannot be extended to make them 2 storey buildings at a later date to protect residents of Greenhill Gardens.

*Supplementary submission:*

“Please accept this as a supplementary submission from Minster Parish Council in addition to our previous holding one.

However, given the very serious safety concerns that are obvious now that cross-sections of the eastern swale intended for the site are now known and publicly available, Minster Parish Council most strongly OBJECTS to this application.

In fact it also requests that the TDC Planning Department revisits the earlier applications and ensures that this objection is reflected on those regarding the swales included in the already "consented" applications.

The latest application by BDW is the first to carry any cross-section drawings of what are referred to as swales, either shown or mentioned in any of the various applications pertaining to this whole site to date. No other documents show these, unless they are held by the Planning Department and haven't been published.

The relevant application history for the site as a whole

1. OL/TH/18/1488 "Outline application for the erection of up to 214no.dwellings
2. R/TH/22/1393 "Application for the reserved matters of outline permission OL/TH/18/1488 "Outline application for the erection of up to 214no.dwellings"
3. CON/TH/22/1694 "Application for approval of condition 21 (Surface Water Drainage) attached to Planning Permission OL/TH/18/1488" - no documents made available for the Parish Council or members of the public to see or comment on.
4. F/TH/23/1475 "Erection of 36no. dwellings, with vehicular access onto Tothill Street" - this one

## Agenda Item 4h

Given the design and layout of the drawings for the swale at the rear of the properties in Greenhill Gardens and the considerable difference in level, we consider that the proposal is fundamentally unsafe given the proximity of the adjacent footpath and adjacent properties. In fact one could liken the proposal to an open sewer of old, albeit for surface water.

This can be clearly seen from the diagrams below taken from the submitted drawing "Plot Sections - Plots 218 and 215", ref 6881.SK41. The Drawing (Rev A) also states "Updated to suit Thanet District Council comments". However, those comments are not available on the Planning Portal and they have not been made available for public scrutiny or comment.

Two cross-sections have been included in this drawing and this information below appertains to the southernmost one. However, the swale north or south of this point (B-B on the drawing) could be even deeper still.

The pale horizontal lines are 1m apart which allows for the confirmation of the measurements as shown on the drawing.

The proposed vertical sides appear to constructed from stone-filled gabions

The depth of the western side is approximately 2m and the eastern side approximately 2.5m at cross-section B-B

Different height fences and hedges respectively form the boundaries either side of the proposed swale and a 1.2m post and rail fence separates the swale from a 2m footpath running the length of the rear of the Greenhill Garden properties.

An eminent retired ex-emergency medicine hospital consultant who was in charge of the A&E department at the Queen Elizabeth the Queen Mother Hospital in Margate and living in Minster has shared his horror of this design with us and also other risks eg that associated with potential standing water that could be held in the swale

"It is in my professional opinion, and I am seriously concerned, that the proposals for surface water drainage on the eastern side of the site is a potentially fatal or life- changing accident waiting to happen given the nature of the design and potential height of a vertical fall.

For example, if a person (youth or older) was to sit on the post and rail fence as shown, their head could be at about 4m above the bottom of the swale. Should they then fall backwards into it, their injuries could be catastrophic. Should a younger person, e.g. a child manage to get through the fence, then their injuries could be as bad.

I realise that the depth of the swale isn't consistent along its length and any flows will be slowed in places, but that aspect too, has its own drawbacks as people can drown in only an inch of water.

Then of course one should also consider the safety of any animals that may fall into the swale, both domestic and wild. There is little chance of them getting out very easily."

".....[the swale] is liable to attract mosquitoes. Given that there are now reports of the Asian Tiger Mosquito spreading through Europe and soon expected in the UK, these are carriers of tropical viruses such as Zika, Chikungunya and Dengue. Paris has already started

fumigating areas of the city and there are reports of the mosquitoes nearing the Channel coast already."

We wholeheartedly concur with this expert medic's recommendation that the application should be refused until the swale is replaced by a suitably secured sub-surface conduit (e.g. concrete pipe or similar that is sufficiently protected to prevent access to animals or children) to convey any surface water to the attenuation ponds.

We also recommend that unless TDC has in-house expertise contributing to the planning process, it is suggested that the Health and Safety Executive is consulted on this submission, and this proposed swale specifically.

As there are no specifications and cross-sections for the proposed swale on the western side of the whole development site, then Minster Parish Council are unable to scrutinise and comment accordingly, therefore that too should be similarly reviewed for all potential safety issues."

*Additional Comments:*

"Minster Parish Council has previously submitted supplementary objections to F/TH/23/1475 and R/TH/23/1474.

Please accept this strong OBJECTION as another supplementary submission from Minster Parish Council to each of these in addition to our previous objections - and the same is also applicable to any other previously consented applications for the same site, ie OL/TH/18/1488 and CON/TH/22/1694.

Following files loaded on the planning portal against both F/TH/23/1475 and R/TH/23/1474 in the past two weeks, MPC holds the view that the very serious safety concerns continue to remain, so hence our objections to each.

F/TH/23/1475:

Amended Plan: Plots 218 and 225 sections (TDC file ref F\_TH\_23\_1475-PLOTS\_218\_AND\_225\_SECTIONS-1179264.pdf) uploaded to the planning portal.

R/TH/23/1474:

Amended Plan: SECTIONS (TDC file ref R\_TH\_23\_1474-SECTIONS-1179330.pdf) uploaded to the planning portal

Amended Plan - PLOTS 218 AND 225 SECTIONS (TDC file ref R\_TH\_23\_1474\_SECTIONS-1179330.pdf PLOTS\_218\_AND\_225\_SECTIONS-1178815.pdf) uploaded to the planning portal

In fact all of these latest drawings (drawing 6881.SK41 Rev B) are actually one and the same and all show the same errors and inaccuracies in them:

o

F/TH/23/1475:

F\_TH\_23\_1475-PLOTS\_218\_AND\_225\_SECTIONS-1179264.pdf

R/TH/23/1474: R\_TH\_23\_1474-PLOTS\_218\_AND\_225\_SECTIONS-1178815.pdf

R/TH/23/1474: R\_TH\_23\_1474\_SECTIONS-1179330.pdf

To start with, in the schematics the title of Section A-A (Plot 218) is an incorrect reference as it should read 128 (as in the drawing above it)

BUT worse still is the fact that the schematics of the new, shallow, cross-section of the swale at point B-B could never be constructed if the measurements on the drawings are followed. MPC is at a loss to understand how the revised sections could be posted on the planning portal on the 8th and 19th with such inherent inaccuracies. It's been redrawn as a shallow sided swale, but the invert levels have not changed so the cross section now contradicts itself. It is still 2m deep according to levels. The swale at A-A is 530mm deep and the swale at B-B remains at 2080mm deep. Whoever KJM in the Stewart Michael Associates office is (BDW's agents) has not been doing their checking job properly, viz.

The proposed levels circled in yellow show it drops from 25.560 on top of the east side to 22.720 at invert (the bottom), a drop of 2.84m, ie. 25.560 22.720 That's over a distance highlighted in green of 44.15 42.15 2m. That drop over that distance is a slope of 1 in 0.7 (or a 55 degree slope). Clearly soil won't stand at 55 degrees so support like a gabion basket is required (which is what was shown in the original application (four on top of each other to achieve the drop required).

The sections contradict themselves and should never have been issued from the design office as they have not undergone even basic checks.

Therefore, MPC has major concerns as to the accuracy of the submitted drawings and just what is going to be the cross-section at B-B.

That only answers that point in the swale, assuming A-A remains the same. What is not known are the cross-sections along the whole of the swale bounding the rear of the properties in Greenhill Gardens, which means that unless confirmed otherwise by other drawings, the original deep-sided trench may have been moved elsewhere without such being advised?

Without a long section of the swale, which has not been provided, there is no way of telling if either the cross sections detail the wrong levels and are 1 in 3 sloped swales or if the diagrammatic view has been manipulated and does not show what the levels say. The MPC objection to the deep trench previously identified stands on the information presented.

A 666mm deep, 1 in 3 sided swale, as previously advised for B-B could work; but BDW need to produce a cross section that details this and produce the long section with similar cross-sections (not any deep trench) that will inform the weir locations to slow downstream velocity.

MPC recommend that TDC Planning take this up with BDW as a matter of urgency and that BDW are asked to submit a long section drawing showing the cross-sections throughout the length of the eastern swale.

Please apply this Objection to each of the relevant applications.”

*Additional Comments:*

“Minster Parish Council has previously submitted supplementary objections to F/TH/23/1475 and R/TH/24/1474, etc, the last only this week.

Please accept this submission as yet another supplementary OBJECTION from Minster Parish Council to each of these in addition to our previous objections - and the same is also applicable to any other previously consented applications for the same overall site, including OL/TH/18/1488 and CON/TH/22/1694.

Upon further scrutiny of some of the latest documents submitted regarding surface water drainage, and compared to their earlier counterparts it is becoming clearer as to why the proposed eastern swale depth has been such a mess, although it is noted that today's upload of cross-section B-B now has corrected matching depths included. But there are issues that remain for some of the new routing of water that had been intended to flow into the swale adjacent to plot 225.

Phase1 house driveways at the north of the site discharge into the top end of the swale. Phase 2A driveways were due to be piped (via easements) under the exit road to then enter the eastern swale. To get the falls to work the applicant needed the swale to be over 2m deep near plot 225. However, the Phase 2B application no longer takes drainage from the drives of plots 149 to 174 into the eastern swale, it is piped under the west side of the exit road in a 450mm diameter carrier pipe - see the first two drawing extracts below,

However, there is a major flaw on the latest drawing - see the third drawing extract below. The 450mm diameter carrier pipe discharges into a 225mm diameter carrier pipe at manhole MH S341. Obviously big into small doesn't work. Water would then enter a bioretention strip (which is of questionable capacity) - that is potentially lots of water into a narrow retention strip, beyond which other drainage measures, etc could see them overcome and the potential for water reaching the Greenhill Garden properties beyond the end of the site.

One has to remember the SuDS strategy for potentially contaminated driveway drainage relies on a treatment train: porous paving, bioretention strip, vegetated swale, then sediment pond then hydro braked discharge to combined foul sewer.

The full treatment train cannot now be claimed for Phase 2A houses, especially plots 149 to 174 - they have porous paving, sealed pipe, questionable bioretention strip then sediment pond. MPC would expect that TDC and KCC SuDS look closer at the currently proposed detail; that TDC dismiss these applications; that Southern Water be asked if they should request oil interceptors to now be included in any updated proposed design.

Phase 1 has received detailed consent, Phases 2A and 2B are not yet determined - but it is most concerning that such simple matters keep being overlooked and errors made that would potentially be difficult to correct at a later stage.

Please apply this Objection to each of the relevant applications affected by this overall drainage strategy.”

## CONSULTATIONS

### **KCC Highways -**

#### *(Final Comment)*

I am now in receipt of further plans that have been submitted to address my previous concerns. I am satisfied that the red line boundary to the road fronting these dwellings has been amended to allow for adequate turning provision for all vehicles serving this phase of the development without having to rely on other phases coming forward.

Off site-works have previously been agreed at the OL stage on application OL/TH/18/1488 and include a new uncontrolled pedestrian crossing point over Tothill Street allowing access to the bus stop on the east side, provision of improvement works to the Tothill Street/A299 roundabout and a proportionate contribution of £166k towards the Spitfire junction and associated approach roads. The off site works will be carried out prior to any occupation of the site.

All conditions relating to this site are attached to the OL application and I am satisfied that the submitted plans now meet KCC Highways requirements and do not wish to raise any objections to the submitted application.

#### *(Initial Comment)*

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

It is indicated on the application sheet that some of the internal roads will be offered for adoption in order that they become publicly maintainable. A plan is therefore required demonstrating the extent of adoptable highway limits.

It is not clear from the submitted details how the standard roads become shared surface as no entry treatment has been identified and the general arrangement details still appear to show pedestrian safeguarding areas alongside the edge of carriageway. An engineering drawing clearly showing carriageway widths, shared surface entry details, footway and verge details and service margins in accordance with Kent Design Guide will greatly assist in the site appraisal. It should also include the materials to be used.

The shared surface width of 4.8m still allows two cars to easily pass and this section of highway should be encouraging a target speed of not more than 15mph. A 4.8m carriageway width is likely to encourage on street parking outside of purposely dedicated spaces to the detriment of other road users. The typical design parameter for a shared surface is a width of 4.1m. The width can vary but there should be sufficient space for two vehicles to pass each other at least every 40m and these spaces must be intervisible. The introduction of some pinch points along the shared surface section would double as a speed restraint. A minimum width however of 6m is required behind the 90 degree parking spaces to allow for manoeuvring and the spaces themselves should be a minimum of 2.5m wide increasing by an additional 0.2m on sides abutting a physical restraint such as a wall, hedge, barrier or tree.

Parking space for mobility impaired provision for unit 243 should be closer to the unit it serves, ideally at the end of the pedestrian walkway leading to that unit.

Parking spaces on driveways should be 6m in depth fronting a garage and 5m otherwise. There should not be driveways so long a third car should attempt to squeeze into the remaining space resulting in footways being overhung and obstructed. I would therefore like to see the depth of driveways reduced to plots 233, 234, 23, 237, 238 and 215.

Motorcycle parking should also be incorporated into the design where banks of parking spaces are located details of which can be found:

<https://parkingstandards.co.uk/Standard/Kent%20-%202021-09-01.pdf>

Noting that this phase forms part of the bigger proposal it will be necessary to ensure that a turning head is provided opposite plots 224 and 230 in the unlikely event that this phase came forward in isolation for any length of time, and did not have appropriate turning facilities for residents and delivery vehicles. The red line will need to be amended to accommodate these changes. Ideally the footway/cycleway connection to Greenhill Gardens should also be included in the red line to ensure that sustainable connections are included from the outset for these residents.

The footways behind the parking spaces should stay in private ownership and not form part of the shared surface but rather part of the private development footprint.

The service margins should wrap entirely around the shared surface area and can reduce to 0.5m where services are not located but to accommodate vehicle overhang and up to 2m in width where underground apparatus is to be installed.

I look forward to further details being submitted addressing the above points.

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

### **KCC Biodiversity** -

*(Final Comment)*

We have reviewed the ecological information submitted with this planning application in conjunction with the ecological information submitted as part of applications CON/TH/23/1660 and CON/TH/23/1476.

We are satisfied that appropriate ecological mitigation can be carried out for the species present within the redline boundary and wider site to avoid a breach of wildlife legislation. We highlight that as this is a full application and not a reserved matters application associated with OL/TH/18/1488 an ecological appraisal should have been submitted as part of the application and not only a Preliminary Biodiversity Net Gain Assessment and



biodiversity method statement.

The biodiversity method statement details that the majority of the ecological mitigation was completed in 2023 and the remaining mitigation must be completed prior to any works commencing within the site.

The Preliminary Biodiversity Net Gain Assessment has detailed that a net gain for both habitats and hedgerows is anticipated to be achieved within the wider site (not this application boundary) and we agree with the conclusion. However as the net gain is achieved largely due to the open space within the wider site rather than this application and therefore we have not commented in detail on the submitted document. We highlight that appropriate management must be implemented within the wider site to ensure that anticipated BNG can be achieved.

## Enhancement Features

The Biodiversity Method Statement (Bakerwell; October 2023) has detailed the following enhancements will be incorporated in to this phase

- o 4 integrated bat boxes
- o 2 integrated bird boxes

We advise that the exact aspect of the building/garage is agreed as part of the application. We are satisfied that these measures are appropriate and if planning permission is granted we recommend the following wording:

Prior to occupation a letter must be submitted to the LPA for written approval demonstrating that the ecological enhancement features detailed within Biodiversity Method Statement (Bakerwell; October 2023) have been installed.

## Lighting

Lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting must be designed to minimise light spill particularly as the development is located on the boundary of the wider site.

We recommend that if planning permission is granted the lighting meets the following requirements

- o Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'
- o Follows the KCC highways dimming regime 40/60% dimming regime so dim by 40% between the hours of 20:00 - 22:00 and then dim by minus 60% between the hours of 22:00 to 05:00.
- o Security lighting is downward facing and on motion sensors

*(Initial Comment)*

We advise that additional information is required prior to determination clarifying how ecological mitigation will be implemented within the site.

We have reviewed the ecological information submitted with this planning application in conjunction with the ecological information submitted as part of applications CON/TH/23/1660 and CON/TH/23/1476.

We are satisfied that appropriate ecological mitigation can be carried out for the species present within the redline boundary and wider site to avoid a breach of wildlife legislation. We highlight that as this is a full application and not a reserved matters application associated with OL/TH/18/1488 an ecological appraisal should have been submitted as part of the application and not only a Preliminary Biodiversity Net Gain Assessment.

The ecological method statement details that the majority of the ecological mitigation was completed in 2023 but we advise that the applicant must confirm that any mitigation still required will be implemented as detailed within the Biodiversity Method Statement; Bakerwell; October 2023.

The Preliminary Biodiversity Net Gain Assessment has detailed that a net gain for both habitats and hedgerows is anticipated to be achieved within the wider site (not this application boundary) and we agree with the conclusion. However as the net gain is achieved largely due to the open space within the wider site rather than this application and therefore we have not commented in detail on the submitted document. We highlight that appropriate management must be implemented within the wider site to ensure that anticipated BNG can be achieved.

### Enhancement Features

No details have been provided on ecological enhancement features to be incorporated into the buildings. If planning permission is granted we recommend that an ecological enhancement plan is submitted as a condition of planning permission.

We recommend the following:

Prior to completion, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include integrated and/or wall-mounted bird and/or bat boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

### Lighting

Lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting must be designed to minimise light spill particularly as the development is located on the boundary of the wider site.

We recommend that if planning permission is granted the lighting meets the following requirements

- o Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night' 1
- o Follows the KCC highways dimming regime 40/60% dimming regime so dim by 40% between the hours of 20:00 - 22:00 and then dim by minus 60% between the hours of 22:00 to 05:00.
- o Security lighting is downward facing and on motion sensors

**KCC Archaeology** - Thank you for consulting on the application which is for Phase 2B of the development at Tothill Street.

As you are aware the Outline consent included conditions to protect, investigate and interpret the archaeology of the site (conditions 14 to 18). These read:

14 The details to be submitted in pursuant of condition 1 above shall show no development (other than the vehicular access road) within the area identified on the parameter plan reference 365\_198\_002 Rev B as the archaeological exclusion zone, or the area north of this zone. Full details of any landscaping/planting proposed within this area shall be provided as part of the landscaping reserved matters application.

15 No development shall take place until protective fencing has been erected around the archaeological exclusion zone (excluding the access point), in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The protective fencing shall be installed prior to the commencement of works on site, including site clearance, and shall remain in situ throughout the construction period.

16 No development shall take place until a scheme detailing the arrangements for the interpretation of the archaeology within the development site have been submitted to, and approved in writing by, the Local Planning Authority. Examples of how to relay and interpret the archaeology and history of the site can include, but are not limited to, the use of materials, landscaping, public art and the provision of historical interpretation boards. The details submitted pursuant to this condition shall include location, design, dimensions and materials of any fixed interpretation and a timetable for their implementation. The interpretation scheme shall be carried out in full accordance with the approved details and timetable and maintained in accordance with the approved details.

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

18 Within 9 months of the completion of the on-site archaeological mitigation works referred to in condition 17 above, a Post Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall include an Updated Project Design and accompanying timetable for further analysis, publication and archive deposition of the findings of the archaeological investigations. The

archaeological publication shall be produced in accordance with the programme and timetable set out in the report.

With respect to the above conditions:

C14 & C15 - Phase 2B does not include any area that needs to be excluded and fenced.

C16 - We have agreed in principle to the location of interpretation boards under CON/TH /23/1085 although further detail is still to be finalised and agreed. The interpretation points do not fall within the Phase 2B site so I would be happy to see these dealt with under the Phase 1 and Phase 2A arrangements.

C17 - Archaeological fieldwork has now mostly been completed other than an element of watching brief work in the northern part of the Phase 1 site. This condition does not need to remain in place for the Phase 2B application.

C18 - Archaeological post excavation works are still to be undertaken and I recommend that Condition 18 remains in place. I would advise that it be amended and broken into two parts to allow partial discharge as stages are complete:

- (i) an Archaeological Post Excavation Assessment Report covering the investigations carried out within the development site shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall include an Updated Project Design and accompanying timetable for further analysis, publication and archive deposition of the findings of the archaeological investigations.
- (ii) The archaeological publication shall be produced in accordance with the programme and timetable set out in the report.

### **KCC SUDs -**

#### *(Final Comment)*

Kent County Council as Lead Local Flood Authority have reviewed the Technical Note prepared by Stuart Michael Associates dated 22.01.2024 and have the following comments:

We appreciate the clarification provided and understand that phase 1 included all the sitewide surface water drainage features designed to accommodate these extra units incorporated as phase 2. Therefore we have no objections to this proposal at this stage.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

#### *(Initial Comment)*

Kent County Council as Lead Local Flood Authority have reviewed the Phase 2a Drainage Strategy prepared by Stuart Michael Associates dated 21.11.23 and the Flood Risk Assessment and Drainage Strategy prepared by Stuart Michael Associates dated 17th October 2023 and have the following comments:

It is understood that the proposal is part of an existing development whereby phase 1 included all sitewide surface drainage features and was designed to accommodate the extra units incorporated as phase 2.

Whilst we appreciate the information provided, we seek for evidence to be provided which demonstrates the 'drawdown' of the provisioned allocations for the other areas/ each phase which also connects to the wider strategic network in order to demonstrate that sufficient capacity exists for the proposals. As a minimum we will accept a comparison of the Microdrainage designed to as built impermeable areas

We would request for a holding objection until further information is provided to respond to the comment above.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

**Southern Water** - Southern Water have reviewed this planning application, which is located in the Ramsgate B Source Protection Zone 1. Any contamination of groundwater will be realised by our groundwater source in less than 50day.

Southern Water note that the proposed surface water drainage network will be split into two, with roof run off being discharged to ground and surface water run off being discharged to sewer. On the condition that this drainage design is not altered and that environmental best practice is adopted in the CEMP (or similar) i.e., hazardous substances required on site to be stored in a bunded and impermeable area to ensure no accidental spills to ground, contractor to use spill trays when refuelling plant and/or vehicles at all times, etc., Southern Water do not object to this planning application.

Southern Water has no objection to the commencement of construction of the development, if approved by the local planning authority. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. Occupation of the development has to be coordinated with the delivery of sewerage infrastructure in order to prevent the increased risk of flooding from sewerage network. No foul and surface water flows from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within sewerage network to cope with additional sewerage flows are complete.

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.

**Environment Agency** - We have no objection to the proposed development, subject to the following conditions being included on any permission granted.

Without these conditions we would object in line with Paragraph 180 of the National Planning Policy Framework (NPPF) and Policies SE03 and SE04 of the Thanet District Council Local Plan.

**Natural England** - Thank you for your consultation on the above dated 06 December 2023 which was received by Natural England on 06 December 2023. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

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

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as North Kent Special Protection Area (SPA). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution. Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development. This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

**TDC Waste and Recycling** - As with all new developments we wish to be kept advised of progress. As always we have concerns around access, parking, street furniture placement and residents being moved onto the site prior to building works being completed. For us to collect we will need to see proof of vehicle tracking, site completion and will need to make a site visit prior to collections starting.

**TDC Housing Officer** - Upon review of the submitted Planning Statement for the Full Application - Residential Phase 2b, created by Savills (UK) Limited on behalf of Barratt David Wilson Homes, dated October 2023, it provides the following unit breakdown:

The proposed percentage split of market to affordable units is compliant with Local Policy SP23 Affordable Housing.

The Site Layout Phase 2(b) Tenure Plan reference number 110222/FA/P2(B)/SL04, Rev A, dated 24/10/2023, created by Carlton Design Partnership on behalf of Barratt David Wilson Homes, states the tenure split for the affordable housing provision. The tenure plan highlights affordable rented properties in pink and shared ownership properties in blue. The plan states only affordable rented properties will be included in this phase of the development.

Upon review of the Schedule of Accommodation, Revision 2(B) FA - Rev B, dated 18/10/2023, created by Carlton Design Partnership on behalf of Barratt David Wilson Homes, it states the following regarding the mix of affordable housing units:

The proposed affordable housing mix aligns with the Strategic Housing Market Assessment (SHMA) updated Aug 2021 and will help meet the overarching needs of the district.

**TDC Conservation Officer** - The land on the west side of Tothill Street Ramsgate, is a large development at 36 dwellings, out of the historic environment but somewhat close to a Grade II heritage asset site.

The Grade II heritage asset is a 1939 Public House called Prospect Inn, more recently converted to a Premier Inn.

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.

Within the NPPF Section 16, 203 it states 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability' and 'the desirability of new development making a positive contribution to a local character and distinctiveness'. NPPF Section 16, Paragraph 203 states, In determining applications, local planning authorities should take account of (c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

Previously adjacent to this site Phases 1 and 2A have been submitted and approved through their relevant application. This application is for 2B which is situated internally to the site and encompassed by approved development. Given the development approved extends close to the heritage site when compared to this application, the harm here is already considered to have been established through the previous housing scheme. The entirety of the site is also designated for housing.

As such, I would consider the implication to the nearby heritage asset to be less than significant, preserving its setting and appearance and therefore meeting with aforementioned legislative requirements. As such I do not object to the proposed development.

**Clinical Commissioning Group** - NHS Kent and Medway has responsibility for planning healthcare services in Kent and Medway and reviews planning applications to assess the

direct impact on healthcare. I refer to the above full planning application which concerns the proposed residential development comprising up to 36 dwellings. NHS Kent and Medway has assessed the implications of this proposal on delivery of healthcare services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests: 1. Necessary 2. Related to the development 3. Reasonably related in scale and kind. We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

**Kent Police** - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF). Applicants/agents should consult us as local Designing out Crime Officers to address CPTED. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behavior (ASB), Nuisance and Conflict. We request a condition for this site to follow SBD Homes 2019 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways/ side entrances must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or sold secure ground or wall anchors can help provide this. We recommend all parking areas be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
4. Corner properties require defensible spaces to avoid desire lines that can cause conflict. This can be provided by planting of prickly plants or knee rails/ fences, for example.
5. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
6. Play areas must have a self-closing gate, as shown on the plans, to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal



resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime. The examples of equipment used withing the plans are recommended. We recommend the sales team advice potential buyers of the plots close to the play area of it's location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints.

7. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

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

9. We advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area or sheds of dwellings. Please note, if at a later date the garages are exchanged for car ports we strongly recommend cycle storage be removed and added to a secure area such as individual cycle storage boxes or lockable sheds.

### COMMENTS

The application has been called in by Cllr Abi Smith, to enable members to consider issues regarding the safety of the planned water drainage system, scale and proportions of planned buildings in relation to neighbouring dwellings, and loss of vegetation and trees (particularly along the bridleway).

### **Principle**

The site lies within an area allocated for housing under Policy HO10 of the Thanet Local Plan. The policy allocates the site for up to 250 no. dwellings, with an approximate average density of 35 dwellings per hectare.

An outline application has been approved for the erection of up to 214no. dwellings across the site, with the detail for 133no. of these dwellings approved within the reserved matters application for Phase 1. This leaves 81no. units remaining of the outline consent. A further reserved matters application for the approval of the details of the remaining 81no. units has been submitted, and is currently pending.

This application is a full application for the erection of 36no. dwellings, which when added to the number approved under the outline permission reaches the 250no. residential units that the site is allocated for.

Policy HO10 advises that the proposal should be informed by, and address, the provision, location and type of the open space; the provision of a vehicular access to Tothill Street, and links southwards with existing development restricted to pedestrian and cycle routes; the

provision of an emergency access; and the provision of improvements to the Tothill Street/A299 Roundabout and a proportionate contribution to off-site junction improvements at Spitfire Way. Reference is also made to the proximity of the site to the cemetery and former transport depot, and its location in an area with sensitive groundwater requiring protection, thereby requiring the need for a contamination assessment. These issues are assessed within the report.

The proposal further complies with Policy HO1, which states that 'permission for new housing development will be granted on sites allocated for this purpose'; as well as Policy SP01 of the Thanet Local Plan, which states that the primary focus for new housing development in Thanet is the urban area as identified on the Policies Map. The site falls within the rural confines of the village, thereby complying with these policies.

Policy HO1 requires that compliance is provided with Policy SP14 of the Thanet Local Plan. This policy requires that the development be provided with adequate infrastructure, provide an appropriate mix of dwellings to meet the requirements of Policy SP22; provide affordable housing to meet the requirements of Policy SP23; provide accessible homes to meet the requirements of Policy QD05; and comply with policies relating to the Protection of International and European Designated Sites and associated Mitigation Strategy. These issues are again assessed within the report.

The National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. The application site is sustainably located, within walking distance of the centre of Minster where there are a number of facilities and services, including retail units and a primary school. The site is also on a bus route, and within walking distance of the train station.

The principle of housing development on the site is therefore considered to be acceptable subject to the requirements of Policies HO10 and SP14 being complied with, along with other material considerations, including the impact upon the landscape character area, and highway safety.

### **Character and Appearance**

The proposal seeks to retain the access arrangements into the site as previously approved, with the main vehicular access onto Tothill Street, and the emergency access onto Greenhill Gardens. The open space provision, bridleway enhancement works, and on site drainage provision and ecological mitigation as approved through the outline and phase 1 are located within the blue line and will remain, with no alterations to these proposed through this application. The application site also excludes any of the archaeological exclusion areas identified on the parameter plan approved through the outline application.

This application is solely for the erection of 36no. dwellings to the centre and south eastern edge of the site, on land that was previously approved for housing development through the outline application. The uplift in unit numbers created through this application is a result of the density increasing in the area to the south of the site that is awaiting a reserved matters approval; with the combined unit number across the pending reserved matters application

site and this full application site exceeding the number of units that remain outstanding from the outline approval by 36no. units. The increase in units has not resulted in any loss of open space across the site, the only change is in the density of development, and whether the spacing between units remains acceptable and in keeping with the character and appearance of the area.

### Layout, open space and landscaping

The application site consists of two parcels of land within the developable area shown on the original parameter plan approved through the outline application. One parcel of land is located to the centre of the site, west of the formal open space; and the other parcel of land is located to the south east of the site, adjacent to the neighbouring boundary with properties in Greenhill Gardens, and located south of the formal open space. The vehicular access to serve the development is from Tothill Street, in the location of the previously approved access.

In terms of the layout, a similar approach has been taken to that used within phase 1. A mix of properties are proposed, including detached, semi-detached, and terraced units, all of which front onto internal access roads. Each property is provided with two parking spaces, and properties are typically setback from the road, with frontage gardens of varying depths achieved.

The central parcel of land contains a good variety of unit types, with varying building lines, and good spacing achieved between units. A row of units front the formal open space containing the Local Equipped Area for Play (LEAP), which helps with the natural surveillance of the space. These units are located closer to the road, with parking positioned in between the properties. To the west of the parcel of land the properties are setback further with parking to the front of the properties. Even with this setback, a distance of 20m is achieved between the rear elevation of the two rows of properties, achieving an acceptable minimum separation distance.

The south eastern parcel of land is located in an area that was indicated on the originally approved parameter plan as containing units to a maximum height of 1.5 storeys, in order to protect neighbouring amenity. The submitted plans show these units as mostly semi-detached, with a single detached unit to the south close to the emergency access into the site. The units are more modest in scale than the other units on the site, with the rear elevations single storey at eaves level. The units are located in a row, fronting onto the internal access road that runs north to south through the site. The units are setback from the road with a small front garden, and parking is arranged in a tandem layout between the units, creating spacing of approximately 5.8m between the pairs of dwellings. Garden depths of approximately 9m are achieved. The layout of these units is considered to be in keeping with the pattern of development viewed both within phase 1 of the development, and within Greenhill Gardens that the site backs onto that also contains a row of semi-detached bungalow units.

In terms of open space provision, the approved open space provision within the outline application significantly exceeded the requirements of Policy GI04 of the Thanet Local Plan. Through this application the open space requirement would increase to address the raised

population within the site; however, it is understood through the submitted plans for both this and the pending reserved matters application that there would still be 3.54ha of Semi-Natural Open Space provided in total (compared to the 1.08ha required), 0.75ha of Amenity Green Space provided (compared to the 0.36ha required), 0.29ha of Play Space provided (compared to the required 0.15ha), and 0.14ha of Allotment /Community Orchard provided (compared to the 0.12ha required). As such the open space provision that will be secured across the whole site, and serve this development, would be acceptable and in accordance with policies GI04 and HO10.

In terms of density, the agent has confirmed that the net density is 30.9 dph, and the gross density is 17.8 dph, which falls below the recommended density within Policy HO10. The proposal therefore complies with this aspect of Policy HO10.

In terms of landscaping, a tree lined street with grass verges was approved through phase 1 for the main access road. The north to south access road requires a similar approach given its status as a secondary access route for emergency vehicles. It was also encouraged that parking courts be broken up with soft landscaping to help provide a visual break within the expanse of hard surfacing. Planting plans have been submitted that show some street planting of trees, although for the majority of the properties within this full application the frontages are too shallow for any realistic tree planting, and the reserved matters application includes properties with deeper frontages which will be relied upon to secure the required tree lined street design. Hedgerow and shrub planting is shown on corner plots, which helps to soften elevations that are not principal elevations.

In terms of hard surfacing a plan has been submitted showing that all driveways will be paved, but the main roads tarmac. This will appear in keeping with the hard surfacing arrangement approved within the phase 1 development.

Overall the layout, open space and landscaping provision is considered to be acceptable and in keeping with the phase 1 layout and arrangement.

### Scale, design and materials

Condition 42 of the outline permission stated that the future reserved matters application should show no development exceeding 1.5 storeys in height in the area to the rear of Greenhill Gardens, and no development exceeding 2-storey in height to eaves level elsewhere in the site.

A storey heights plan has been submitted, which shows that all development will be a maximum of 2-storey to eaves, with the development adjacent to Greenhill Gardens 1.5 storey to eaves level. This scale is accepted, and is in compliance with Condition 42 of the outline consent, which would equally apply to this full application. The elevation plans for the units show that whilst partially 1.5 storey to the eaves of a gable projection within the front elevation, the rear elevation of the unit has a single storey eaves level, which will reduce the perceived scale of these units. The design of the units is uniform across the row, although different brick types have been used, along with tile hanging, to increase variation within the streetscene. The gable projections add interest to the units, along with other features such as barn hips, brick arches above windows, and brick detailing.

To the south of the site unit 231 is a full bungalow design, which will sit comfortably at the entrance to the site from Greenhill Gardens, and appear in keeping with the existing bungalows within that road. The unit benefits from bay window features to the front, and a gable projection of smaller proportions to the proposed neighbouring units. Overall the row of units will appear of good design, and in keeping with the character of the area, in accordance with Policy QD02 of the Thanet Local Plan.

For the central parcel of land a greater variety of unit types are proposed due to the mix of terraced, semi-detached and detached units proposed within this area. Features such as bay windows, brick arches above windows, gable projections, and porch canopies are used, along with both hipped and gable roof designs. Three different brick types are used, and two roof tiles, all of which create an interesting street elevation from each view. On corner plots the unit type contains a dual frontage which adds interest to avoid a stark or bland appearance for these properties.

The mix and quality of the unit types is considered to be acceptable, and in keeping with the character of the area, in accordance with Policy QD02 of the Thanet Local Plan.

### **Living Conditions**

#### *Neighbouring occupiers*

The main neighbouring occupiers to be affected by the development would be those in Greenhill Gardens that back onto the eastern boundary of the development. As stated above, condition 42 of the outline permission restricted the height of the properties backing on Greenhill Gardens to 1.5 storey, in order to limit the impact upon the occupiers of these properties. The submitted elevations show this, along with a single storey height to eaves level at the rear, backing onto Greenhill rear elevations.

Each of the proposed dwellings have garden depths of approximately 9m, with a swale and footpath to the rear measuring approximately 8m in depth, resulting in a 17m distance between the proposed rear elevation of the unit and the neighbouring boundary. To the neighbouring rear elevation this distance increases to a minimum of 30m.

Concern was raised with the initial submission that the rear elevation contained velux windows that could potentially overlook the neighbouring bungalows. Amended plans have been submitted showing the cill height of the rear velux windows raised to 1.7m, which is considered acceptable for preventing overlooking, subject to a safeguarding condition limiting the cill height, and preventing any future roof alterations under permitted development.

Proposed unit 231 appears to have a closer relationship with the neighbouring properties in Greenhill Gardens, with a distance of only 21m between the corners of the rear elevations of the properties. Whilst this distance is on the limit of what would be considered acceptable, the properties are at oblique angles to one another so there would be no direct loss of outlook or privacy, and a safeguarding condition for the rear windows and roof alterations

would again be applied. On balance, the impact upon no. 24 Greenhill Gardens is likely to be acceptable.

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

### *Future Occupiers*

Doorstep playspace is provided to all units, which complies with Policies GI04 and QD03 of the Thanet Local Plan.

Within the proposed development the units have been assessed against Policy QD04, which states the minimum space requirements of the units in relation to the nationally described space standards. The smallest 1-bed unit is 65sqm, which exceeds the minimum requirement of 50sqm; the smallest 2-bed is 64.5sqm, which meets the minimum requirement of 61sqm; the smallest 3-bed is 93.6sqm, which exceeds the minimum requirement of 84sqm; and the smallest 4-bed unit is 141.7sqm, which exceeds the minimum requirement of 97sqm. Each of the units therefore achieves the nationally described space standards as set out within Policy QD04 of the Thanet Local Plan.

A plan showing bin storage locations has been submitted, with all bins to be stored within rear gardens, which is considered acceptable.

The impact upon future occupiers is therefore considered to be acceptable and in accordance with policies QD03 and QD04 of the Thanet Local Plan.

### **Transportation**

The accesses into the site have previously been approved, including the main access onto Tothill Street and the emergency access onto Greenhill Gardens. These remain the same through this application, with conditions to be attached similarly to the outline application that would require the construction of the access in accordance with the plans. The access achieves adequate visibility splays, and is therefore a safe and suitable access into the site.

In terms of the additional units, a transport assessment has been submitted with the application. The assessment concludes that the mitigation measures secured through the outline application are sufficient to deal with the increased vehicle movements generated through these additional 36no. dwellings. With the previous outline application there was a requirement for an off-site financial contribution towards Spitfire Way Junction, along with off site highway improvements works to the Tothill Street roundabout, in order to fulfil the policy requirements of Policy HO10 and highway safety concerns.

The previously approved off site highway mitigation works consisted of the widening of the south approach arm to the Tothill Street roundabout, to ease traffic flows. This application would link to the legal agreement secured with the outline application to require that the off-site highway works are completed prior to the first occupation of the development.

A financial contribution of £166,000 was secured for highway improvement works to Spitfire Junction, which formed a proportion of the improvement costs. The contribution was calculated on a per dwelling basis. A further 36no. dwellings will put further pressure on the highway network, and therefore in accordance with the policy requirements a further financial contribution towards these off site highway works is required. Using the same methodology this equates to £27,925. The agent has agreed to this contribution, which will be secured through a legal agreement. Subject to the submission of the legal agreement, the proposal will comply with the highway requirements of Policy HO10.

In terms of parking, a parking plan has been submitted and details are contained within the transport assessment confirming that 1no. parking space will be provided for the 1-bed units and 2-bed affordable units, and 2no. spaces will be provided for the 2-bed market units, and 3-bed/4-bed units. In addition, 4no. visitor parking spaces are proposed. The transport assessment confirms that an EV charging point will be provided for each dwelling, along with a storage shed within gardens for cycle storage.

In terms of the layout, the proposed dwellings will front the internal access road previously approved through phase 1, with all of the units with street frontage, and parking will be provided either to the front or side of the units in a tandem layout. The majority of the road network within the site is shown as a shared surface, with a few footpaths provided along the main access roads.

KCC Highways have been consulted. Queries were raised regarding the turning head of the main access road for refuse vehicles, should this phase be constructed prior to phase 2A, and that the turning head did not fall within the red line. This has been amended with the red line extended to accommodate manoeuvring space for refuse and emergency vehicles. Concern was also raised with the lack of footpaths within the site, and so amended plans were submitted reducing the extent of shared surface and adding designated footpaths where requested by KCC.

Some minor changes to road widths, service margins, and parking spaces were advised, which again were addressed through the submission of amended plans.

Following the submission of the amendments, KCC has advised that they are satisfied that the red line boundary will now allow for adequate turning provision for all vehicles serving this phase of the development without having to rely on other phases coming forward, and that pedestrian safety is achieved through the introduction of the additional footpaths.

The bridleway is not affected through this application. Works to the bridleway were approved through the phase 1 application.

Subject to safeguarding conditions, and the securing of the necessary obligations within the legal agreement, as identified above, the impact upon highway safety is considered to be acceptable.

### **Affordable Housing**

Policy SP23 of the Thanet Local Plan (as updated by the First Homes - Interim Policy Statement, April 2022) states that 'residential development schemes for more than 10 dwelling units, including mixed use developments incorporating residential and developments with a combined gross floor area of more than 1,000 square metres shall be required to provide 30% of the dwellings as affordable housing.

25% of the affordable housing shall be First Homes, at a minimum discount of 30%, or at the discount levels set out in Table 1, 70% shall be Social/Affordable Rent and 5% shall be Intermediate products, unless these levels are amended by successive assessments.

The affordable housing shall be provided in proportions set out in the Strategic Housing Market Assessment or successive documents. The above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable'.

The application proposes 30% affordable housing provision, in the form of 11no. affordable units consisting of 2no. 1-bed flats, 2no. 2-bed flats, 3no. 2-bed houses and 4no. 3-bed houses. A plan has been submitted showing the location of the affordable units, which are all within the northern/central parcel of land. The agent has confirmed that the expected split of the affordable housing will meet the split as set out within the interim Policy Statement (April 2022).

The Housing Officer has been consulted on the number, split and location of the affordable units, and has advised that she has no objections to the proposal, which offers the full 30%; and supports the affordable housing mix, which aligns with the Council's strategic housing market assessment (Aug 2021). No concerns have been raised with the location of the units.

The proposal is therefore considered to comply with Policy SP23 of the Thanet Local Plan, subject to the affordable housing being secured through a legal agreement.

### **Size and Type of Units**

Policy SP22 requires an appropriate mix of housing sizes to be provided, along with a higher ratio of houses to flats.

The proposal includes the provision of 2no. 1-bed flats, 2no. 2-bed flats, 3no. 2-bed houses, 26no. 3-bed houses, and 3no. 4-bed houses. Of these, 22no. 3-bed houses and 3no. 4-bed houses are market units. Whilst the breakdown of the market units doesn't fully comply with the Council's strategic housing market assessment for market housing provision, it does identify 3-bed units as being the greatest need, which complies with the proposal. There is a need for 2-bed units, which haven't been provided, but this is a small part of a larger site where a greater mix is provided overall. Furthermore, the affordable mix complies with the policy, and a large number of 3-bed is provided, which has the greatest need, so overall the mix is not considered to result in a concern, especially as it's resulted in a greater ratio of houses to flats being provided.

Policy QD05 requires that 10% of new development comply with building regulation part M4(2) accessible and adaptable dwellings, and 5% of affordable units comply with building regulations part M4(3) wheelchair user dwellings. A plan has been submitted showing the



location of these units. Four M4(2) units are required, yet the plan indicates 7no. M4(2) will be provided, exceeding the policy requirement. One M4(3) unit is required, yet the plan indicates 2no. M4(3) units will be provided, exceeding the policy requirement.

Given the reasons above, the mix of units proposed is considered to be acceptable, and in accordance with Policy SP22 of the Thanet Local Plan.

### **Drainage**

Policy CC02 of the Thanet Local Plan states that 'new development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible'.

A flood risk assessment and surface water drainage strategy has been submitted with the application. The surface water discharge from the overall development is divided into two separate gravity, piped surface water drainage networks, with one network collecting runoff from the hardstanding areas, roads and driveways, which will discharge to the combined sewer in Greenhill Gardens, and sealed roof water discharging via a pipe and then through infiltration using a tank in the southwest corner of the overall site.

KCC SUDs were consulted and originally raised concerns that sufficient information had not been submitted to demonstrate that sufficient capacity exists for the proposal as part of the wider strategic network within the overall site.

A technical note was submitted that included a comparison of discharge rates and volumes between the approved outline scheme and the current proposal as part of the overall scheme. The note confirms that the proposed surface water drainage strategy covering phase 2 (which includes this site) complies with the approved outline strategy, and the approved discharge rates.

KCC have assessed the technical note, which clarifies that phase 1 included all the sitewide surface water drainage features designed to accommodate these extra units incorporated as phase 2, and as such they raise no objections to the proposal.

In terms of the foul water, the drainage strategy confirms it will be collected by gravity via a proposed piped foul network and will discharge to Southern Water's existing combined sewer in Prospect Road.

Southern Water advise they have no objections to the commencement of construction of the development, even though they are currently in the process of designing and planning the delivery of off site sewerage network reinforcements. They advise that occupation of the development has to be coordinated with the delivery of sewerage infrastructure in order to prevent the increased risk of flooding from the sewerage network, and that no foul and surface water flows from the site shall be discharged into the public system until off site drainage works to provide sufficient capacity within the sewerage network to cope with the additional sewerage flows have been completed. Whilst this may restrict the rate at which the proposed units can be occupied, the principle of the drainage strategy proposal and the commencement of works is agreed by Southern Water.

Concerns have been raised by Minster Parish Council to the drainage strategy, with queries raised in relation to the accuracy of the plans. The applicant's drainage consultant has responded and advised that there had been a typo on one of the plans in relation to the pipe diameter, but otherwise the drainage strategy proposed is achievable, with a larger pipe feeding into a smaller pipe acting as a restrictor to the network to slow down flow and hold back a volume in the larger pipe for storm events. They've also confirmed that the treatment train discussed in the strategy is general for the whole network, although there will be elements that won't go through the full train as described, but are still able to meet the required mitigation indices. The detailed drainage design will require submission under safeguarding conditions for both foul and surface water drainage, with Southern Water and KCC SUDs consulted on any submission for approval. The drainage strategy has been accepted by statutory consultees and therefore subject to these safeguarding conditions the proposal is considered to comply with Policy CC02 of the Thanet Local Plan, which requires the provision of suitable surface water management.

Concerns have been received from residents and the parish council regarding the proposed swale to the rear of unit nos. 215-231; however, the swale does not fall within the application site, and was approved through the reserved matters application for phase 1. A section plan has been submitted, however, with this application showing the relationship between the proposed dwellings adjacent to the eastern boundary of the site, and the neighbouring occupiers in Greenhill Gardens, which has led to the concerns regarding its design. The section showed the depth of the swale at approximately 2-2.5m, which residents have queried on safety grounds. KCC SUDs have been further consulted on the safety aspect of the swale, which is being separately considered through a conditions application, and they have raised no concerns. Whilst no concerns have been raised by KCC, the agents have made amendments to the swale design to address residents concerns, and an amended section plan has been submitted showing the depth of the swale reduced to approximately 0.6m. This reduction in depth reduces any safety concerns.. As this is outside of the red line for this full application, this is not a matter that can be considered by the planning committee in the assessment of this planning application, but will be considered through amendments to the technical conditions submission by the Council.

### **Ecology**

Policy SP30 of the Thanet Local Plan requires development proposals, where appropriate, to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets.

A biodiversity method statement, which includes ecological enhancement and mitigation measures, and biodiversity monitoring, has been submitted with the application. The statement confirms that updated surveys have been carried out to inform the mitigation strategy, including a site walkover and badger survey (as fresh digging had been noted). Habitats within the application site are found to not have significantly changed as the land was cultivated until recently. No badgers were recorded using the sett within phase 1, with it likely that badgers are commuting through the site instead. No reptiles within the site were recorded, although slow worms were identified just outside of the site on the eastern boundary. In terms of birds, skylarks and starlings were identified within the site. Mitigation

measures have been set out within the report, which have previously been approved for the overall site. The report concludes that providing the mitigation detailed in the report is implemented, the proposal will comply with relevant biodiversity legislation and the NPPF.

In terms of ecological enhancements, the Biodiversity Method Statement (Bakerwell; October 2023) has detailed that 4no. integrated bat boxes and 2no. integrated bird boxes will be incorporated into this phase. KCC are in agreement with these enhancements, subject to a condition requiring verification of their installation prior to the first occupation of the development.

KCC Biodiversity has been consulted and advised that they are satisfied that appropriate ecological mitigation can be carried out for the species present within the redline boundary and wider site to avoid a breach of wildlife legislation. The ecological method statement details that the majority of the ecological mitigation was completed in 2023. KCC has stated that the remaining mitigation must be completed prior to any works commencing within the site.

An external lighting condition is recommended by KCC to prevent a negative impact upon bats, and minimise light spill.

A preliminary Biodiversity Net Gain (BNG) assessment has also been submitted, which has confirmed a gain of 0.60 area habitat biodiversity units and a gain of 7.30 hedgerow biodiversity units (HBU). The Preliminary Biodiversity Net Gain Assessment has detailed that a net gain for both habitats and hedgerows is anticipated to be achieved within the wider site (not this application boundary) and KCC agrees with the conclusion.

Subject to safeguarding conditions the proposed development is therefore considered to comply with Policy SP30 of the Thanet Local Plan.

### **Habitat Regulations**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The proposed development is within close proximity of the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for the C3 units to contribute to the district wide mitigation strategy, as agreed by Natural England.

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £320 per 2-bed unit, £424 per 3-bed units, and £530 per 4-bed (plus) unit. A total contribution of £25,642 is required, which the applicant has agreed to. This mitigation means that the Council has accorded with the Habitat Regulations and an appropriate assessment has been undertaken which Natural England have confirmed no objection to. The contributions will be secured through a legal agreement. An acceptable assessment has been carried out on this basis.

## **Archaeology**

Policy HE01 of the Thanet Local Plan requires the identification, recording, protection and enhancement of archaeological sites, with developers required to submit information with the application to enable an assessment of the site.

KCC Archaeology has been consulted, and advised that the site does not include any areas that need to be excluded and fenced. Interpretation boards will need to be installed on the surrounding site, which is being considered separately under conditions that relate to the outline consent, but none of the interpretation points fall within this application site. Archaeological fieldwork has now mostly been completed on the surrounding site, other than an element of watching brief work in the northern part of the Phase 1 site.

As such, no objections are raised to the proposed development subject to a safeguarding condition that requires the submission of a post excavation assessment report (with accompanying information), and the safeguarding condition relating to protective fencing, which whilst falling outside of this application site, should still be erected prior to the commencement of works to protect the land from construction vehicles. Subject to these safeguarding conditions the proposal is considered to comply with Policy HE01 of the Thanet Local Plan.

## **Financial Contributions and Obligations**

Policy SP41 of the Thanet Local Plan requires that development only be permitted when provision is made to ensure the delivery of relevant and sufficient community and utility infrastructure; including, where appropriate, a contribution towards the provision of new, improved, upgraded or replacement infrastructure and facilities.

The following contributions are required:

- A contribution of £230,139 towards Manston Green Primary School or other new schools locally or within the Birchington and Thanet Villages planning group;
- A contribution of £181,583.68 towards a new Thanet secondary school or the provision of additional secondary places within the Thanet District non-selective and selective planning group, or any other new secondary school within the District;
- A contribution of £75,739.32 towards secondary education in the form of a new Thanet secondary school land acquisition cost;
- A contribution of £18,194.48 towards the provision of additional SEND places and/or additional SEND facilities within Thanet District;
- A contribution of £1,231.56 towards community learning, to provide additional resources, equipment and classes delivered locally and at Broadstairs Adult Education Centre;
- A contribution of £2,254.68 towards libraries, to provide additional resources, stock and services (including digital infrastructure and resources) within the local Ramsgate, Minster or Newington Libraries;
- A contribution of £2,517.70 towards youth services, to provide additional resources and equipment for the Youth service in Thanet, including early prevention and outreach services;

- A contribution of £6,511.68 towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within Thanet;
- A contribution of £1,872 towards waste services, to provide improvements at Thanet District HWRC to increase capacity;
- A contribution of £34,596 towards health provision, in the form of the refurbishment, reconfiguration and/or extension of Minster Surgery, and/or towards other healthcare premises covering the area of development;
- A contribution of £25,642 towards the Special Protection Area;
- A contribution of £27,925 towards improvements at Spitfire Junction and associated approach roads;
- Affordable housing in the form of 30% on site provision.

The applicant has agreed to these contributions and obligations, which will need to be secured through a signed legal agreement. The contributions are considered to be reasonable in scale, appropriate in the location of usage in relation to the site's location, and is required to directly mitigate the impact from the development.

In addition, the legal agreement will need to be linked to the original legal agreement for the site in order to secure the contributions secured through that legal agreement should these dwellings be constructed prior to the dwellings within the reserved matters applications. In linking this application to the previous legal agreement, the following contributions/obligations will be secured should any part of the overall policy site be constructed:

- Resurfacing and widening of bridleway TR29;
- Payment of £29,000 towards the resurfacing and widening (to a maximum of 3m) of the section of bridleway TE29, which runs north of the boundary of the site;
- Payment of £166,000 towards improvements at Spitfire Junction and associated approach roads.

### **Other Issues**

#### *Air Quality*

Environmental Health has recommended a construction management plan condition that includes the mitigation measures set out within the assessment. Subject to this the impact upon air quality is considered to be acceptable and in accordance with Policy SE05 of the Thanet Local Plan.

#### *Contamination*

The application has been supported by a flood risk and drainage strategy, with a Phase II site investigation report included within Appendix 2.

The Environment Agency has been consulted and advised that they have no objections to the proposed development subject to safeguarding conditions relating to infiltration, piling, and unsuspected contamination.

Subject to these conditions being attached, the proposal is considered to comply with Policy SE03 of the Thanet Local Plan.

## **Conclusion**

The site is allocated for housing under Policy HO10 of the Thanet Local Plan, and benefits from an extant outline consent for the erection of 214no. Dwellings. This application would increase the total number of units within the site to 250no, units, in accordance with the policy allocation, and as such the principle of development is considered to be acceptable.

The design and layout of the proposed development within two small parcels of land is considered to be in keeping with phase 1 and the surrounding area, and will not reduce open space provision, or impact upon biodiversity mitigation or drainage provision across the site.

The impact upon neighbouring amenity is considered acceptable following the submission of amended plans, and subject to safeguarding conditions that restrict cill heights and future permitted development rights.

The impact upon highway safety is considered to be acceptable, with financial contributions secured for off site highway works in accordance with Policy HO10; and 30% affordable housing and all other financial contributions towards community infrastructure have been agreed, and will be secured through a submitted legal agreement.

The proposed development will deliver sustainable housing within the village confines, which is supported by local plan policy; the benefits of which significantly outweigh the harm.

It is therefore recommended that members approve the application subject to safeguarding conditions, and the submission of a legal agreement within 6 months securing the financial contributions and obligations set out within the report.

## **Case Officer**

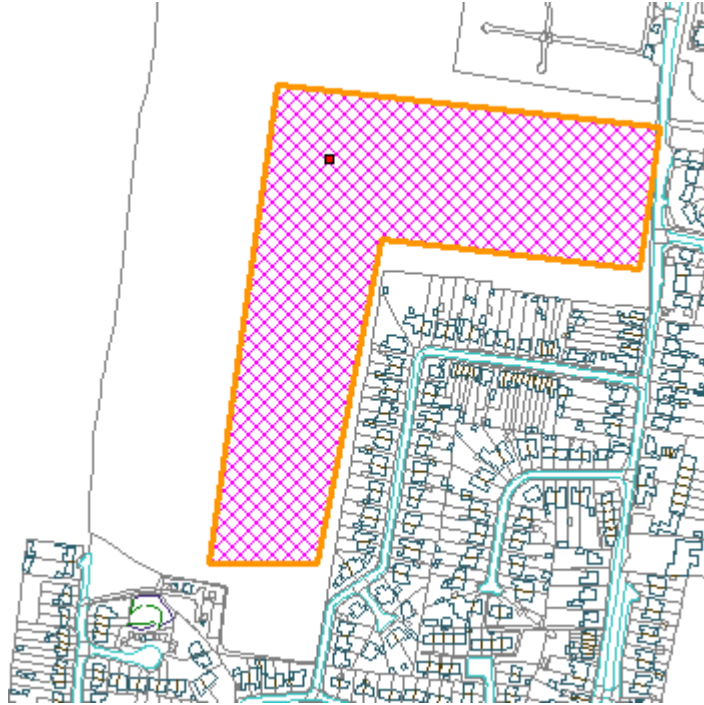
Emma Fibbens

TITLE:

F/TH/23/1475

Project

Land On The West Side Of Tothill Street RAMSGATE Kent



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**D09**

**F/TH/23/0945**

**PROPOSAL:** Change of use and conversion of public house into 4No. 3 bed flats, erection of part single and two storey rear extension together with external alterations to fenestration and roof

**LOCATION:** The Britannia Fort Hill Margate Kent CT9 1HH

**WARD:** Margate Central

**AGENT:** Mr I Barber

**APPLICANT:** Miss Otilie Godfrey

**RECOMMENDATION:** Defer & Delegate

Defer and delegate the application for approval, subject to the submission of a signed unilateral undertaking within 6 months securing the SAMM contribution and the following safeguarding conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 2418/07b (received 14/02/24), 2418/08, 2418/09a (received 14/02/24), 2418/10, 2418/11a, 2418/12.

**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 Policies QD02 and HE02 of the Thanet Local Plan

4 The area shown on the approved plan numbered 2418/07b for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

## **GROUND**

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

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

## **GROUND**

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

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

## **GROUND**

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

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

## **GROUND**

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

8 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing No 2418/07b 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.

9 Prior to the first occupation of the development hereby permitted the refuse storage areas shown on the approved plan shall be provided and thereafter retained.

## **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.

10 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

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

## **GROUND**

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

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

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

## **GROUND**

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

12 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

13 Within 3 months of works commencing an ecological enhancement plan must be submitted to the Local Planning Authority for written approval. The plan must demonstrate that ecological enhancement features will be integrated into the buildings and within the site boundaries. The approved details will be implemented and thereafter retained.

## **GROUND**

To enhance biodiversity in accordance with policy SP30 of the Thanet Local Plan

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

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

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

## **GROUND**

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

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

## **GROUND**

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

16 The extension 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.

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

## **GROUND**

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

## SITE, LOCATION AND DESCRIPTION

The application relates to the former Britannia Public House which is located on the southern side of Fort Hill, Margate. To the south of the site is Margate Police Station. To the north and east of the site are residential properties, separated by rear alleyways. The property is Grade II listed and is located within the Margate Conservation Area.

The building is two storey in height and basement level. The building has a slate roof and castellated parapet and a small single storey projection at the front. The building is part rendered at the front with a glazed area and fascia sign indicating its last use as a public house. To the rear the building is constructed in yellow/brown bricks and is enclosed by a brick and flint wall to the boundaries.

The site lies within the urban confines, inside the Margate Conservation Area in a sustainable location, and currently comprises a Public House- although not operating at the time of a site visit. It fronts Fort Hill with hard surfacing to the front for vehicle parking and to the rear the former pub garden.

## RELEVANT PLANNING HISTORY

The site has had numerous applications over the years, however, none are directly relevant to this application with the exception of the application below..

L/TH/23/1080 - Application for listed building consent for conversion of former public house into 4No 3 bed flats erection of part single and two storey rear extension together with external alterations to fenestration and roof and internal alterations. Current

## PROPOSED DEVELOPMENT

Since the application was submitted the cottages to the rear of the site, within the public house gardens have been removed due to concerns raised by officers.

The 4no 3 bed flats would be contained over the two floors and basement level. Flat 1 would have its entrance from the front of the building, having its living room, snug and store at

basement level (a larger window created to the front and a new window to the rear to serve the basement), at ground floor level there would be a kitchen, family/dining area family bathroom, three bedrooms one with an ensuite. Flat 2 would have its own access to the site of the building leading directly into the open plan kitchen/dining and living area, in addition there is a family bathroom and three bedrooms one having an en suite. At first floor level, accessed via the front entrance; also serving flat 1 are two further three bedroom flats.

The development also includes the erection of part single and two storey rear extension (basically 'squaring off' the rear - extending bedroom 3 of flat 1 (ground floor) and at first floor the removal of the shower room and W.C projecting and the erection of a first floor that would create the rear living section of flat 4; 3 bedrooms, family bathroom, -W.C and kitchen having a pitched roof over. In addition there would be external alterations to fenestration and roof and internal alterations.

## REPRESENTATIONS

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

12 representations have been received, this includes 3 objections and 9 letters of support.

- The concerns can be summarised as follows:
- Outlook will be impacted
- Overdevelopment of site
- Rubbish issue will get worse
- Converting the listed building should be enough
- Access will be blocked
- Limited parking in the area
- Loss of mature trees in the garden
- Do not need small flats and cottages in this area
- Loss of light
- Loss of sea views
- Overlooking
- Cottages dominate
- No shadow analysis
- Loss of trees
- A biodiversity net gain is required
- Concerns about construction work - noise, dust, time taken
- Concern about chimneys in the cottages and potential for pollution
- Concern about fire escape
- Concern about the size of the cottages
- Does not meet secured by design standards

The supporting representations can be summarised as follows:

- Seen as an improvement for an unused building
- Design is in keeping with the area

- Owner/tenant tried to keep the pub going but was not feasible
- Pub was too big
- Poor state of repair and this is a sensible option
- Beer garden is sufficient to accommodate two cottages

**Margate Civic Society:** We have no objection to the conversion of the building into flats, however, in order to achieve this, we would object most strongly to any efforts to demolish or change any part of the existing structure owing to its historical importance and value.

Furthermore, owing to this historical importance of the site formerly in use as Cobbs Brewery, we would like to see a full and impartial archaeological survey being carried out prior to any development taking place.

Finally, with regard to the green space to the rear, we object to any attempt to compromise this by the construction of two additional dwellings. We believe this space should be protected, valued as it is as a buffer between this site and the surrounding existing developments.

## DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy Housing  
SP13 - Housing Provision  
SP14 - General Housing Policy  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
SP37 - Climate Change  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible Locations  
H01 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
HE02 - Development in Conservation Areas  
HE03 - Heritage Assets  
CC02 - Surface Water Management  
CM02 - Protection of Existing Community Facilities  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## CONSULTATIONS

**Natural England:** Designated sites (European) - No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

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

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.

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

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

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

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

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

**KCC Biodiversity:** We have reviewed the submitted information and we are satisfied with the conclusions of the ecological report that no specific species surveys are required.

The report has detailed that there is potential for breeding birds and it's our view that foraging/commuting bats may be present within or adjacent to the site.

Due to the potential for breeding birds to be present we recommend that the following Breeding Bird informative is included if planning permission is granted.

Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by a suitably



qualified and experienced ecologist immediately prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.

### Lighting

Lighting can have a negative impact on bats and other nocturnal animals. Therefore to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23 Bats and Artificial Lighting at Night'<sup>1</sup> should be consulted in the lighting design of the development.

We recommend that if planning permission is granted a lighting condition is included and it has the following requirements:

- o Follows the recommendations within Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23 Bats and Artificial Lighting at Night'
- o Submission of a plan showing the location of the lights
- o All lights must be downward facing
- o Lights are on a motion sensor

### Ecological Enhancement

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2021, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise the following condition is included if planning permission is granted:

Within 3 months of works commencing an ecological enhancement plan must be submitted to the LPA for written approval. The plan must demonstrate that ecological enhancement features will be integrated into the buildings and within the site boundaries. The plan must be implemented as approved.

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

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide

<sup>1</sup> 'Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

**KCC Highways: *Further comment:*** Amended plans submitted inclusive of vehicle parking dimensions appear to now have only 8 parking spaces, a reduction from the initial 12. This reflects a change in description of proposals reducing the proposed dwellings to 4 no. 3

bedroom flats only. As per IGN3 and TDC local plan, any edge of centre site such as this requires 2 parking spaces per unit and an additional 0.2 visitor parking space. Although the 1 visitor parking space has not been provided, the wider network is subject to on street parking restrictions and I am content that no on street parking would be encouraged by these proposals.

The layout is acceptable in regard to parking dimensions, however dwellings with unallocated communal parking should have electric vehicle charging provisions of 10% Active Charging Spaces and 100% Passive Charging Spaces. I am content that this provision can be secured by way of condition.

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

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

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans (Drawing No. 2418/07b) prior to the use of the site commencing.

For unallocated communal parking, Electric Vehicle Charging should be provided at 10% Active Charging Spaces and 100% Passive Charging Spaces. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Provision and permanent retention of the cycle parking facilities shown on the submitted plans (Drawing No. 2418/07b) prior to the use of the site commencing.

*Initial comments:* This application seeks to change a public house into 6 residential dwellings inclusive of flats and cottages, and I am satisfied that the existing access would not be subject to increased associated movements due to this development. There is also a proposed provision of 12 parking bays, which exceeds requirements for resident and visitor parking as per Kent Parking Standards.

However, the following matters require further information or resolution:-

Dwellings with unallocated communal parking should have electric vehicle charging provisions of 10% Active Charging Spaces and 100% Passive Charging Spaces. These provisions should be shown on submitted plans.

Parking bays should be a minimum of 2.5m wide by 5m in length which is noted within the Design and Access Statement submitted however on plans the bays do not appear to meet these requirements (This width should be increased to 2.7m if the bay is constrained on one side by a hard boundary). Therefore, I am unable to properly assess the aisle for manoeuvre which should be a minimum of 6m to allow a vehicle to turn and egress in a forward gear.

In addition to the above matter, it should be considered that a designated disabled bay should be provided measuring 5.5m in length by 3.7m in width.

I would advise that Thanet District Council Waste and Recycling Team are consulted regarding refuse collection strategy. Drag distances should not exceed 55m total for residents and collectors, which appears to be exceeded by the rear cottages.

**TDC Tree Consultant:** The tree report submitted with the application records the presence of eleven existing trees, eight Leyland Cypress and three Sycamore, in the rear garden of the former Britannia Inn. They are growing within an enclosed courtyard, surrounded by buildings, and are not visible from the public realm.

Although they may be visible from immediately adjacent properties, and may make a local contribution to the character and setting of these properties, they are considered to be of low amenity value to the wider area.

Three trees are classified under the BS5837 tree quality assessment as Category "C" - Trees of low quality, with the remaining eight as Category "U" - Unsuitable for retention. The majority of the trees are described as either predominantly dead or with dieback throughout the canopies. The condition of the trees is confirmed by photographs in the report. The trees are growing immediately adjacent to boundary walls with the potential, if retained, to cause damage.

None of these trees are suitable for retention and they should not be considered a constraint on development.

**TDC Conservation Officer:** Final comment - Following a review of the amendments to the scheme and the removal of the additional properties to the rear of the site I do not object to the conversion of the listed property.

I would suggest conditions covering proposed landscaping, hardstanding and fences, joinery conditions of proposed windows and doors and rainwater goods.

Initial comments - The Britannia Fort Hill Margate is a Grade II listed building located adjacent to Margate Conservation Area in a prominent location, highly visible from the surrounding area.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.'

As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area.'

New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.' NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

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.

This application comprises two distinct elements: the conversion of the existing building and the construction of semi-detached properties within its grounds. Prior to submitting this formal application, pre-application advice was sought, during which concerns were raised regarding the proposed development within the grounds of the listed property. These concerns revolve around the potential harm this development could inflict on the overall setting and appearance of the site.

At the pre-application stage, the properties were initially designed with a taller scale, but these plans have since been revised, resulting in a reduction in height. However, the fundamental concern persists due to the implications of the proposed development on the setting and appearance of the listed property. It is important to note that the proposed development fills a substantial portion of the space surrounding the site, thereby bringing about irreversible alterations to its layout and perception. These changes impact not only the view from within the site but also from the opposing conservation area. The placement of gardens at the forefront of the Britannia, which deviates from typical layouts, underscores the perceived congestion of the site.

While it is acknowledged that the layout of the grounds has evolved over time, as has the pub itself, there is no historical record of a structure of this form or scale within its grounds. Consequently, this proposal is deemed to cause a significant amount of harm.

Regarding the conversion of the existing building, there are no objections in principle. The proposal aligns largely with appropriate and sympathetic measures, as outlined in the design and access statement and heritage statement. Particular attention has been given to the octagonal room, which has been preserved in its current form with minimal changes. Some harm is anticipated due to the rear extension and general room rearrangement; however, these issues are outweighed by the benefits associated with maintaining the building's use and converting it into a solely residential property which will ultimately ensure its sustained use and condition.

The primary significance of the building lies in its retained internal details and its overall setting and appearance, which positively influence the surrounding environment and the nearby conservation area. Altering this rear outlook in a significant manner would have

detrimental effects on both the listed property itself and the adjacent conservation area. As such, it cannot be supported. While some external changes to the main property are expected, they are within reasonable bounds, unlike the extensive scheme proposed for the rear of the site.

In conclusion, it is believed that the successful conversion of the Britannia is feasible with an acceptable level of harm to the Grade II listed property. However, the separate development, in terms of its scale and form, is deemed inappropriate, as it ultimately causes harm to the primary listed property. Therefore, it should be excluded from the scheme. Consequently, we cannot endorse the proposed application, as it does not align with the applicable legislation.

**TDC Waste Manager:** It appears that bin storage and collection will be from the front of properties accessed via Fort Hill, if this is the case we have no issues.

### COMMENTS

This application is referred to the Planning Committee at the request of Cllr. Bambridge due to concerns about the development representing an over development of the site and loss of a community asset.

### **Principle**

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

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

The site lies within the urban confines, inside the Conservation Area in a sustainable location, and currently comprises a Public House- although not operating at the time of a site visit. It fronts Fort Hill with hard surfacing to the front for vehicle parking and to the rear the former pub garden. The site, therefore, comprises part previously developed land and part non developed land.

Policy SP01 of the Thanet Local Plan sets out the spatial strategy for the district and states that the primary focus for new housing development in Thanet is the urban area as identified on the Policies Map. 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 Margate and would therefore accord with Policies SP01 and HO1.

Paragraph 97 of the NPPF states that planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting

places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

A public house is considered to be a community facility and policy CM02 of the Local Plan seeks to protect against the loss of existing community facilities. The preamble to the policy states that to:

"To assess applications for the change of use or redevelopment of existing community facilities, the Council will require a thorough analysis of the existing operation and attempts made to secure the future viability of the community use. In all cases, the applicant must demonstrate that: the need for the existing or alternative community facilities has been researched and that there is insufficient viable demand; opportunities to support the facility by the introduction of other services have been explored, where the dual use of premises for a number of community functions may help support the viability of facilities; efforts have been undertaken to secure the viability of the facility through applications for grant aid, business advice and discussions with community groups, parish Councils, Thanet District Council, Kent County Council and other national or local bodies with a direct interest in service provision; and the site has been actively marketed for its existing use and alternative community uses, at a realistic price and for a reasonable period of time of at least a year, proportionate to the type and scale of the facility."

The policy itself then goes on to state that proposals which would result in the loss of a community facility will not be permitted unless it can be demonstrated:

- 1) there is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs; or
- 2) every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities; or
- 3) alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community.

The supporting statement gives some information to demonstrate that the loss of the community facility can be supported. This states *"The site is in a sustainable location, being within the urban confines of Margate and is within easy walking distance of shops, other community facilities and cultural buildings such as the museum and The Turner, cafes, and restaurants - although pubs are rapidly declining and a further pub has closed off The Parade and Market Place, together with open spaces and sports venues close by. Certainly, due to the proximity of most of the cafes, shops and community facilities around The Parade and Market Place areas, the additional walk, up Fort Hill to the Britannia, is now very really taken. Certainly, the decline of the Pub as a community facility is highlighted that another local pub has closed, together with many other pubs within the area, most due to the non-viability of running them.*

*There is availability at local community centres which are not yet at capacity, such as the Al-Birr community centre, the Salvation Army church and community, St. John's Church Hall and Cliftonville community Centre, so any slack can be taken from the loss of the Public House. As the pub has been shut for a lengthy period now, any requirement for a community use has already been redirected to other local facilities, which have*

*shown that there is still capacity available."*

Having regard specifically to the three criteria in relation to the protection of existing community facilities; as detailed above. This policy does not require all three criteria to be met but requires at least one of them to be.

1) there is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs - The applicants have investigated public houses, cafes and restaurants close to the application site. These include Fort Road Hotel bar on Fort Road, Northern Belle on Maison Street; The Little Price in the arcade off The Parade; Barnacles on the corner of The Parade and King Street, The George and Heart on the corner of Hawley Square and King Street; The Wig and Pen on the corner of Market Place and Lombard Street; The Bulls Head on the corner of Market Place and Market Street; the Lifeboat on the corner of Market Street and Newby's Place and the Two Halves on Marine Drive and also the Harbour Arms and Lighthouse Bar on the pier. In terms of restaurants Fort Road Restaurant in the hotel, Mamma Mia Pizzeria off the Parade, Olby's Soul Cafe on King Street, The Harbour Cafe, Peters Fish Bar, Wine Shed, Margate's Cafe Shed, Charlies, No15 and The Med.

On this basis, it can be considered that there is alternative local provision of similar uses and the loss of The Wheatsheaf as a public house is unlikely to undermine the ability of the community to meet its day to day needs.

2) every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities - The supporting document details that the use of the building as a public house has declined as a community facility and highlighted that another local pub has closed mostly due to their non viability. However, the supporting documents do not give evidence of what other community uses the property has been marketed for.

3) alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community - The applicants are not proposing any alternative provision of a community facility. They advise that there is no need for any alternative/additional community facilities to be provided in the area given the number of facilities in the area (they have listed restaurants and cafes, art galleries and various community centres (although it is considered by officers that not all of the uses they have looked at would be considered community uses).

Given the above, it is not considered that the loss of the public house; community use would conflict with the aims of policy CM02 of the Local Plan and paragraph 97 of the National Planning Policy Framework, due to sufficient information being submitted when judged against the relevant policy criteria.

## **Character and Appearance**

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special

architectural or historic interest which they possess. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 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.

This application has been amended since its submission due to officer concerns. It originally proposed 2, two storey three bedroom semi-detached cottages within the public house garden. These dwellings do not now form part of this application in front of Members.

This application seeks permission for a part single and two storey rear extension, together with alterations to the fenestration and roof to facilitate the conversion of the former public house into 4 three bed flats.

The extensions and roof alterations proposed to the building would be seen against the host building and would not themselves be readily viewed from public vantage points, only from



the rear alleyways connecting Fort Hill to Trinity Square and providing rear access to the occupiers of Fort Crescent. Whilst the extensions upper portions and roofs would be visible above the flint wall enclosing the rear amenity space, they have been designed to appear subservient to the building as whole and providing a more cohesive appearance compared to the existing, utilising materials already found within the building and matching window details.

It is also noted that the building appears to have been amended over the years and these extensions now proposed will be seen as the next step in its development and a way to facilitate bringing it back into active use.

The proposal does include works to the main elevation of the public house - fronting the Fort Hill - these include the reinstatement of a door and window, changes to the fenestration across the public house frontage to including glazing bars and a widow built into an existing door opening with panelling below.

The reintroduction of the windows and doors is welcomed as well as the breaking up of the amount of glazing to the front pub frontage. It is considered that the building would externally retain its present form from public vantage points and the changes made would not be visually harmful to the area or Conservation Area.

The Council's Conservation Officer raises no objection as the proposal aligns largely with appropriate and sympathetic measures for its conversion. Although she does acknowledge that there is some harm due to the rear extension and general room rearrangement; but advises that these issues are outweighed by the benefits of maintaining the building's use and converting it into a solely residential property which will ultimately ensure its sustained use and condition.

On the basis of the changes to the exterior of the building and rear extensions I acknowledge that there will be a small level of harm, however this will be outweighed by the creation of four residential units and the continued use of this prominent building within the conservation area to avoid its deterioration through not being used.

As such, it is considered that there would be some harm to the character or appearance of the Conservation Area from the proposed development, however, this would be outweighed by the benefits of the conversion and use.

Given the above, it is considered that the proposed development accords with Policies SP36, HE02, HE03 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

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

Local Plan 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 development also includes the erection of part single and two storey rear extension (basically 'squaring off' the rear - extending bedroom 3 of flat 1 (ground floor) and at first floor the removal of the shower room and W.C projecting and the erection of a first floor that would create the rear living section of flat 4; 3 bedrooms, family bathroom, -W.C and kitchen having a pitched roof over. In addition there would be external alterations to fenestration and roof and internal alterations. The two storey extension would measure approximately 5.8m deep and a width of 11.4m with a varying height the lower section having an eaves height of 4.6m and ridge height of 6.9m and the higher section (nearest Fort Crescent properties) being 5.5m to the eaves and 7.5m to the ridge.

To the north of the site are properties that front Fort Crescent which are in residential use. These properties are separated by an existing alleyway. There would be a distance of some 10 metres between the proposed extension and rear of these buildings, at the closest point. This is a similar distance of separation between the existing building and these properties. The extension would be to the south of those properties that front Fort Crescent. Given the position and relationship between the extension and these properties, there would be some loss of sunlight during the middle section of the day, but not dissimilar to that relationship with 1-4 Fort Crescent currently.

To the south of the application property lies Margate Police Station. The main building that occupies this site extends back beyond The Britannia by some distance and also extends further forward. The height of the building does drop- being the highest at the front reducing to two storey and then the very rear section being single storey. A degree of separation is maintained from the extension and the shared boundary of approximately 3m. This distance of separation, the formation of buildings within the Police Station site and orientation would mean that there would be no material harm resulting from the extension.

To the south of the site there are numbers 1 & 2 Albion Place that front the rear alleyway and face the rear of the building facing Fort Crescent. There would be a distance from the rear of the extension and the side wall of these properties of approximately 20 metres away; it is noted that these are in residential use. Given this distance of separation no material harm is envisaged from the proposed conversion.

Whilst concerns have been raised about windows overlooking the rear of properties in Fort Crescent, officers are mindful of the fall-back position. There are currently first floor windows of the public house, which has a flat above. The windows within this first floor side windows, facing Fort Crescent are bedrooms. As such it is not considered that the proposed development will not make overlooking worse. There is one additional window and this serves a W.C to flat 4 and as such would be a non habitable room. Accordingly officers consider that an objection could not be sustained on this basis.

The means of enclosure and hard and soft landscaping to secure privacy of the proposed amenity space and secure a more verdant feel to the site at the front could be secured by a planning condition.

In terms of the living conditions for the future occupants, it is noted that all flats would meet the nationally described space standards and it is considered that the flats on the basement, ground, and first floors would benefit from natural light and ventilation. It is noted that there would be less natural light and ventilation to the basement rooms, however, it is considered that with the light wells and fenestration arrangements proposed that its future occupiers would enjoy an acceptable standard of light and ventilation.

Thanet Local Plan Policy GI04 expects doorstep play space which is immediately adjacent to, and easily accessible from the proposed site for units of accommodation with 2 or more bedrooms. The application property is sited within the high density urban environment of the Margate and is bounded to the side and rear by existing buildings. The scheme however does achieve a private amenity space for each unit. There would also be a storage area for waste and recycling within the front forecourt/parking area. This would accord with the Waste Managers requirements. In this case, given the location and constraints of this site, the provision proposed is considered to be acceptable in this instance.

The proposed development is, therefore, considered to be acceptable in terms of the residential amenity of the adjacent neighbouring properties and the future occupiers of the proposed residential units, in accordance with Policies QD03, QD04 and GI04 of the Thanet Local Plan and the National Planning Policy Framework.

### **Highways**

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

The application property is located close to the town centre of Margate, within a sustainable location and does provide parking provision for the flats. This would equate to two spaces per unit. This is considered to be an ample amount of parking per residential unit in this location.

Each of the four units would have its own small enclosed amenity space that could be used for cycle storage and all flats could accommodate cycle storage within them; sheds are shown. It is, therefore, considered that sufficient cycle storage, in accordance with Policy TP03, can be provided within the proposed development.

Given the above and the sustainable location of the site, it is not considered that there would be an adverse impact from the proposed development on highway safety or parking in the area.

### **Trees**

Within the rear garden there are a number of trees around the perimeter. They are afforded protection due to their location within the Conservation Area.

The tree report submitted with the application records the presence of eleven existing trees, eight Leyland Cypress and three Sycamore, in the rear garden of the former Britannia Inn.

Three trees are classified under the BS5837 tree quality assessment as Category "C" - Trees of low quality, with the remaining eight as Category "U" - Unsuitable for retention. The majority of the trees are described as either predominantly dead or with dieback throughout the canopies. The Tree Consultant confirms that the condition of the trees is confirmed by photographs in the report. The trees are growing immediately adjacent to boundary walls with the potential, if retained, to cause damage.

The Tree Consultant concludes that none of the trees are suitable for retention and they should not be considered a constraint on development.

Officers consider that the trees make a local contribution to the character and setting of these properties, however, given their location they are considered to be of low amenity value to the wider area. Given the distance away from the physical works of the extension there would be no significant impact directly if the trees are retained. The agent has confirmed that these trees will be retained. The Tree Constraints Plan shows the root protection areas.

### **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 means that the Council accords with the Habitat Regulations and an appropriate assessment has been undertaken.

This application would need to provide a valid Unilateral Undertaking to provide the required financial contribution of £1.696 for the four residential units to mitigate the additional recreational pressure upon the SPA area. It is noted that there is an existing residential flat associated with the flat, so there would be a net gain of three residential units and as such a contribution would be sought for three, three bed units on this occasion - £1272 and the associated monitoring fee rate of £150 for this number of units in order that it would accord with Policy SP29. The agent has confirmed the applicant's acceptance of this if Members resolve to approve the application.

### **Conclusion**

This application seeks planning permission for the change of use of a public house with associated residential accommodation to four three bedroom flats (C3).

Whilst the application would see the loss of a community facility it is considered that there are other a number of other public houses and community facilities in the local area not to undermine the ability of the community to meet its day to day needs. Whilst there will be some harm to the listed building and wider Conservation through the erection of the extension the benefits of getting the building back into active use offset this harm. The development would also contribute to the housing supply within the district.

There are no issues in terms of highway safety or parking or an adverse impact on the residential amenities of adjoining occupiers. The flats are considered to provide a good standard of accommodation for future occupiers.

On this basis it is recommended that Members resolve to defer the application for approve subject to the receipt of a valid Unilateral Undertaking to secure the SAMM contribution within 6 months of the resolution.

### **Case Officer**

Gillian Daws

TITLE:

F/TH/23/0945

Project

The Britannia Fort Hill Margate Kent CT9 1HH

Scale:

