

**D05**

**F/TH/19/1025**

PROPOSAL: Erection of 10No 2 bed flats, 2No 3 bed maisonettes and 2No 1 bed flats with associated access, parking and landscaping  
LOCATION: following demolition of existing building

The Orb Inn 243 Ramsgate Road MARGATE Kent CT9 4EU

WARD: Salmestone

AGENT: Matthew Blythin

APPLICANT: Grifo Development Ltd

RECOMMENDATION:

Defer and Delegate for approval subject to the satisfactory completion of Section 106 agreement within 6 months securing the required planning obligations as set out in the Heads of Terms and the following conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered (P)002 rev D, (P)003 rev C, (P)004 rev C, (P)005 rev F, (P)006 rev E, received 5th March 2020; amended plan numbered (P)007 rev B, received 7th February 2020; and amended plans numbered (P)007 rev C and (P)1002 rev B, received 3rd December 2019.

**GROUND:**

To secure the proper development of the area.

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

**GROUND:**

To ensure that features of archaeological interest are properly examined and recorded.

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

**GROUND:**

To ensure that historic building features are properly examined and recorded.

5 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Surface/ Foul Water Strategy report by Abstract Consulting (September 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

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

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

**GROUND:**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

6 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, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

**GROUND:**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

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

**GROUND:**

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

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

**GROUND:**

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

9 No 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 ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

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

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

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

11 Prior to the first use of the site hereby permitted the vehicular access approved and associated vehicle crossing point onto the highway, as shown on the approved plan numbered (P)1001 should be complete.

**GROUND:**

In the interests of highway safety.

12 Prior to the first occupation of the development hereby approved, the redundant vehicle crossing to shall be removed and the footway reinstated in accordance with the specifications set out in the Kent Design Guide.

**GROUND:**

In the interests of highway safety.

13 Prior to the first occupation of the development hereby approved, visibility splays shall be provided to the access on to Ramsgate Road as shown on the approved plan no.(P)1001, with no obstructions over 0.6m above carriageway level within the splays. The visibility splays shall thereafter be maintained.

**GROUND:**

In the interest of highway safety.

14 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers (P)002 rev D shall be provided and permanently retained.

**GROUND:**

In the interests of highway safety.

15 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. (P)004 rev C shall be provided and thereafter maintained.

**GROUND:**

In the interests of promoting increased cycling in accordance with policy TR12 of the Thanet Local Plan

16 The area shown on the approved plan numbered (P)002 rev D for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

**GROUND:**

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

17 Prior to the first occupation of the development hereby permitted, electric vehicle charging shall be provided within the site in the form of one per ten unallocated spaces, and one per allocated space. Details of the location and design details of the active electric vehicle charging points 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 and thereafter maintained.

**GROUND:**

To reduce the impact upon air quality, in accordance with the NPPF.

18 At least 10% of the development shall be built in compliance with building regulation part M4(2).

**GROUND:**

To meet a range of community needs, in accordance with the NPPF and Policy QD05 of the Draft Local Plan.

19 The refuse storage facilities as specified upon the approved drawing numbered (P)004 rev C shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times.

**GROUND:**

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

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

**GROUND:**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

21 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 D1 of the Thanet Local Plan

22 The panels to be used in the front bay projections and side elevation of the refuse store shall be reclaimed flints from the existing building.

**GROUND:**

In the interests of design and the historic character of the site, in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

23 The first floor southern side elevation windows serving flat 6 and the landing area, and the second floor side elevation dormer windows of the development hereby permitted,

shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent, and fixed shut below an internal floor height of 1.7m. The obscure glazing shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

**GROUND:**

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

24 Prior to the installation of any external lighting, full details of the external lighting, including their fittings, illumination levels and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

**GROUND:**

To ensure that light pollution is minimised in the interest of the visual and residential amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

25 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 2005 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 Policies D1 and D2.

26 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 within the site,
- details of the refuse and cycle stores, including elevations and materials,

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 D1 and D2 of the Thanet Local Plan.

27 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 in accordance with Policies D1 and D2 of the Thanet Local Plan

28 Prior to the first occupation of the development hereby permitted, a 1.8m high fence shall be erected along the southern side boundary of the site, as shown on plan numbered (P)004 rev C. The fence shall thereafter be maintained.

**GROUND:**

In the interests of neighbouring privacy, in accordance with Policy D1 of the Thanet Local Plan.

29 The front boundary wall shall be retained, with the new wall to be erected in the location of the redundant access point to match the design, height and materials of the existing wall, as agreed in correspondence from the agent received 8th June 2020.

**GROUND:**

In the interests of the visual amenities of the area, in accordance with Policy D1 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

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/>

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

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

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

### SITE, LOCATION AND DESCRIPTION

The site is located in Ramsgate Road, a main through road connecting Margate with Westwood. There is a mixed character along this road, with some residential developments of 2-3 storey in height, the QEQM Hospital, a car washing facility, which is almost directly opposite the site, along with some retail and takeaway units slightly further from the site near the Victoria Traffic Lights.

Adjacent to the site to the north is a new residential development of 2-3 storey in height, which replaced a former garage use. To the south of the site are existing residential properties, consisting of 2-storey detached and semi-detached dwellings, whose rear gardens bound the site. To the rear of the site are residential gardens associated with properties in Farley Road. Opposite the site are open fields in agricultural use.

The site itself occupies a 2-storey public house building, which closed in 2017. Parking is located to the front of the building on a hard surfaced area, adjacent to the existing access point onto Ramsgate Road. The building has been developed over time, with a number of extensions present to the rear of the building. The site contains a drop in level, with the rear of the site at a lower ground level than the front of the site. A few trees are located along the rear boundary of the site.

### RELEVANT PLANNING HISTORY

No relevant planning history.

### PROPOSED DEVELOPMENT

The proposal is for the erection of 2no. 3-storey buildings, with accommodation within the roof space. The buildings will accommodate 10no 2-bed self-contained flats, 2no. 1-bed flats, and 2no. 3-bed maisonettes. The buildings are pitched roof with bay frontages, and will be constructed using reclaimed flints from the existing building, red facing brickwork, grey



cladding, and slate roof. A single storey refuse store building is being attached to the side of block A, with reclaimed flint to the side elevation.

The vehicular access is being relocated to the south of the site, and will serve 14no. parking spaces, with 2no. visitor parking spaces.

The mature trees to the rear of the site are being retained, with only four small trees to be removed. The front boundary wall is also being retained.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan (2006)**

H1 - Housing  
H4 - Windfall sites  
H14 - Affordable Housing  
H8 - Size and Type of units  
D1 - Design  
TR12 - Cycle provision  
TR16 - Parking provision  
SR5 - Playspace  
CF1 - Community Facility  
CF2 - Development Contributions

### **Draft Thanet Local Plan (2020)**

SP19 - Size and Type of units  
SP20 - Affordable Housing  
H01 - Housing Development  
GI04 - Amenity Space and Equipped play area  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable accommodation  
CC04 - Renewable Energy  
SE05 - Air Quality  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

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

- overlooking from veluxes and juliet balconies,
- Loss of historic building,

- Existing building should be converted,
- Highway safety due to number of accesses close together on a 40 mph road with poor visibility,
- Lack of parking in surrounding area,
- Too high density for the area.

**Margate Civic Society** - (*final comment*) We can find nothing within the amended plans to alter our original objection lodged on 19 August. We are therefore still utterly opposed to the obliteration from the landscape of this iconic and much loved local historic landmark. To submit additional irrelevant documentation about attempts to sell or let the property does nothing in our opinion to justify the properties destruction. The only motive that supports the proposal derives from maximising profit from the site at the expense of local history and this must be rejected at all costs. We only get one opportunity to preserve local history and a rejection of this proposal would reflect the esteem in which we hold this building. Presumably the appropriate extension and conversion of the property to provide residential units is of no interest to this particular applicant as no doubt a reduced financial return from the site holds no appeal whatsoever.

To conclude, MCS is totally against the demolition of this historic building solely in the name of profit. We would encourage the applicant to sell the property to a developer who does recognise the benefits of retaining and converting/extending this asset to provide a more modest return on investment.

(*initial comment*) Margate Civic Society wishes to object in the strongest possible terms to the proposed loss of this long-standing and most attractive local landmark. The proposal seeks to demolish 'The Orb' and replace it with a pair of buildings containing a total of 14 flats with the sole aim of maximising the financial return from the site.

The existing structure has graced the site for almost 200 years and deserves better than this. We note that the developer has submitted carefully prepared Statements from Shepherd Neame and Canterbury Archaeological Trust Limited to support the application.

The comments from Mr Barnes on behalf of Shepherd Neame merely relate to the current lack of viability of the premises as a Public House, the decline of which business is not in question. His Report concentrates solely upon the financial implications of commercial operation as this is his sphere of expertise but he completely fails to address the visual and architectural merits of the building and the contribution it makes to the visual amenity of the local area.

Canterbury Archaeological Trust report that the building has early 19th Century origins but their efforts seem aimed at determining a construction date of post 1830 - presumably to avoid the possibility of the building being worthy enough to earn a 'Listed' status and thereby threaten the prospects of demolition. 'The Orb' is in fact believed to occupy the site of the oldest hostelry in Margate, dating from the 15th century. However, be that as it may, the architecture and choice of materials used in the construction of the present building are quite stunning in their own right.

The CAT Report quotes as follows : 'The former Orb Public House is a building of some charm and historical interest, albeit only of local significance.' Precisely : 'of local significance' - that is critical surely when the proposal to demolish is brought into play. The Report finishes by stating : 'If the building were to be demolished, much of its evidential value could be preserved by historic building recording, undertaken ahead of and during demolition and informed by further documentary research', Charming ! I wonder if such a similar final paragraph has ever been incorporated within a Report relating to a building actually located within their 'home area' of Canterbury City centre and whether any such comments have ever been accepted by Canterbury City Council when dealing with an historic building under threat of demolition ?

There is much contained within the developer's Planning Statement claiming that the proposal complies with planning policy but absolutely nothing to mitigate or justify the destruction of an historic and attractive building.

At paragraph 5.2.1 within the Statement it was confirmed that during pre-application discussions between the developers and Officers at Thanet District Council that the Public House was likely to be a 'non-designated heritage asset'. It is the opinion of Margate Civic Society that this is precisely what the building is and that its wanton destruction should be resisted at all costs.

There are remarkable similarities between this application and the recent attempts at Acol relating to the proposed demolition of the former 'Crown and Sceptre' Public House. These efforts resulted in failure for precisely the same reasons that are applicable to 'The Orb' and it is to be applauded that Thanet District Council took enforcement action in Acol which has now resulted in the reversal of the partial demolition that had already taken place and that building is set, once again, to grace the street-scene,

Margate Civic Society notes that the proposal now under implementation at Acol provides for the building to be converted into two houses, one of four bedrooms and one of two bedrooms. The Society would fully support similar proposals for 'The Orb' : with some imagination and flair, together with the use of appropriate materials, it should be possible for 'The Orb' to be sympathetically converted and even extended to provide units of accommodation that respect the setting and style of this attractive building which has stood on the site for almost 200 years.

For the above reasons, Margate Civic Society respectfully requests that the present application be refused and that the applicant be encouraged to reconsider his plans for the site and to resubmit a new application retaining, converting and adding to where appropriate, thereby still contributing to the local housing stock.

## CONSULTATIONS

**Conservation Officer** - The Orb Inn is a traditional double bayed property located at the forefront of the site proposed for the development of multiple flats, of which require the demolition of the existing property. Currently the property is unlisted and is not proposed for local list status.

NPPF guidance states when determining applications, section 187 (paragraph a) local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to assess the significance of heritage assets and the contribution they make to their environment. As well as section 192 which states local planning authorities should take account of (paragraph c) the desirability of new development making a positive contribution to local character and distinctiveness.

Reviewing the information that has been submitted regarding the history and development of The Orb Inn, as well as undertaking our own desk based assessment and site visit, I have concluded that although the Inn is of some established local significance and developmental history, there is in fact reduced intrinsic heritage value that remains within the property.

An extensive assessment of the property has been included within this application within a report undertaken by Canterbury Archaeological Trust (CAT). This details the development of the site alongside factual evidence that currently exists through maps, images and locally sourced information. I believe it to be true that this is a site that may have once housed a building which may have been of more historical significance had it not been lost within the development of itself through time. Unfortunately little to none remains of its character internally with the main somewhat 'original', but largely replaced and repaired, front facade resulting in a feature common and perhaps better portrayed elsewhere in Margate. I agree with the statement made from CAT that the main features of significance belong to the elevation affronting Ramsgate Road which has been determined through its position, appearance and existing materiality.

The side elevation is attractive and perhaps an indication of the quality of the building once constructed. It also has painted signage which could be retained as a legacy for the site visually displaying its history. Largely I do not object to the application and the demolition of The Orb Inn but advise that it would be complementary to the proposed site to retain the more significant elevation and incorporate that into the proposed construction. This compromise retains a sense of history to the location of The Orb whilst reflecting the materiality of the site.

Partial demolition would also allow any other flint removed elsewhere, possibly the rear elevation which is also of flint construction, to then be incorporated into the design of the other flats and dwellings, walls or detailing throughout the site. Not only would this cohesively bond the proposed development and heritage of the site but it would also give the proposed dwellings a somewhat unique approach rather than appearing solely contemporary or repetitive of modern development.

If the Orb Inn was to be demolished I believe it should be recorded both internally and externally, before and during demolition to retain any evidential value which could also contribute to further documentary research of Margate and Thanet.

**KCC Highways** - (*final comments*) I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.

*(initial comment)* The highway authority (HA) is satisfied with the principle of development in this location. The site has good access links to the main road network via the A254 and is located within close proximity to bus stops. The addition of 14 dwellings is unlikely to lead to any notable increase in traffic movements, especially when compared to the sites existing permitted use as a public house.

In order that I may fully assess the highway implications I shall require further information in respect of:-

1.) Access visibility splays. No details have been submitted in regards to the available visibility at the proposed vehicular access. The applicants will need to demonstrate that sufficient visibility is available to accord with the manual for streets (MfS2) standards for a 40mph speed limit, which requires splays of 91 metres in each direction from a 2.4 metre set back with no obstructions above 0.9 metres in height within the splays.

2.) Parking. The proposals include 14 parking spaces, which equates to 1 space per dwelling /flat. To accord with minimum parking standards for a suburban location the applicants will also need to provide visitor parking at a rate of 0.2 spaces per unit / flat, equating to a total of 3 visitor spaces. It appears to be possible to provide at least 2 additional parking spaces alongside parking bay 14.

I shall be grateful if you will allow an extension of time to the normal consultation period in order that the highway implications of this proposal can be properly assessed. Once the requested amendments have been made I will let you have my additional comments as soon as possible.

**KCC Biodiversity** - *(final comment)* We have reviewed the additional ecological information submitted in support of this planning application and advise that sufficient information has been provided by the applicant. No evidence of roosting bats (a primary ecological consideration) were found during the emergence surveys. Therefore, we require no further information. If planning permission is granted, we advise that a safeguarding informative and condition are included.

*(initial comment)* We have reviewed the ecological information submitted in support of this application and we advise that additional information is required prior to determination of the planning application.

## Bats

As this development proposal involves the demolition of an existing building, the primary ecological consideration would be roosting bats; all species of which, and their roosts, are protected. As such, there is a need to undertake a bat scoping survey to understand if bats are utilising the building. This in alignment with paragraph 99 of ODPM 06/2005 which states: "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". If suitable bat roost features are identified, there will

likely be a need for further surveys to be undertaken. We advise that results of the bat scoping survey, along with any recommended further surveys and necessary mitigation measures, must be submitted to the local planning authority prior to determination of the application.

### Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Examples include the installation of bat/bird boxes and native planting. However, as the final enhancements might be influenced by the result of the recommended bat scoping surveys (above), we advise that an enhancement plan is produced and submitted to the local planning authority with the results of the surveys.

**KCC Archaeology** - Thank you for consulting on the above application for residential development following the demolition of the Orb Inn. I note that the application includes a Heritage Asset Statement provided by the Canterbury Archaeological Trust which has provided a good account of the later development of the site and the Inn.

Their report identifies the former Inn as having been built on the site in the early 19th century and that prior to this the land was undeveloped as can be seen on the Ordnance Surveyors Field Drawings of 1797. It is clear from the study that the present building includes elements that survive from its original construction with later extensions and adaptation evident. It is also clear that the building is a non-designated heritage asset and I would agree with the significance being at local level. That local significance would include the contribution that the facades of the building make to the present streetscape and the history of the pub which has been within the local community for around 200 years. The study notes that:

"The main intrinsic heritage value of the building is in its two elevations towards Ramsgate Road. Despite the late twentieth-century alterations to the main frontage - which it would be difficult and perhaps pointless to reverse - some part of its original character survives. The long side elevation is also interesting and attractive with its varied fabric, painted signage (albeit recent), and the remains of the Chapel Hill House boundary wall."

Paragraph 197 of the National Planning Policy Framework (NPPF) guides that:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

I note that the proposals involve the demolition of the heritage asset and the Council should obtain the advice of their built heritage advisors / conservation team on whether the level of harm is acceptable and the extent to which the heritage asset contributes to local character and distinctiveness as guided by paragraph 192 of the NPPF.

I note that the Heritage Asset Statement and the Design & Access Statement highlight that the evidential value of the asset can be preserved through historic building recording. This

can be supported through paragraph 199 of the NPPF although it is important to also note that para 199 also guides that the ability to record evidence of our past should not be a factor in deciding whether such a loss should be permitted. It should also be noted that the recording relates mainly to the assets evidential value and other values also contribute to its significance. Should the Council permit demolition or alteration of the heritage asset then a building recording clause would be appropriate.

With respect to the archaeology of the site, it should be noted that the property is located in an area which is rich in archaeological findings. Remains of prehistoric, Roman and Saxon date have been excavated in the grounds of the hospital site to the east of Margate Road. The site may also include archaeological evidence associated with its establishment and use as an inn which would add to the evidential value of the heritage asset.

I would therefore recommend that in any consent, provision is made for a programme of archaeological works.

**TDC Contaminated Land Officer** - Based on the information submitted with the application and the sites location adjacent to a previous PFS site, I would be grateful if you could attach a watching brief condition.

**KCC SUDs** - Kent County Council as Lead Local Flood Authority have reviewed the Surface/ Foul Water Strategy by Abstruct consulting and agree with the principles contained within the report. We highlight that the current drainage design and cellular soakaway size has been based on the assumed infiltration rate of  $5 \times 10^{-5}$  m/s. Therefore as part of the detailed design stage, we would expect to see infiltration testing undertaken at the proposed location and invert level of the soakaway. It is advised that any soakage tests conducted are compliant with BRE 365 standard, notably the requirement to fill the test pit several times. From the results obtained, the design can be modified accordingly using the infiltration value obtained from testing. Should your authority be minded to grant permission for the above development, we would recommend safeguarding conditions.

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

The applicant has not stated details of the proposed means of disposal of surface water from the site. Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. 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.

We request that should this application receive planning approval, a foul drainage condition is attached to the consent.

**Environment Agency** - Based on the submitted information we consider that planning permission could be granted for the proposed development if the following planning conditions are included as set out below. Without these conditions, the proposed

development poses an unacceptable risk to the environment and we would object to the application.

**Natural England** - Please be advised that on the basis of the appropriate financial contributions being secured to the relevant scheme, Natural England concurs with your authority's conclusion that this is suitable mitigation, as such the proposed developments will not have an adverse effect on the integrity of Thanet Coast and Sandwich Bay SPA and Ramsar site. Should the proposal change, please consult us again.

**KCC Development Project Manager** - 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, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

NHS Clinical Commissioning Group - Please be advised that NHS Thanet CCG will not be seeking a financial contribution as a result of this planning application as the number of dwellings proposed is below that which would trigger a request.

## COMMENTS

The application has been called to planning committee by Councillor Candy Gregory, to enable members to consider the risk to wildlife and their habitat and the impact on highway safety; and by Councillor Steve Albon, to enable members to consider the loss of the former public house building and construction of a block of flats, and its impact upon the character of the area.

### **Principle**

The proposal is for the demolition of the existing public house, and its replacement with a residential development. The main principal issues are therefore the demolition of the existing building, the loss of the public house as a community facility, and the provision of new residential development.

#### *- Loss of a Community Facility*

Policy CF1 (community facilities) of the Thanet Local Plan, and the National Planning Policy Framework, strongly support the retention of community facilities, unless there is evidence to suggest that the community use of a building is no longer required. The current use of the site is for a public house to serve the local community, and is therefore considered to be a community facility that requires retention, unless it can be demonstrated that there is no longer a sufficient need for the facilities to warrant retention for community use, or it can be demonstrated that adequate alternative accommodation appropriate to community use, and suitably located, will be provided.

As part of the submission a viability statement dated April 2018 has been submitted. The report has been compiled by Shepherd Neame Ltd, who has owned the site for 42 years, up until last year when the site was sold. The viability statement fully explains the reasoning



behind the decline in trade at the property within the last 10 years, and explains that even with investment in the refurbishment of the property, and changes to the business plan, the public house has become increasingly unviable, which has led to the sale of the business. The conclusions of the report are understood, and provide an insight as to why there may no longer be a need for the community facility in this format, however the report contained no marketing evidence, including how and at what price the community facility was marketed, and whether it was made affordable for an operator or an alternative community use to consider the purchase of the site.

Additional information has been submitted. This has included the particulars for the marketing of the property, which show that it was advertised as a detached freehold public house with first floor 3-bed flat and parking for £225,000 plus VAT, which appears to be a reasonable price for the community facility. A marketing and viability report dated 14th August 2019 has also been submitted. The report provides greater background information on the marketing exercise along with the period of marketing. The report comments that the public house has a poor internal layout, which includes a number of small rooms provided at different levels, affecting the effective use of the facility. The report also comments on the location of the facility, which has an out of town location, with mainly a residential catchment, thereby limiting footfall use. Details have been submitted of the new public houses that in recent years have been constructed in close proximity to the site, including the Toby Carvery, Hungry Horse, and Canterbury Bell, which are in addition to the existing nearby public houses of Lesters (500m from the site) and The Star Inn (a recently refurbished pub within 1000m from the site, a 14 minute walk), all of which have impacted upon the falling trade of the premises. The public house was put on the market in early 2017, and continued to be marketed for 7-8 months until the public house was sold to the applicant. The report claims that when marketing commences the vast majority of interests and viewings are undertaken within the first 2-3 months. Policy CF1 of the Thanet Local Plan does not provide a minimum marketing period, but approximately 6-12 months has previously been requested for similar proposals. Policy CM02 of the Draft Thanet Local Plan only permits the loss of community facilities where 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 where 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. Whilst the preamble to this policy requires a minimum of one years marketing, in this case given the proximity to existing nearby public houses, which can serve the local residents; the submitted justification that examines the viability issues relating to a continued public house in this location; the marketing exercise that has been carried out for a minimum 7 month period, proving a lack of interest in the continued use of the site for a community use; alongside the layout of the building, which consists of numerous small rooms over varied levels, which limit the effective ongoing use of the building for a community use. t On this basis it is accepted that all reasonable attempts have been made to provide an alternative community use on the site, in addition to it being accepted that there is alternative provision in the vicinity to meet local need in compliance with Draft Policy CM02 and Policy CF1 of the Thanet Local Plan.

- *Demolition of Existing Building*

The existing building is a well preserved mid C19th purpose built pub. The structure behind it is older, and may well be part of a previous pub on the site since there has been a public house called The Orb here for some centuries. Information has been supplied by the Margate Civic Society on the historic significance of the public house. The building is not listed, nor is it located within a conservation area, and there is currently no local list for the District. Attempts to list the building are unlikely to be successful given the number of alterations to the building that have been made. The only consideration is therefore whether the building is worthy of non-designated heritage asset status, and if it is, understanding the level of significance the heritage asset provides.

Paragraph 197 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

A heritage asset is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. A Heritage Asset Statement has been submitted with the application. The report is very informative and provides a detailed history on the building, including past ownerships, uses and how it has developed over time. It is clear from the heritage statement, along with the submissions by neighbouring residents and the Margate Civic Society, that the existing building is of local significance, and for this reason could be considered to be a non-designated heritage asset.

The proposal involves the full demolition of the building, and therefore the scale of this loss needs to be balanced against the significance offered by the asset.

The Heritage Statement advises that 'the former Orb public house is a building of some charm and historical interest, albeit probably only of local significance. The ground-floor interior has been very extensively modernised and little can now be seen of historical interest. Some original parts of the first floor have seen relatively little alteration, but their features are of only minor interest. The late twentieth-century extensions at the rear of the building are most unattractive - in the event the building were to be retained and converted, there would be considerable scope to remove these and replace them with something more sympathetic. The recent landscaping in front of the building also detracts. The main intrinsic heritage value of the building is in its two elevations towards Ramsgate Road. Despite the late twentieth-century alterations to the main frontage - which it would be difficult and perhaps pointless to reverse - some part of its original character survives. The long side elevation is also interesting and attractive with its varied fabric, painted signage (albeit recent), and the remains of the Chapel Hill House boundary wall. The building obviously originated well outside built-up Margate, and as such, attests the Thanet landscape before ribbon development - just as does the Star public house at Westwood, and the Hare and Hounds toward the other end of this thoroughfare, on Margate Road. If the building were to be demolished, much of its evidential value could be preserved by historic-building recording, undertaken ahead of and during demolition, and informed by further documentary research'.

Paragraph 192 of the NPPF states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation. As shown with the community section of this report above, marketing of the building as a public house has taken place over the course of a 7 month period with no interest in the continuation of the building as a public house, and therefore whilst this would have been desirable, environmental changes such as the erection of new public houses within close proximity of the application site have affected the viability of a continued public house use on this site. No other options to convert the building have been offered by the applicant on the grounds of viability, and limitations through the building configuration, form and condition, and therefore consideration now needs to be given to the proposal for demolition.

It is clear from the Heritage report, and from visiting the site, that the building has been significantly altered over time, with unsympathetic extensions added to the front, western side and rear of the building. Officers are therefore in agreement with the conclusions of the report, that the most significant element of the building is the side elevation directed towards Ramsgate Road, as this element contains the oldest flint/brick work, and some of the more original features of the building; whilst its position and appearance contributes to the present streetscape. The social history of the public house, which has been within the local community for around 200 years and therefore provides local significance, is also considered to contribute to its significance as a non-designated heritage asset; although as mentioned above, the continued use of a public house on this site is no longer considered to be a viable option.

The Conservation Officer has reviewed the submitted documentation and visited the site, and believes it to be true that this site may have once housed a building that may have been of more historical significance had it not been lost within the development of itself through time; but unfortunately little to none remains of its character internally. The main somewhat 'original', but largely replaced and repaired, front facade results in a feature common and perhaps better portrayed elsewhere in Margate, and therefore the front elevation is considered by Officers to be less significant than the side elevation, which provides more of an indication of the quality of the building once constructed. The Conservation Officer advises that given the limited significance that remains of the building, that she has no objections to the demolition, but advises that it would be complementary to the proposed site to retain the more significant elevation and incorporate that into the proposed construction, along with the painted signage which could be retained as a legacy for the site visually displaying its history. The Conservation Officer concludes that this compromise retains a sense of history to the location of The Orb whilst reflecting the materiality of the site, with the flint incorporated into the design of the flats, dwellings and detailing throughout the proposed development, creating a unique approach to the redevelopment of the site.

Amended plans have been submitted showing the use of reclaimed flints from the existing building within the front elevation of the flat blocks, along with the side elevation of the refuse store, with details to be submitted via condition as agreed. The full retention of the existing side elevation has not been achieved given its location within the centre of the site, however the reuse of materials within the development has encouraged regard to the local history of the site.

On balance, whilst great weight is given to the loss of the non-designated heritage asset, the scale of the harm is limited to the loss of a specific element of the building that offers significance. The social loss of a public house, whilst unfortunate, has been proven to be unviable, and therefore this social benefit cannot be retained through the application. The harm resulting from the loss of the significant element of the building alone will therefore need to be weighed against the benefits of the proposal.

The Heritage Statement concludes that if the building were to be demolished, much of its evidential value could be preserved by historic-building recording, undertaken ahead of and during demolition, and informed by further documentary research. This recording would not justify the demolition of the non-designated asset, however if the benefits of the proposal outweigh the harm from the loss of significance, officers consider a condition requiring building recording would be necessary. KCC Archaeology Officer agrees that should the Council permit demolition or alteration of the heritage asset, then a building recording condition would be appropriate.

#### - *New Residential Development*

The application site is located within the urban confines, and is previously developed land, and therefore complies with Policy H1 of the Thanet Local Plan.

Policy H01 of the Draft Thanet Local Plan permits new housing development on non-allocated sites within the confines of the urban area and villages, subject to meeting other relevant Draft Local Plan policies, including General Housing Policy SP14. Within the Draft Thanet Local Plan there is an allowance for 2,025 units of the required housing supply over the plan period to be provided through windfall sites, which usually consist of previously developed non-allocated sites. The application site is previously developed land, and therefore classed as a windfall site that would contribute to the housing supply requirement over the plan period.

The site is sustainably located within close proximity of facilities and services within both Margate and Westwood Town Centre. As such, the principle of residential housing on the site is considered acceptable subject to other material planning considerations.

### **Character and Appearance**

The site fronts a main road leading from Margate to Westwood, and lies adjacent to existing residential development. To the south of the site are 2-storey detached and semi-detached dwellings, and the land to the north of the site was occupied by a former petrol station, but has recently been redeveloped with 14no. flats, including a 2-3 storey building fronting Ramsgate Road.

The proposal is for the erection of 2no. 3-storey blocks, with accommodation within the roofspace, which front onto Ramsgate Road. Block B is closest to the adjacent development, with a distance of 7.5m between the blocks. A gap of 2.8m is provided between the two proposed blocks, with a wide space of at least 22m between the nearest point of proposed Block A and the nearest point of the side boundary adjoining the rear gardens of properties in Farley Road. A new vehicular access and parking provision is provided closest to the

Farley Road properties, and a large external amenity space is provided to the rear of the site and around the buildings. In terms of the layout the spacing between properties is considered to be appropriate, enabling a spacious setting to the buildings to be achieved. The front building lines of the proposed buildings follow the front building lines of the adjacent development; and whilst the proposed buildings are set approximately 2-3m in front of the side elevation of 2b Farley Road, given the distance and the change in character between properties in Farley Road and those in Ramsgate Rd, this layout is not considered to detract from the surrounding pattern of development.

In terms of the scale of development the proposal is for two 3-storey buildings, each containing the second floor accommodation within their roofspace. A 2-storey eaves level has been achieved, with a roof pitching away from both neighbouring properties. The street elevation plan submitted shows that given the slight reduction in ground level of the site when compared to that of the neighbouring properties in Farley Road, that the proposed eaves level of the building is demonstrated to match the eaves level of the neighbouring properties. The adjacent development is a full 3-storey in height, with the closest element (excluding the refuse store) dropping down to 2-storey in height. Given the slightly higher ground level of the application site when compared to the adjacent development site, the slightly lower height of the proposed buildings sit comfortably within the streetscene, relating well to the existing scale of neighbouring properties.

The proposed buildings are quite deep, measuring a maximum of 22m. There is a reduction in ground level across the site, with the land fronting Ramsgate Road approximately 1.5m higher than the ground level to the rear of the site. Concern was raised during the application process that the proposal as submitted had not attempted to follow the ground level reduction, with the rear section of the building at a raised floor level in order to create a consistent floor level across the whole development. Amended plans have since been submitted showing the floor level of the rear sections approximately 1.5m below the floor level of the frontage buildings. This amendment has significantly reduced the perceived scale of the development, with the rear sections now appearing subservient to the frontage buildings.

The building design is traditional, with pitched roofs, gable projections to either side of the frontage, and further pitched roof bay projections attached to each gable. This design reflects the design of the existing building on the site, which incorporates a dual bay projection feature. Traditional flat roof dormers are proposed, and whilst casement windows rather than a sliding sash design have been proposed, this will appear in keeping with the neighbouring development that has used this style and properties in Farley Road. In terms of materials, red multi-stock bricks have been proposed, along with grey cladding, lead dormer cheeks and roof, and black slate roof. The side flint wall of the existing building is considered to offer the greatest significance to the site, and therefore the flints have been reused within the front elevation of the buildings, and the side elevation of the refuse store, in order to make reference to the existing building on site, thereby being sympathetic to the local character.

There is an existing wall of approximately 0.8m in height to the front boundary. The wall is not historic, but its design harmonises with the adjacent flint wall, whilst providing a planter within the boundary that helps to soften the appearance of the site. Part of the wall is to be

removed in order to achieve the new vehicular crossing, and a new boundary will need to be erected in the space of the redundant vehicular access. The plans currently show a timber palisade fence to match the design of the adjacent site; however, the retention of the wall planter is preferred, which has been agreed by the agent, with a new wall to match the existing wall to be erected in the location of the redundant access.

In terms of landscaping, it is intended to retain the existing trees, and plant further trees around the site. Shrubs are intended along the front and rear boundaries, and all external amenity areas will be grassed. The parking spaces will be provided using grey block paving, and paving will also be used for all paths and patio areas. When compared to the existing site, which is mainly hard surfaced to the frontage, the proposed development will provide increased soft landscaping, which will help to soften the appearance of the development and create more effective landscaping provision.

Subject to the demolition of the existing building being considered acceptable, the proposed development is considered to be a good quality form of development, that will appear in keeping with the scale and design of neighbouring development, whilst having regard to the sites history through the reuse of materials and the presence of features that reflect the design of the existing building. The use of soft landscaping will help to enhance the appearance of the site, and the proposed development as a whole will sit comfortably within the streetscene of this prominent through road. The impact upon the character and appearance of the area is therefore considered to be acceptable, and in accordance with Policy D1 of the Thanet Local Plan, Policy QD02 of the Draft Thanet Local Plan, and paragraph 127 of the NPPF.

### **Impact on Living Conditions**

There is a distance of at least 19m between the proposed development and the nearest property in Farley Road, and a distance of at least 13m to the nearest property in the adjacent development. Given this distance and the height of the proposed development, which is 2-storey to eaves level, the impact upon light to and outlook from neighbouring development is considered to be acceptable, with no significant sense of enclosure created. Concern has been raised regarding overlooking from the proposed development. There is a minimum distance of 19m from the side elevation of proposed Block A to the nearest rear elevation of existing properties in Farley Road. This relationship would have resulted in an unacceptable level of overlooking to these properties. Amended plans have been submitted showing the rear element of the building reduced in level, which subsequently has reduced the window heights within this elevation. These windows are either secondary kitchen windows or non-habitable landing windows, and therefore the obscure glazing and fixing shut of these windows below 1.7m has been agreed.

Further amendments to the main side elevation have been made to provide one high level window and one oriel window which will face towards the road. The side dormer window is also a secondary window and can therefore also be obscure glazed and fixed shut.

To the rear there is a distance of at least 14m to the neighbouring rear garden, which is at least 49m in length, with the proposed windows directly facing the far end of the garden area. Due to the orientation and relationship between the proposed development and the neighbouring buildings, there will be no direct overlooking from the proposed rear windows

of the immediate amenity space or rear windows associated with these neighbouring properties.

On the basis of these amendments, the safeguarding conditions securing the obscure glazing of the identified windows, and the distance and orientation of the proposed development in relation to the neighbouring properties, the impact upon the privacy of neighbouring properties in Farley Road is considered to be acceptable.

In terms of the adjacent development to the north of the site there is a minimum distance of 13m to the properties at the rear, and a minimum distance of 14m to the properties to the side, so the impact upon light and outlook will again be acceptable. Whilst there are windows present within the side elevation of the proposed development facing the adjacent development, these windows will overlook the parking area and the blank side wall of the neighbouring development, and will therefore not result in an unacceptable loss of privacy for the future occupiers of the neighbouring development.

Whilst there may be noise and disturbance from the proposed parking spaces, this is not likely to be significantly worse than the existing lawful use of this parking area for a public house. It is acknowledged, however, that some of the proposed parking spaces do adjoin neighbouring properties that do not currently abut parking, and therefore the impact upon these properties may be increased. The proposal includes the erection of a 1.8m fence along this side boundary, which can be controlled via condition, and will help to reduce the noise impact. Soft landscaping is also proposed on part of the boundary. Given the proximity to Ramsgate Road, which is a main through road, and the previous use of the site, it is not considered that there will be a significant impact upon the neighbouring residents from noise and disturbance.

The development itself provides for good sized accommodation, with adequate light and outlook, and all units meeting the Nationally Described Space Standards, as required by Policy QD04 of the Draft Thanet Local Plan.

An amenity space has been provided to the rear and side of proposed Block B, which will provide adequate secure doorstep playspace in accordance with Policy SR5 of the Thanet Local Plan, and Policy GI04 of the Draft Thanet Local Plan.

A refuse storage area has been provided to the front of the site adjoining proposed Block A, which can be easily accessed by all future occupiers and for refuse collection. The refuse store is required to be provided prior to first occupation. Clothes drying can be achieved within the external amenity space.

Overall, the impact upon both existing neighbouring occupiers, and future occupiers of the development, is considered to be acceptable, and in accordance with Policy D1 of the Thanet Local Plan, Policy QD02 of the Draft Thanet Local Plan, and paragraph 127 of the NPPF.

## **Highway Safety**

The site has good access links to the main road network via the A254, and is located within close proximity to bus stops, and within walking distance of facilities and services. KCC Highways has advised that the addition of 14no. dwellings is unlikely to lead to any notable increase in traffic movements, especially when compared to the sites existing permitted use as a public house, and as such they have no objections to the principle of the proposed development.

The proposed includes the creation of a new vehicular access onto Ramsgate Road, with the redundant vehicular access to be removed. Additional plans have been submitted proving that 91m x 2.4m x 90m visibility splays can be achieved at the access point, in accordance with manual for streets (MfS2) standards for a 40mph speed limit.

Amended plans have been submitted increasing the number of parking spaces from fourteen to sixteen, to include 2no. visitor parking spaces. KCC Highways has advised that they have no objections with the level of parking provision.

Cycle parking has been provided to the rear of a site for 22no. Bikes, and the applicant has agreed to the provision of electric vehicle charging points at a ratio of one space per ten unallocated spaces, and one space per allocated space.

Whilst a number of objections have been received regarding highway safety by neighbouring residents, the proposal is achieving a safe access with adequate visibility splays, and adequate off-street parking provision to meet current standards. When compared to the previous use the traffic movements are not significantly increasing, and as such there is not considered to be a severe impact upon the highway network or highway safety. The proposal is therefore considered to be in accordance with Policy TP06 of the Draft Thanet Local Plan, and paragraph 108 of the NPPF.

### **Size and Type of Dwellings**

For developments exceeding 10no. units, a mix in the size and type of units is encouraged. The proposal includes the provision of 2no. 1-bed units, 10no. 2-bed units, and 2no. 3-bed units. The site is restricted in size and shape, and given the character of the area, and the busy nature of the road, larger flat blocks that front the road are considered to be more appropriate than individual dwellings. Policy SP22 of the Draft Thanet Local Plan identifies the greatest local need for market units are 2-bed units, and therefore given that a large number of 2-bed units have been proposed, alongside 1-bed and 3-bed units, it is considered that the proposal will address local need, and therefore complies with Policy SP22 of the Draft Thanet Local Plan.

### **Contamination**

The site lies adjacent to a former petrol station, and therefore both the Environment Agency and the Contaminated Land Officer at TDC have recommended safeguarding conditions that restrict the infiltration of surface water drainage within the site, whilst also advising on the actions required if contamination is found at the site. The impact on groundwater protection is therefore considered to be acceptable.

Impact on Trees



There are five mature trees within the site, which appear to be of a good condition, and all of which are being retained. In addition there are four much smaller trees within the site, which are all to be removed as a result of the development. These trees are not protected, nor are they considered to be worthy of a tree preservation order due to their size and limited contribution to the amenity of the area.

The proposed development will not fall within the root protection zone of the retained trees, and given the orientation of the proposed development and its relationship with the retained trees, it is not likely that the development will create pressure for the future removal of the trees. It is proposed to condition the submitted tree protection fencing to be erected around the retained mature trees nearest to the proposed building during construction to ensure the protection of these trees.

Additional tree planting within the site is proposed. Whilst the plan shows a large amount of tree planting, this is not likely to be realistic given the species suggested; however, significant soft landscaping around the site is still intended, which will enhance the appearance of the site.

The impact upon trees, and the proposed landscaping is therefore considered to be acceptable, and in accordance with the NPPF.

## **Drainage**

It is intended to connect the proposed development to the existing foul sewer in Ramsgate Road under gravity via a new private foul drain system. Southern Water has raised no objections to this strategy, but have requested further details via condition.

Southern Water advise that their initial investigations indicate that there are no public surface water sewers in the area to serve this development, and therefore alternative means of draining surface water from this development are required, which should not involve disposal to a public foul sewer.

A Surface Water Strategy has been submitted with the application. Within the strategy it is advised that the pre-development impermeable area of the site is 974m<sup>2</sup> which represents 60.3% of the total site area, and that post development this will increase to 1,095m<sup>2</sup> (67.8%). This means that surface water flows generated by the site will increase post development, contrary to current guidance, which aims to reduce offsite discharge rates and to manage surface water within the site in order to reduce flood risk.

In order to address this the proposal is to use permeable paving within the car park area, and soakaways to collect roof drainage via rainwater pipes. The soakaway will be large enough to accept surface water flows for all storms up to and including the 1:100 year event with a 40% allowance for climate change. In the event of the surface water drainage system exceedance / failure, surface water will flow off site to the west to the surrounding estate and green areas. This strategy proves that post development all surface water flows can be controlled on site.

KCC SUDs has been consulted and advised that they agree with the principles contained within the report; however, as part of the detailed design stage they would expect to see infiltration testing undertaken. Subject to safeguarding conditions no objections to the drainage strategy is proposed, and therefore the impact on flood risk is considered to be acceptable and in accordance with the NPPF.

## **Archaeology**

The property is located in an area which is rich in archaeological findings. KCC Archaeology has advised that remains of prehistoric, Roman and Saxon date have been excavated in the grounds of the hospital site to the east of Margate Road. The site may also include archaeological evidence associated with its establishment and use as an inn. A safeguarding condition requiring a programme of archaeological works to be carried out is therefore recommended, in addition to the building recording condition discussed earlier in this report.

## **Financial Contributions**

Policy CF2 of the Thanet Local Plan requires that where a proposed development would directly result in the need to provide new or upgraded community facilities, a financial contribution towards the cost of such provision will normally be sought.

KCC have commented that a financial contribution of £624.26 is required for additional bookstock at Margate Library in order to mitigate the impact of the additional borrowers generated from this development.

KCC have requested a financial contribution of £12,348 towards secondary education in the district in order to mitigate the impact from additional children occupying the development.

KCC have requested a financial contribution of £267.80 towards community learning, in the form of additional equipment and resources at the Margate Adult Education Centre.

KCC have requested a financial contribution of £851.50 towards youth services, in the form of additional equipment and resources at the Quarterdeck Youth Centre.

KCC have requested a financial contribution of £1,909.44 towards social care provision, in the form of extra care provision in Thanet.

A contribution towards equipped play provision is required under Policy SR5 of the Thanet Local Plan. The nearest park to the application site is Tivoli Park. There is a need for new or replacement play equipment at this park, and therefore a financial contribution of £10,500 is sought.

The agent has agreed to all of these financial contributions, which are to be secured through a legal agreement.

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

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 to contribute to the district wide mitigation strategy.

The tariff for this contribution is provided in the SAMM report, and for this development equates to £4,452. This mitigation means that the Council accords with the Habitat Regulations and an appropriate assessment has been undertaken. The applicant has agreed to this contribution, which will be secured through a legal agreement.

### **Heads of Terms**

The legal agreement to be submitted in support of this application will contain the following commitments:

- Special Protection Area - £4,452
- Secondary Education - £12,348
- Libraries - £624.26
- Play equipment - £10,500
- Community learning - £267.80
- Social care - £1,909.44
- Youth service - £851.50

### **Conclusion**

The proposal will result in the loss of a community facility, however, viability details have been submitted to demonstrate why the continued use of the public house is not viable, and marketing evidence has been submitted to show that the property was marketed for a period of at least 7 months, with no interest in the continued use of the site as a community facility. Furthermore, the layout of the building, which includes a number of different rooms on varied levels, limits the flexibility for alternative uses on the site, and it has been demonstrated that there is alternative community provision in the vicinity of the site

The existing building is considered to be a non-designated heritage asset, however its significance is limited to the side elevation of the building and its social history. Great weight is given to the loss of the non-designated heritage asset, and this harm needs to be weighed against the benefits of the proposal.

The provision of 14no. dwellings on previously developed land within the urban confines would make a modest contribution to the District's housing supply as a windfall housing site in a sustainable location, supporting the economic and social dimensions of sustainable development, with employment provided through construction. It is not considered that the proposed development would significantly impact upon neighbouring amenity due to the distance to the nearest residential properties and safeguarding conditions, and all requests

for social contributions towards education, social and leisure have been agreed by the applicant, which attaches great weight in favour of the application due to these social and economic benefits, which are considered to outweigh the social harm from the loss of the community facility.

In terms of the environmental dimension, the proposal would result in the loss of a non-designated heritage asset, which will cause harm, however the re-use of the building would not appear to be viable, and in order to achieve the optimum use of the site its re-development is therefore proposed. The proposal will result in a good quality form of development, of a design that has sufficient regard to the local character and history of the site, through the use of features and materials that reflect the existing non-designated heritage asset, and through the use of soft landscaping to enhance the appearance of the site. Kent Highways raise no objection in principle to the proposal, and the proposed access is considered to be both safe and suitable. It is considered that, with safeguarding conditions, that there would be no adverse impact of the development on ecology, archaeology or drainage.

The NPPF requires that when proposals directly affect non-designated heritage assets, "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.". Having taken into account the scale of harm from the demolition of the building, and having quantified the level of significance derived from the existing asset on balance the environmental harm resulting from the loss of the building is considered to be outweighed by the social and economic benefits of the scheme, with sufficient regard to the particular significance of the existing building through re-use of reclaimed materials integrated into the design of the development.

Therefore when considering the framework as a whole, the proposal constitutes sustainable development, as on balance, the harm is considered to be outweighed by the economic and social benefits from the proposed development.

It is therefore recommended that members defer and delegate the application for approval, subject to safeguarding conditions and the submission of a signed legal agreement securing the heads of terms.

Case Officer  
EMMA FIBBENS

TITLE: F/TH/19/1025

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