

**D03**

**F/TH/19/0663**

**PROPOSAL:** Erection of a four storey building for a mixed use development comprising 751 sq m of commercial office use on the ground floor (use class B1) together with 2No one-bedroom, 8No two-bedroom and 4No three-bedroom apartments on first, second and third floors (use class C3) with associated parking, access and landscaping following demolition of existing building.

**LOCATION:** St Peters Presbytery 117 Canterbury Road Westgate On Sea Kent CT8 8NW

**WARD:** Westgate-on-Sea

**AGENT:** Hume Planning Consultancy Ltd

**APPLICANT:** Kentish Projects

**RECOMMENDATION:** Defer & Delegate

Defer and Delegate for approval subject to the satisfactory completion of unilateral undertaking 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 22 Rev A, 23 Rev B, 28 Rev B and 29 received 17 April 2020, and 21 Rev E, 31, replacement tree planting plan 001 Rev A, tree protection plan 001 Rev A received 16 July 2020.

**GROUND;**

To secure the proper development of the area.

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

**GROUND;**

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

4 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 QD03 of the Thanet Local Plan and the National Planning Policy Framework.

5 No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

**GROUND;**

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

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

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

**GROUND;**

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

8 Prior to the first occupation of the development hereby permitted details of the cycle parking, shall be submitted to and approved 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 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 use of the development, the area shown on approved plan numbered 21 Rev E received 17 July 2020 for the parking and manoeuvring of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND;**

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

10 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.

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

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

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

**GROUND;**

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

12 Prior to the installation of any external windows and doors, joinery details at a scale of 1:5 of the windows and doors to include sections through glazing bars, frame and mouldings 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 QD02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

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

**GROUND;**

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

14 The rooflights hereby approved shall be 'conservation style' rooflights, set flush with the roof plane.

**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 advice as contained within the National Planning Policy Framework.

15 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;**

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.

16 Prior to the first occupation or use of the building hereby permitted, details of the refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be in accordance with the approved details and thereafter maintained.

**GROUND;**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD02 and QD03 of the Thanet Local Plan.

17 The proposed B1 use hereby approved shall not be used other than between the hours of Monday to Friday 0800 to 2000.

**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.

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

**GROUND;**

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

19 The rating level of noise emitted from the proposed plant and equipment to be installed on the site shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142 2014.

**GROUND;**

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

20 Prior to the commencement of the development hereby approved, details of the construction of the ceilings and floors that separate the first and second floors shall be submitted to and approved by the Local Planning Authority. The ceilings and floors shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 50 decibels. The weighted standardised difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014 Acoustics. Field measurement of sound insulation in buildings and of building elements. Airborne sound insulation. The work shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

**GROUND;**

In the interests of amenity for future occupiers in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

21 Prior to the commencement of the development hereby approved, details of the construction of the ceilings and floors that separate the residential and commercial units shall be submitted to and approved by the Local Planning Authority. The ceilings and floors

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

**GROUND;**

In the interests of amenity for future occupiers in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

22 Prior to the removal of any trees in connection with the development hereby approved on site, a precautionary method statement shall be submitted to and approved by the Local Planning Authority, detailing how the trees will be removed to minimise the impact on roosting bats. The method statement must be implemented as approved.

**GROUND;**

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

23 Prior to the first occupation of the development hereby approved, an ecological enhancement plan shall be submitted to and approved by the Local Planning Authority, detailing what ecological enhancements will be incorporated into the site. The plans must be incorporated into the site as detailed in the approved plan.

**GROUND;**

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

24 Prior to the first use of the building hereby permitted, the vehicular access approved and associated vehicle crossing point onto the highway, as shown on the approved plan numbered 21 Rev E received 17 July 2020 should be complete.

**GROUND;**

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

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 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.

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

**GROUND;**

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

27 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered 21 Rev E received 17 July 2020, shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

**GROUND;**

To protect air quality, in accordance with Policy SP14 of the Thanet Local Plan and the advice as contained within the NPPF.

28 The first and second floor windows serving the kitchen and living room for units 1 and 6 in the eastern side elevation of the building hereby approved shall be non-opening below 1.73m above the finished internal floor level, and provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent; and shall be installed prior to the first occupation of the development hereby permitted and permanently retained thereafter.

**GROUND;**

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

29 The ground floor of the development hereby approved shall be used as an commercial office (B1a) and for no other purpose including any other purpose in Class B1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**GROUND;**

To secure the proper development of the area as an acceptable departure from Policy E05 and E06 of the Thanet Local Plan.

30 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 of regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND;**

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

**INFORMATIVES**

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

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

A formal application 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).

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 application site comprises St Peters Presbytery together with the attached residential bungalow to the east, located on Canterbury Road in Westgate, close to the junction with Minster Road and St Mildreds Road, within the Westgate Conservation area and adjacent to the grade II listed Summerlands Lodge.

The church has a modern gabled design with the attached bungalow being more traditional in design. The area to the front of the church is hard surfaced and marked out for parking, and there is a residential dwelling located to the north east of the site adjacent to Canterbury Road and Minster Road.

The church and its associated bungalow are currently vacant (with the church emptied of many of its internal furnishing) and the applicants advise that they are no longer required by the Catholic Church.



## RELEVANT PLANNING HISTORY

F/TH/18/0005 - Change of use of church and dwelling to Offices (Use Class B1) together with cladding to front elevation and alterations to fenestration. Granted 21 June 2018

TL/TH/00/0164 - The installation of a flagpole enclosing 3 no. shrouded antenna along with the associated equipment at ground level. Prior approval not required 28 March 2000.

TH/87/0088 - Erection of a detached garage. Granted 12 February 1987.

TH/75/0568/B - Erection of a chalet bungalow style dwelling for use as presbytery. Granted 16 January 1981.

## PROPOSED DEVELOPMENT

The proposed development is the erection of a four storey building for a mixed use development comprising 751 sq m of commercial office use on the ground floor (use class B1) together with 2No one-bedroom, 8No two-bedroom and 4No three-bedroom apartments on first, second and third floors (use class C3) with associated parking, access and landscaping following demolition of existing building.

The application is supported by a Design and Access Statement. This states that the proposed offices would be used by an estate agent as their head office providing around 65 jobs. The head office is currently located outside of the district. The new office would be operated in a similar way to the existing office and would not be open for members of the public to visit.

The application has been amended from the initial proposal following concerns that were raised by Officers regarding the design of the proposed building, its impact upon the character and appearance of the Westgate Conservation Area and the adjacent listed building, and the living conditions of the adjacent residential property occupiers.

## DEVELOPMENT PLAN POLICIES

### **Local Plan Policies**

SP14 - General Housing Policy

SP22 - Type and Size of Dwellings

SP28 Protection of International and European Designated Sites

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP30 - Biodiversity and Geodiversity Assets

SP35 - Quality Development

SP37 - Climate Change

SP43 - Safe and Sustainable Travel

CC02 - Surface Water Management

H01 - Housing Development

HE01 - Archaeology

HE02 - Development in Conservation Areas  
HE03 - Heritage Assets  
QD01 - Sustainable Design  
QD02 - General design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
SE04 - Groundwater Protection  
SE08 - Light Pollution  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert was posted in the local paper. Eleven letters of objection were received raising the following concerns:

- Affect local ecology
- Development too high
- General dislike of proposal
- Increase of pollution
- Loss of trees
- Close to adjoining properties
- Inadequate access
- Inadequate parking provision
- Inadequate public transport provisions
- Increase in traffic
- Loss of light
- Loss of parking
- Loss of privacy
- More open space needed on development
- Noise nuisance
- Out of keeping with character of area
- Strain on existing community facilities
- Traffic or Highways
- Loss of existing building
- Scale and design of the proposed building
- Proximity to neighbouring properties
- Lack of waste and recycling provision
- Lack of space for cycling
- Lack of renewable energy systems e.g. solar panels
- Lack of electrical vehicle charging points
- All of the site is not within the applicants ownership

A petition containing 19 signatures objecting to the application has also been submitted.

One letter of objection was received following the submission of the amended plans raising concern regarding the scale of the development, loss of light and outlook and highways concerns.

**CPRE Kent** - Thanet CPRE have concluded that:

The development would not be consistent with Policy D1 - Design Principles insofar that the proposed new development would not provide high quality and inclusive design, sustainability, layout and materials,

The proposed development would not respect or enhance the surrounding area or establish or maintain a strong sense of place, using the spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

The development would not protect existing trees and landscaping during construction or provide the enhancement of the site in its setting in a conservation area.

The current development proposal would not preserve or enhance the Westgate Conservation Area,

Would not function well and would detract from the overall quality of the area, not just for the short term but over the lifetime of the development;

Would not be visually attractive as a result of poor architecture, scrambled layout and inappropriate effects on landscaping and protected trees;

Would be unsympathetic to local character and history, including the surrounding built environment and landscape setting,

Would not encourage innovation or change or optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space)

Would not and support local facilities and safety and operation of the local transport networks

Moreover it is considered that over development of the site by the proposed development would overload the adjacent traffic signal junction and endanger road users in the vicinity and people working in or living at the development;

CPRE Kent considers that this application must be rejected until and unless a Traffic Impact Appraisal is carried out to assess the whole effect of this proposed development on the traffic signal junction itself to enable an informed decision to be made on the potential impact of this major development on the junction.

For all the above reasons we submit that this Application should be refused

**Margate Civic Society** - Margate Civic Society wishes to object to this Proposal.

The design and massing of the Proposal does not respect the Conservation Area and the quality of the buildings within it - rather, the Proposal is led purely by a commercial desire to maximise the profit potential from the site. A four-storey flat-roofed structure shows a remarkable lack of empathy for the immediate surroundings.

To combine a commercial element employing 65 people with a residential element supporting 21 flats on such a restricted site and in this particular position is quite remarkable. The anticipated daily vehicular movements into and out of the site at such an incredibly vulnerable point on the A28 and directly adjacent to an extremely busy crossroads are quite unthinkable. Indeed, the site being so closely situated to the crossroads and on a dual carriageway, how is it to be explained that access into the site from Birchington and exit from the site towards Margate can be achieved in any remotely safe manner? MCS finds itself in conflict with Kent Highways' comments and can only express its opinion on the experience of actually living and travelling locally and its committee members' familiarity with the issues that do arise on a daily basis at this particular location.

We do agree, however, with Kent Highways' comments relating to waste collection but cannot understand quite how a 13 metre waste vehicle is expected to enter and leave the site in a forward gear and that this movement would be facilitated by the removal of just one parking space. This seems quite impossible and, indeed, when one examines the parking layout within the site, the inner parking spaces within the two rows to the West and East elevations appear utterly impossible to access with any degree of ease at all. 65 people arriving for work and with clients coming and going daily combined with the vehicular movements that will be created within the site by the occupants of the 21 residential units and associated delivery vehicles would appear to be an extremely challenging prospect - not to mention the potential for conflict relating to space allocation or the build up waiting to access or exit the site.

We also note that Question 23 on the application form relates to pre-application advice. Whilst confirmation that it has taken place has been provided, the section relating to the details of that advice has been left blank by the applicant so that any observations about the application from third parties such as ourselves are therefore not fully informed - surely an important issue when we are trying to assess the application and a procedurally unfair defect so that the Proposal should be rejected on this ground alone apart from all the substantive objections lodged?

MCS is also aware that a similar proposal was made by Sainsburys to develop a site abutting the A28 a little further along towards Birchington that would also have generated substantial traffic movements into and out of the site was refused on Highway grounds. We see this present St Peter's Presbytery proposal as having exactly the same adverse implications so that it too should be refused.

**Westgate Conservation Area Advisory Group** - Further comments received

The site is in the Westgate-on-Sea Conservation Area South. Of the two adjacent buildings, one is a Grade 2 listed building (Doon House/Summerlands), the other was originally the lodge house to an early Westgate building, built in the 1870's by the owners of the Westgate-on-Sea estate. The Character Area 3 Appraisal document (page 25) says of the lodge "Former lodge. A good building worth of note". Therefore, any development needs to be mindful/sympathetic of the contribution the lodge makes to the area and the importance of the neighbouring Grade 2 listed Doon House. There are three other Grade 2 listed buildings within walking distance of the proposed build, the Tower House/St Augustine's, Qusted's and Hatton House/Ursuline School.. The proposed building would not only dominate the whole site but also be unsympathetic to the historic buildings surrounding it.

The over-massing of the site has a detrimental effect on Mountbatten Court, the building directly behind the proposed design, which would be overshadowed and hemmed in.

Page 30 of the Character Area 3 Appraisal documentations states "Canterbury Road street scene with wide verges and predominance of mature trees soften the impact of this busy thoroughfare". Retention of the existing trees should be an important feature of the proposed plan. The current design is too overbearing to allow retention of the mature trees on the site.

The CAAG is also concerned about the amount of traffic that the development will generate. Although we are mindful the entrance has been used for many years, we feel this proposal will greatly increase the daily ingress and egress of traffic from the site. The proposal is for residential and commercial use and may mean that somewhere in the region of 60/70 cars will be entering and exiting the site at the busiest times of the day. The crossroads is a busy junction and there is no turn towards Margate from the proposed site, unless the two carriageways of the dual carriageway are crossed, for the right turn. This could lead to lengthy delays for traffic leaving the site and for traffic travelling towards Birchington from Margate.

Planning permission was not granted on a proposed Sainsbury's development a little up the Canterbury Road towards Birchington, because of substantial traffic movements in and out of the site.

We believe that because of the reasons given above, this planning permission should not be granted.

*Initial comments received 20th June 2019*

The development would not be consistent with Policy D1- Design Principles insofar that the proposed new development would not provide high quality and inclusive design, sustainability, layout and materials,

The proposed development would not respect or enhance the surrounding area or establish or maintain a strong sense of place, using the, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit

The development would not protect existing trees and landscaping during construction or provide the enhancement of the site in its setting in a conservation area.

The current development proposal would not preserve or enhance the Westgate Conservation Area,

Would not function well and would detract from the overall quality of the area, not just for the short term but over the lifetime of the development;

Would not be visually attractive as a result of poor architecture, scrambled layout and inappropriate effects on landscaping and protected trees;

Would be unsympathetic to local character and history, including the surrounding built environment and landscape setting,

Would not encourage innovation or change or optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space)

Would not and support local facilities and safety and operation of the local transport networks;

For all the above reasons we submit that this application should be refused.

**Westgate Town Council** - Further comments received 14 May 2020

Objection - the following material planning considerations are sited:

Highway safety - clarification is needed in relation to the queries raised and further information requested by KCC Highways on 31st May 2019.

Impact on the overall Conservation Area which includes a number of grade 2 listed buildings- a report should be provided by a qualified Conservation Officer, including the design and materials proposed.

Loss of seven trees, some of which are very large and established and will survive for many years to come, mainly to make way for car parking. The Town Council requests that the planning department consider some of the higher value trees that are proposed for felling for TPOs. A full tree officer report on those proposed to be felled would be necessary to ascertain their value with regards to gaining a TPO status. The previous tree survey was carried out 3 years ago and is out of date. The trees at the back of the current development can be seen from and give visual amenity to Minster Road, as well as the enormous overall benefits of well established trees in the town.

Over massing of the site (which is the root cause of the destruction of the trees)

Possible loss of privacy to Forest House (neighbour) and Mount Batton Court

Security concerns from Kent Police

Positive comments: Development of this site is a good use of brownfield land and, although not strictly a planning matter, the employment potential of the Miles and Barr head offices on

the ground floor is a boost for the community and economy. Although it is important that a conservation officer reports on the area, design and materials, it is recognised that the design is an improvement on the previous application. The felling of some trees to accommodate development is occasionally unavoidable, such as T16, but it is felt that a compromise could be reached to reduce the numbers proposed to preserve the valuable benefits to the environment and the conservation area.

*Initial comments received 14 June 2019*

Objects with the following comments:

Conservation Area

Major impact on the Conservation Area

Support comments from CAAG that the design is not in sympathy with the surrounding area

The buildings are a different design to the neighbouring properties

The height of the flat roof which appears to be out of character and imposing on the neighbouring property.

There is no Conservation Area report for this application

Trees and Ecology

There should be an up to date report from Thanet District Council tree officer as it is not clear the minimum amount of trees being cut down.

Also a lack of a clear indication of which trees are proposed to be Cllt down.

We suggest that any TPO trees should be protected

It is possible that a Full Ecological Impact Assessment should be undertaken

There does not appear to be any provision for landscaping on the proposed plans

KCC and Highway concerns:

The Committee agrees to the concerns raised by Kent County Council Highways and the issue of the lack of a surface water drainage strategy.

There should be a clearly designated car park and cycling provision area and then the impact on trees on the site.

Concerns about access and egress to the site; in particular, road safety. Also, if the access was widened what is the effect on the trees'?

There should be details of electric charging points available for electric vehicles.

Overmassing:

The over massing of the site coupled with the reduction in the number of trees on the site is unacceptable.

Neighbouring property

Overshadowing/loss of outlook to the detriment of residential property neighbouring

## CONSULTATIONS

**TDC Conservation Officer** - St Peters Presbytery, located at 117 Canterbury Road Westgate, was previously authorised for change of use through a separate application by

committee (reference F/TH/18/0005) which adapted the building but retained its built form. This application proposes the demolition of the entity of the building and its reconstruction as both a commercial and residential function. The property next door to this site, Summerlands Lodge, is of Grade II listed status therefore any impact needs to be considered as part of this application. The site is also located in a prime frontage location within Westgate Conservation Area.

Whilst the Council does not have any saved local plan policies on heritage and conservation, its Draft Local Plan is nearing adoption and as such weight can be given to the policies contained within it. Draft policy HE02 of the Draft Thanet Local Plan 2018 sets out 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 guidance section 192 states when determining applications, local planning authorities should take account of (paragraph c) the desirability of new development making a positive contribution to local character and distinctiveness. Additionally under the Listed Buildings and Conservation Areas Act 1990, Section 66 Paragraph 1 which states when considering whether to grant planning permission for development which affects a listed building or its setting, 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.

It was established quite early on during discussions regarding the application that the demolition of the existing church could be acceptable as what it currently offers, both to the community and through its aesthetic appearance, is of some reduced value. However it was also expressed that this site is a unique circumstance, and therefore an opportunity, to reflect the design or materiality of existing contemporary church in the newly proposed scheme.

The scale of the proposed scheme has a much larger massing when compared to that of the existing church. Although the church is still of a substantial size it is somewhat long and slender, with one section of taller scale and the rest set much lower, which flows with the site whereas the newly proposed footprint is wide as well as long, creating a singular bulk mass. This then makes mitigation measures needed to cohesively incorporate any new construction much harder as the impact will ultimately be harder to reduce and control.

It has been argued that the existing church is of an equal scale to the newly proposed scheme due to the tower and spire that exists on the current church, however this is not considered correct as the spire is thin, minimal and does not block views of the site, like that of the proposed would do. Reviewing the evolution of the design it appears the proposed has actually increased in height in more recent plans, which is not typical or encouraged. It is now also taller in ridge height than that of the neighbouring listed property, Summerlands Lodge, which creates a sense of competition between the two structures further enhancing



the scale and creating somewhat of a conflicting view. Typically developments neighbouring listed properties would look to be considerably lower than that of existing historic built form as not to unbalance or dominate the setting of the listed property of which is the resulting effect here. There is a strong risk with this application of it appearing overbearing as there is also another existing building adjacent to the rear of the site which has not been included as context with the proposed elevations of this scheme. This makes it difficult to further evaluate the impact in any greater detail than substantial.

Issues regarding design, and the creation of a form that was less intrusive to the site, were apparent when amendments were taking place on how to improve the proposed scheme. Through discussions with the agent suggested amendments have been made but unfortunately I do not believe that the harm caused by the scale and mass of the proposed building is reduced to an acceptable level of harm. The final design is largely improved of that of the original and will not cause extensive harm, in principle, through its aesthetic appearance as appropriate materials are being proposed. It also somewhat reflects more historic elements from the immediate environment including the proportionality from the neighbouring dwelling through the use of proportioned windows and a gabled roof structure. However I fear that a reduced approach, other than a gabled roofline and sash windows, little influence has been drawn from the surrounding historic environment and which creates a jarring relationship between the proposed and the existing built form of the area. It would appear that a somewhat relaxed approach has been taken to this important aspect of this application and it is apparent.

I can acknowledge that through discussion the proposed design of the scheme has evolved quite considerably through the process of submitting this application. However, I am still of the opinion that an opportunity has been missed for this site and the design of the proposed building could have been reflective of the building proposed for demolition, whilst meeting with a more contemporary requirement. Alterations have been suggested and implemented but unfortunately I do not believe this has been enough to address the main concerns for the proposed, with a scheme that ultimately appears minimal and somewhat uninspiring with no prevailing reflection of the sites history or the surrounding character and appearance of the conservation area.

The scale proposed for the scheme has actually increased since the original submission creating an overbearing and dominant stance to the street scene, whilst causing harm to the setting of the adjacent listed property. With this I do not believe the proposed to enhance the surrounding environment whilst appearing overdevelopment upon the site resulting in the application not meeting with the aforementioned local and national guidance and for these reasons I object to this application.

If this application was to be approved I would like to see more information regarding the materials of the proposed including the window sill, frames and recess details, as well as further information on doors, brickwork and banding. These should be reflective of the surrounding conservation area in an attempt to amalgamate the design into the existing environment.

**Environment Agency** - In this setting and taking previous uses into account we have no objection in principle to the above proposal subject to the conditions regarding any unsuspected contamination.

**TDC Environmental Health** - No further comments to add on the amended plans. The initial comments sent in June 2019 are still relevant though.

*Initial comments received 11 June 2019*

To safeguard surrounding properties in the demolition and construction phase I would request the submission of a Construction Environmental Management Plan prior to the commencement of development.

I have reviewed the submitted plan of the second and third floor and have concerns with the stacking of the flats to the rear of the left hand side of the building. The bedroom over a lounge and vice versa highlights concerns, therefore the applicant may want to consider altering the plan to stack the bedroom on top of bedroom. If the applicant decides to keep the plan as submitted then I would suggest a condition be added for increased soundproofing between the properties in question.

The commercial units on the ground floor will sit directly under residential units which opens the residential units up to noise transfer over and above that expected in a dwellinghouse. I would therefore suggest a condition be added for increased soundproofing between the ground and first floor.

I would also suggest conditioning the times to Monday to Friday 8am - 8pm.

The property is within the air quality management area (AQMA) and would require the following air quality mitigation:

All gas-fired boilers to meet a minimum standard of <40mgNO<sub>x</sub>/kWh

1 Electric Vehicle charging point per dwelling with dedicated parking or 1 charging point per 10 spaces (unallocated parking)

Commercial/Retail/Industrial:

10% of parking spaces (ie. developments with >10 spaces) to be provided with Electric Vehicle charge points which may be phased with 5% initial provision and the remainder at an agreed trigger level

I cannot see any information in relation to any plant being installed at the commercial premises. Whilst a condition may not be warranted, due to the close proximity to residential I would request that any plant (i.e air conditioning) installed be at least 5dB below background noise.

**KCC Archaeology** - Thanet is generally rich in archaeological remains and the application site lies in an area of high potential. The application site lies close to where prehistoric, Iron Age and Roman remains and finds have been recorded. The HER shows there have been Bronze Age burials (SMR No TR 36 NW 59) discovered west of the site in the 19th Century

and an Iron Age burial was found in the 1960s. Similar remains may survive on site that may be affected by development groundworks.

In view of the archaeological potential I recommend the following condition is placed on any consent securing the implementation of a programme of archaeological work.

**KCC Biodiversity** - Further comments received 03 June 2020

Sufficient information has been provided to determine the application.

The ecological survey provides a good understanding of the ecological interest of the site and it has assessed that the site is used by at least 2 species of foraging bats and the site has suitable habitat for nesting birds.

The submitted report has provided an assessment of the trees on site and assessed that the trees on site have a negligible or low potential to be used on site. We have reviewed the tree plan and we understand that trees 19, 20 and 21 will be removed to facilitate the development - these trees have been assessed as having low potential to be used by roosting bats and therefore a precautionary mitigation must be implemented when the trees are removed.

We recommend that if planning permission is granted details of a precautionary method statement must be submitted to the LPA for written approval to detail how the trees will be removed to minimise the impact on roosting bats. The method statement must be implemented as approved.

Ecological Enhancements

The submitted PEA has made a number of recommendations to enhance the site for biodiversity but no information has been provided confirming what enhancements will be incorporated into the site. Conditions should be imposed

*Further Comments received 24 October 2019*

Additional information is required prior to determination of the planning application.

It's unclear within the submitted plan exactly what trees will be removed to facilitate the development.

*Initial Comments received 19 June 2019*

Additional ecological information is required prior to determination of the planning application.

The submitted survey has detailed that there is a need for the following additional surveys to be carried out:

- additional tree climbing surveys

- Emergence surveys on the buildings
- Emergence surveys on the trees (depending on the results of the tree climbing surveys)

We advise that the recommended surveys are carried out prior to determination of the planning application.

From reviewing the submitted information, it appears the whole site has not been included within the Preliminary Ecological Appraisal (PEA). There is a woodland strip to the west of the site which was not included within the PEA and from reviewing the site plan it appears that the woodland strip will be cleared to create car parking. We recommend that the trees are retained within the proposed development as trees can enhance biodiversity by providing suitable foraging/resting habitat and providing connectivity to the wider area.

However if the trees are to be removed we advise that there is a need for the PEA to be updated to assess the ecological interest of the woodland strip.

The updated PEA, bat surveys and results of any recommended surveys must be submitted prior to determination of the planning application.

#### Ecological Enhancements

The submitted PEA has made a number of recommendations to enhance the site for biodiversity. We advise that information is submitted by the applicant confirming what enhancements will be incorporated into the site.

#### Designated Sites

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) 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 recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

**KCC Economic Development** - 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.

Contributions would be required to the following areas; Secondary Education, secondary school land, Community Learning, Youth Services, Library Bookstock, Social Care and waste services. A condition is also required to ensure provision of Broadband services. Subject to these contributions and conditions being secure no objection would be raised to the application.

**KCC Flood and Water Management** - Further comments received 23 July 2019

We have no objection in principle to the proposed development, subject to the ground conditions being confirmed via site specific ground investigations. Infiltration testing should be undertaken at the proposed invert level of infiltration features (both for permeable paving and the soakaway).

Should your authority be minded to grant permission for the proposed development, we recommend the conditions are attached requesting detailed submission of the sustainable drainage system and a verification report has been submitted and approved.

Initial comments received 19 May 2019

No surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

**KCC Highways** - Further comments received 11 May 2020

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

- Submission of a construction management plan
- Completion and maintenance of the proposed access
- Use of a bound surface for the first 5m from the edge of the highway
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and 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.

Initial comments received 31 May 2019

In principle the highway authority (HA) is satisfied with the proposal for a new building containing offices and residential apartments in this location. The site is in a sustainable location with schools and bus services nearby, and is located less than 300 metres from Westgate Town Centre and train station.

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

- 1.) The site access onto the A28 is very narrow. Any development of the site should include a 4.8 metre wide access road to allow vehicles to enter and exit the site simultaneously without queuing on the public highway. Widening of the access may lead to the loss of one parking space within the site, which the HA believes is acceptable.
- 2.) Although cycle parking is referenced within the design and access (D&A) statement, no cycle parking facilities or cycle parking compound is shown on the submitted plans.
- 3.) No details appear to have been shown in regards to refuse collection arrangements. The introduction of 21 apartments will greatly increase the refuse waste produced on the site, and some form of bin store will likely be required. The site will need to be able to accommodate the largest refuse vehicle currently in use throughout the Thanet District which is a 13 metre long rigid vehicle. The applicants will need to provide tracked drawings to demonstrate that a 13 metre long vehicle can safely enter, turn and exit the site in a forward gear.
- 4.) No details have been submitted in regards to electric vehicle (EV) charging points. To encourage the use of EV vehicles, all parking spaces allocated to individual residents should be fitted with some form of EV charging point. In addition at least 10% of the commercial parking spaces should also have access to EV chargers.

**Kent Police** - Further comments received 11 May 2020

Despite the reduced number of units and some layout changes we still have some security concerns that must be addressed to help avoid the development and area suffering potential crime, fear of crime, Anti-Social Behavior (ASB), nuisance and conflict.

Initial comments received 19 June 2019

Having reviewed the on line plans and documents and having no communication from the applicant/agent to date, there is a reference to "crime and disorder, and the fear of crime" on page 17 of the Design, Access, and Planning/Heritage Statement however, no detail and the following issues need to be addressed including:

1. The mixed use and residential element of the plan requires detail to demonstrate how the buildings are structured to ensure that the different uses do not cause conflict.
2. We have concerns about meeting the ownership, respect, territorial responsibility and community elements of the application. This is a mixed use site and when considering the potential number of residents and commercial staff that might be using the site during school holidays for example, there are likely to be issues with parking and use of open spaces that could lead to nuisance and conflict.
3. The southern boundary should be min of 1.8m high: there are ways to reinforce or add height to the existing boundary treatments without damaging or removing walls or trees. The low level brick wall between this site and The Countess Mountbatten Court does not afford the required security between the two developments. It is essential that this is addressed within the design of any new development to negate any reduction of security at the assisted retirement facility.

4. The parking provision, including that for residents, office staff, business visitors and residential visitors will need to be very well managed to ensure that conflict is avoided. The parking areas need to be arranged to ensure that the needs of family members moving in do not encroach onto the business element to avoid children "playing" in the parking areas.
5. We await a lighting plan.
6. A secure lobby "air lock" lobby area is required for access control and to provide a secure postal system or a "through the wall" design. Secure mail delivery is a concern as trade buttons and timed access systems are proven to allow certain crime to flourish.
7. It is important that if anyone gained unauthorised access, they could not reach all corridors via the staircases and lift.
8. The cycle store referred to in the Design, Access, and Planning/Heritage Statement is not shown on the plans. Its security, access control, size, lighting and design are crucial. It must not be part of any bin store (also not shown).
9. The commercial office element needs full access control to all external doors, ideally all but the main entrance will be alarmed to ensure they do not get propped open for convenience thus negating security.
10. Access Control - the main communal doors to the apartments need to meet current dual fire and security standards.
11. Doorsets to the apartments to meet PAS 24: 2016 certified (see SBD note below).
12. Windows to the ground floor and those potentially vulnerable to climbing need to meet PAS 24: 2016 certified (see SBD note below).

**Natural England** - With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

**Southern Water** - Further comments received 24 June 2020

The comments in our response dated on 14/05/2020 remain unchanged and valid.

Comments received 14 May 2020

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

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

Specify the responsibilities of each party for the implementation of the SUDS scheme  
Specify a timetable for implementation

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

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

**TDC Arboricultural Officer** - I agree that all the trees specified by the consultant arboricultural report that should be retained, should be retained. However T24 Sycamore is clearly under stress and is losing bark on the trunk, I suggest this be pollarded and retained as standing dead timber for biodiversity

Regarding the trees specified for removal. I agree that understandably to achieve the build the following trees will need to be removed:-

T26 this is clearly within the curtilage of the proposed building

T27 this is clearly within the curtilage of the proposed building

T16 this is clearly within the curtilage of the proposed building. This could however be moved during the dormant season to a new position with trenching around the tree at an



90cm radius 80cm approx depth to retain maximum fibrous roots by example Ruskins tree movers.

T17 this appears outside the curtilage of the proposed building, I believe from the plans that the RPA would be fine . It's a beautiful, healthy tree with good shape and form. A degree of crown lifting may be acceptable to enable accessibility to areas.

T18 this is a beautiful tree of good shape and form, I suggest lifting the crown to 9m whilst retaining the main fork at 8m would enable access whilst retaining good shape and form to the tree.

T19 A tree of good shape and form . It does have some decay but has calloused well and appears to have plenty of healthy outer live wood and appears to have many years of healthy life ahead. I suggest a crown lift to 10m whilst retaining good shape and form

T20/T21/T22 These are majestic trees with good shape and form and health, absolutely should be retained

T18/T19/T20/T21/T22 appear to be specified areas for parking, the land is level and I suggest clever planning could achieve the parking spaces by using a raised porous system to minimise weight impact to the trees RPA's. The system should also be 60cm radius from the tree butts, leaving this areas bark mulched. These trees should be retained because they have high amenity value for the neighbours surrounding the site and pedestrians and drivers along the Minister Road

**TDC Housing** – Supportive comment provided on originally submitted application which included 30% affordable housing, prior to amendments.

**Thanet Clinical Care Commissioning Group** - Thanet CCG have reviewed the application and will not be making any request for financial contributions as a result.

## COMMENTS

The application is brought before members as a departure to Policy CM02 of the Thanet Local Plan.

### **Principle**

#### *Community Facility*

Policy CM02 of the new Thanet Local Plan states that proposal which would result in the loss of a community facility will not be permitted unless there is alternative local provision available, reasonable attempts have been made to secure an alternative community use and the site is not viable, or 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 loss of the community facility and the use of the property as a B1 office was considered as part of the 2018 application (Reference F/TH/18/0005) and was considered acceptable by members of the planning committee as a departure from policy CF1 (new and retention of community facilities policy). This application is an extant consent and therefore forms a material consideration with significant weight in the determination of this application.

The application states that the new development of B1 Office would create 30 new jobs in addition to the 35 existing jobs that would be moved into the district. It is considered that the adoption of the new plan and application of the new policy does not deviate from the principles members agreed previously, that the economic benefits of the provision of office would outweigh the loss of the facility, and whilst the proposed development is no longer a conversion, the benefits remain present as previously identified with an extant permission in place. The principle of the loss of the community facility and the provision B1 office use on the site is therefore considered on balance acceptable subject to all other material considerations.

### *Town Centre*

The glossary of National Planning Policy Framework (Appendix 2) includes all offices in its definition of main town centre uses. Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date local plan. It goes on to state that Local Planning Authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. This is enshrined in Policy E05 of the Thanet Local Plan. The site is located within the built up confines but outside of the main town centres of Thanet - Margate, Broadstairs and Ramsgate. The site is, however, located within close proximity of Westgate, this is classed as a district centre within the Thanet Local Plan Policy E06. The application site is, therefore, considered to be an out of centre location. In consideration of previous application for the conversion of the church into a B1 office (Reference F/TH/18/0005), members considered that the economic benefits of the proposed use outweighed any potential impact on the district centre or main town centres of the district. This permission is still extant and it is considered that the proposed development provides similar economic benefits considered by the Council to be sufficient to outweigh any harm identified, therefore the principle of office use in this location is considered acceptable.

### *Residential Development*

Thanet Local Policy H01 states that permission for new housing development will be granted on non-allocated sites within the confines of the urban area and villages as shown on the policies map, subject to meeting other relevant Local Plan policies. The site is within existing built up confines of Westgate and comprises an existing church. Therefore the principle of residential development is acceptable subject to other material considerations such as the impact on the character and appearance of the area, impact on the Conservation Area, neighbouring and proposed living conditions and transportation.

### **Character and Appearance**

The site fronts a main road in Westgate leading to Margate and Birchington, and lies adjacent to existing residential development. A two storey dwelling is located to the north eastern of the site on the corner of Canterbury Road and Minster Road. To the west of the site is the grade II listed Summerlands Lodge, a large two storey building that is set back from the road and originally built for use as a school. At the rear of the site is Countess

Mountbatten Court a two storey residential building in use as retirement accommodation that is accessed by the same entrance as Summerland Lodge.

The site is located within the Westgate 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.' Within this area policy HE02 of the Thanet Local Plan also applies. This policy states that:

Within conservation areas, development proposals which preserve or enhance the character or appearance of the area, and accord with other relevant policies of this Plan, will be permitted, provided that proposals for new buildings:

- 1) Respond sympathetically to the historic settlement pattern, plot sizes and plot widths, open spaces, streetscape, trees and landscape features,
- 2) Respond sympathetically to their setting, context and the wider townscape, including views into and out of conservation areas
- 3) The proportions of features and design details should relate well to each other and to adjoining buildings,
- 4) Walls, gates and fences are, as far as possible, of a kind traditionally used in the locality,
- 5) Conserve or enhance the significance of all heritage assets, their setting and the wider townscape, including views into and out of conservation areas
- 6) Demonstrate a clear understanding of the significance of heritage assets and of their wider context

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

#### *Loss of the Existing Building*

The application proposes the loss of the existing Church building, stating that the re-use of the building is not possible due to the cost of conversion being higher than expected, the layout not allowing for efficient operation and that the current building would be inefficient to heat and maintain compared to a modern building. No further information is provided to be able to ascribe weight to these statements, however the proposal to replace the existing building with new development will be assessed on its own merits.

The existing building on the site comprises three main parts. The largest section is the main church building located opposite the vehicular entrance to the site and towards the western boundary. This section of the building is two stories in height with a pitched roof and a gable end fronting the highway. This building extends towards the rear boundary of the site and has two small flat roof wings on each side. The building is constructed from brick with pebble dashed and glass panels to the front elevation. A brick bell tower is located to the east of the

main building and a single storey pitched roof bungalow extends further to the east. The building is set back from the highway behind 115 Canterbury Road but the main section is located forward of the front elevation of Summerlands Lodge. The Church appears to have been constructed in the 1960's and was last in use in 2014. The main church building shares some design elements with Westgate Library which is located on the eastern side of Minster Road, but due to the separation distance and the location of number 115 Canterbury Road located between these two buildings they are not viewed in the same context. The narrow design of the main church building and the setback from the highway is considered to give the property a unique appearance and to create a sense of space which makes a positive contribution to the conservation area. However due to the age, form and relationship of this building with the historic listed buildings that extend to the west of the site, the existing building is not considered to be a non-designated heritage asset, and therefore the loss of the building would not be unacceptable in principle, depending on whether the design of the proposed development preserves the character and appearance of the Conservation area in making a positive contribution to the area.

### *Proposed Development*

The proposed building has been significantly amended from the initial plan which proposed a flat roof building with four storeys across the full width of the building. The amended proposal is for the three and four storey building with a B1 office at ground floor and 2No one-bedroom, 8No two-bedroom and 4No three-bedroom flats on the first, second and third floors. The proposed building comprises a four storey central block, two three storey wings set back from the central section and a single storey flat roof rear projection. The building would have a pitched roof design with a central gable feature to the front elevation and pitched roof dormers to the front side and rear elevations. The building would be constructed from red multi stock bricks with dark brown brick banding to the ground floor front and rear elevations and pale yellow multi stock bricks with red brick detailing to the remaining sections and upper floors. The roof would be constructed from natural slate tiles. All doors and windows would be white painted timber or aluminium and all windows would be set within 100mm reveals. Full details of the materials and joinery would be requested by condition to confirm the quality and acceptability for the conservation area.

The amended pitched roof design incorporates a central gable giving the building a symmetrical appearance and the use of dormers to the upper floors is typical of the Westgate vernacular. A detailed materials plan has been submitted by the applicant's agent. The ground floor of the building would be constructed from brown and dark coloured arranged in projecting and non-projecting banding. The upper floors would be constructed from Ivanhoe cream bricks with red brick banding. These red bricks would also be used for window arches and cills. These architectural features and variation in materials is considered to add interest to the elevations. Brick is one of the most dominant materials in the street scene and the overall amended design takes cues from the surrounding development without creating a pastiche development and is considered to have sufficient regard to the design and special interest of the area.

The building would be set back from the front boundary of the site with the proposed front elevation in a similar location to that of the existing church. This would give a setback of 23m and the proposed three storey wings would be set a further 10m back from the front

elevation. There would be a separation distance of 15m from the western side elevation to the eastern side elevation of Summerlands Lodge and 18m from the closest point to 115 Canterbury Road. The spacing and scale of buildings along Canterbury Road varies with Westgate Library set away from the highway behind a wide pavement and landscaped area. In contrast both 115 Canterbury Road and 6 St Mildreds Road are set close to the highway. No development is located on the northern side of Canterbury Road opposite the site as this area forms part of a playing field. Summerlands Lodge is a wide three storey building that fronts an open parking area and is set back from the front elevation of the main church building. Further to the west there is a separation distance of 11.5m from Summerlands Lodge to St Augustines which has a varying form with one, two, three and four storey elements. The chapel attached to this building represents a substantial projection beyond the building line towards the highway. Given this variation in spacing, scale and pattern of development the proposed building is not considered to be harmful to the special interest of the area and would therefore preserve the character of the conservation area.

### *Impact on the Neighbouring Listed Buildings*

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

As outlined above the grade II listed Summerlands Lodge is located to the west of the site. This building has been empty for a substantial period of time and is in a poor condition both internally and externally with numerous windows missing around the property. Nevertheless this building has an impressive appearance although this is only fully appreciated from directly in front of the site due to the large setback, the trees on the front boundary and the high level side boundary walls that divide it from the neighbouring properties.

The amended plan has reduced the height and depth of the section of the building adjacent to the boundary with Summerlands Lodge to create a wing that is mirrored on the opposite side of the proposed building. The Conservation Officer has still raised concerns with the amended design and it is acknowledged that the proposed building is larger than the existing development on the site and would result in an altered relationship with the listed building. However the amended design with wings set back from the building frontage is not considered to be unduly dominant to the setting of the listed building, nor the building itself. The amended proposal is therefore not considered to substantially detract from the significance of the Grade II listed building adjacent.

### **Trees**

The initial plan proposed the removal of nine trees from the site, none of which are currently subject to a tree preservation order (TPO). An amended plan has been submitted during the application process retaining one additional tree and proposing the planting of ten new trees on the site. Seven of the trees that are proposed to be removed are located towards the rear of the site to the south and east of the church and bungalow and therefore have limited visibility from Canterbury Road and Minster Road. The amended plan retains T17 which is a large Holm Oak tree situated to the east of the church and on the corner of the existing car

park. One small pine tree located in front of the existing building and between the bungalow and the church would be removed. Whilst this tree is visible from the public realm, due to its limited size would not be suitable for a TPO. The Council's Arboricultural Officer has raised no objection to the loss of T16, T26 and T27. T18, T19, T20, T21 and T22 are large mature trees that appear to be in a healthy condition and the Council's Arboricultural Officer has raised concerns about the loss of these trees. These trees are located towards the rear of the site, behind the existing buildings and away from the boundaries with the highway. Their contribution to the character and appearance of the conservation area would be less than substantial therefore whilst the loss of mature trees is regrettable, given their location the scale of the harm must be weighed against the wider benefits of the scheme.

Bin and cycle storage is proposed around the site to serve both the commercial and residential uses. Full details of the proposed storage would be requested by condition to confirm its acceptability.

In light of the above it is considered that the loss of the existing church and the proposed building would result in some minor harm to the designated heritage assets, resulting from the increased scale of the development on the site altering the context within which development is viewed on this site in the locality. Whilst this harm is considered to be less than substantial it has significant weight in the determination of this application. The harm resulting from this change in context is considered to be minimised through the amended design of the proposed building which has regard to the surrounding Westgate Conservation Area and the retention of the trees on the front and side boundaries of the site.

### **Living Conditions**

The proposed building would have a maximum height of 13m with the two wings having a maximum height of 11m and the single storey rear projection measuring 3.7m high. At the closest point there would be a separation distance of 18m to 115 Canterbury Road, 12m from the single storey section and 15m from the three storey section to the boundary with Countess Mountbatten Court and 15m to Summerlands Lodge. Given the pitched roof, stepped design and these separation distances the proposed building is not considered to result in any significant loss of light or sense of enclosure to warrant refusal of this application.

The proposed windows in the first and second floor eastern side elevation serving the living rooms and kitchens for units 1 and 6 would be conditioned to be obscure glazed and fixed shut to a height of 1.7m to avoid direct overlooking of the most private amenity space directly to the south and east of 115 Canterbury Road. Due to the setback, separation distance and orientation of the other windows within the building they are not considered to result in any significant opportunity for overlooking towards this property. Given the separation distances and the protected trees to the west of the site the proposed building is not considered to result in significant overlooking to the neighbouring property at Summerlands Lodge. The development will include rear facing windows at first, second and third floor facing towards Countess Mountbatten Court. The closest windows in the proposed development are approximately 15 metres from the rear boundary of the site, with an additional 8 metres from the boundary to side facing windows, meaning a total distance of approximately 23 metres. Whilst the height of the upper floors means that some overlooking will occur, this distance in

combination with the trees at rear of the site which are being retained would mean that the development would not result in significant overlooking to impact on the living conditions of residents of Countess Mountbatten Court.

The existing church building is of a significant scale and would likely, when operating, have attracted a large number of movements to and from the site. A similar D1 use of the site could recommence at any time with few restrictions. A B1 office use is not considered to generate a significant level of noise and the planning committee previously found this use acceptable on the site. Residential dwellings are not considered to result in a significant level of noise and disturbance and 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 church. The applicant has confirmed that the opening hours of 0800 to 2000 Monday to Friday requested by the Environmental Health Officer and these would be conditioned. Given the proximity to Canterbury 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. A construction management plan would be requested by condition to ensure that there is no significant noise and disturbance to the neighbouring property occupiers or disruption to highway safety during construction.

All of the proposed flats would exceed the nationally described space standards and all habitable rooms would receive natural light and ventilation. The Council's Environmental Health Officer raised some concerns regarding the potential for noise transfer from the office on the ground floor to the flats on the first floor and the arrangement of living rooms over bedrooms. A condition requiring the level of insulation between the floors and ceilings of each floor to mitigate any potential noise was requested and agreed by the applicant. Large areas of amenity space are provided to the rear and east of the site which is considered to be suitable for doorstep playspace and clothes drying. Subject to the required sound insulation condition the proposed dwellings are considered to provide an acceptable standard of accommodation for the future occupiers.

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, 8no. 2-bed units, and 4no. 3-bed units. Policy SP22 of the 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 Thanet Local Plan.

## **Transportation**

The site is located in a sustainable location with direct access to the A28 and bus stops located on this road outside the site. The town of Westgate and its train station are also located within a short walk of the site.

KCC Highways raised no objection in principle to the development of the site for residential and office use due to the location and the previous use of the site as a church which could have a significant number of vehicular movements.

An amended plan has been submitted during the application process widening the access of the site and demonstrating that a refuse lorry could enter and leave the site in a forward gear. A total of 47 parking spaces would be provided in the site, eight of which would be electric vehicle charging spaces. Cycle parking is shown on the proposed plan and full details of the cycle storage would be requested by condition to confirm its acceptability.

Whilst a number of objections have been received regarding highway safety, 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 considered to be significantly different, 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 Thanet Local Plan, and paragraph 108 of the NPPF.

### **Financial Contributions and Heads of Terms**

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

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

The applicant has submitted heads of terms confirming their agreement to pay the required contribution of £4660 towards the Strategic Access Management and Monitoring (SAMM) plan to offset the potential impact on protected birds at European designated sites from increased visitors from the district to these areas. This approach has been considered by the Council and Natural England as acceptable for new residential development, as necessary to deal with the potential effects of increased disturbance to both summer and winter birds, in accordance with the Habitats Regulations.

KCC Economic Development have been consulted as part of this application and have requested contributions towards Secondary Education, Community Learning, Youth Services, Library Bookstock, Social Care and waste services with a requirement to ensure provision of Broadband services are provided. All flats are applicable sizes and therefore secondary school contributions have been requested for all units.

A total of £18,116 is proposed towards a new secondary school, £5,288.92 towards new secondary school land, £229.88 towards additional equipment for Margate Adult Education Centre, £917 towards additional equipment for Margate Youth Centre, £776.30 towards



additional library bookstock, £2056.32 towards specialist care accommodation and £1298.08 towards waste services. The submitted heads of terms confirm that the applicant is willing to pay the required contributions and an informative could be added regarding the provision of broadband services.

Subject to the receipt of a S106 legal agreement an acceptable means of securing mitigation for the impact of the additional dwellings on the Special Protection Area and on Secondary Education, community learning, youth services, social care and waste services would be provided.

### **Archaeology**

The property is located in an area which is rich in archaeological findings. KCC Archaeology has advised that the site lies close to where prehistoric, Iron Age and Roman remains and finds have been recorded. The HER shows there have been Bronze Age burials (SMR No TR 36 NW 59) discovered west of the site in the 19th Century and an Iron Age burial was found in the 1960s. Similar remains may survive on site that may be affected by development groundworks. A safeguarding condition requiring a programme of archaeological works to be carried out is therefore recommended.

### **Ecology**

KCC Biodiversity have assessed the application and following the submission of additional ecological assessments have raised no objection to the proposal. Conditions have been requested requiring the submission of a precautionary method statement to ensure any disturbance to roosting bats is minimised and details of Ecological enhancements for the site and it is considered that these conditions are reasonable and appropriate to mitigate the impact of the development.

### **Flooding and Drainage**

A Flood and Drainage Strategy has been submitted for the site and KCC Flood and Water Management have been consulted during the application process. Subject to the provision of a detailed sustainable drainage system and verification report KCC have raised no objection to the proposal. Southern Water have requested details of the proposed foul drainage for the proposal. The applicant has indicated that the proposed development would be connected to the existing foul drainage in the area and a formal application would be required to Southern Water. It is therefore considered that a condition requesting this information is not required in this instance.

### **Other Matters**

Following the submission of the amended plan the number of dwellings proposed has been refused to 14. This is below the previous threshold of 15 units within Thanet Local Plan 2006 policy H14 when affordable housing is requested on site. As part of the transition arrangements with the adoption of the new Local Plan on 9th July 2020, any application received by the Council after the date of adoption above 10 units is required to provide 30% affordable housing on site, with those received prior to this date assessed under the

previous threshold. Therefore no affordable housing is proposed through this application within the proposed flat block.

Concern has been raised regarding the ownership of part of the site. The applicant has provided confirmation that they own the site outlined within the red line plan. Any disputes over ownership would be a civil matter and do not form a material planning consideration.

The management of the site and the building, along with security features such as entry controls and alarms cannot be controlled through the planning process. An informative would be attached to any grant of permission advising the applicant to contact Kent Police for further advice.

## **Conclusion**

The existing building is considered to make a positive contribution to the character and appearance of the conservation area. Great weight is given to the loss of the existing building, 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 and on the ground floor of the proposed building. 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.

In terms of the environmental dimension, the proposal would result in the loss of an existing building which has a positive contribution to the Conservation area. The proposed development will result in a form of development of a design, scale and siting that has sufficient regard to the local character and history of the site, including the use of features and materials that reflect the surrounding development and the retention of the protected trees across the site. The change in context resulting from the loss of the existing building and the new development on the site is considered to result in less than substantial harm to the designated heritage assets, however the amended design of the proposed building is considered to minimise this harm.

Kent Highways raise no objection in principle to the proposal, and the proposed access is considered to be both safe and suitable. It is also considered that, with safeguarding conditions, that there would be no adverse impact of the development on ecology, archaeology or drainage.

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**  
Duncan Fitt

TITLE: F/TH/19/0663

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