

D04

F/TH/20/0591

PROPOSAL: Change of use from college (use class C2) to residential (use class C3) together with ground, first and second floor extensions with creation of terraces, alterations to roof including raising of height and insertion of dormer windows and alterations to fenestration to provide 15No 2 bed and 3No 3 bed residential flats with associated bin and cycle stores, parking and landscaping. Removal of chimney stacks.

LOCATION: Kingsgate College Convent Road BROADSTAIRS Kent CT10 3BE

WARD: Kingsgate

AGENT: Jonathan Buckwell

APPLICANT: Convent Road ACP Ltd

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 report and the following safeguarding conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 01B, 06B, 07A, 08A, 09A, 10C, 11A, 12C, 13A, 14A, 15A, 16A, and 5460-LLB-XX-XX-DR-L-0001-Po2.

GROUND;

To secure the proper development of the area.

3 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water, in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework

4 Prior to the installation or erection of any external lighting for the development hereby approved, full details of the external lighting, hereby approved including their location, fittings, illumination levels and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The detail should demonstrate that the areas to be lit will not disturb bat activity and will minimise light pollution. 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 amenities of the area and in the interest of maintaining biodiversity within the site and surrounding environment, in accordance with Policies SE08 and SP30 of the Thanet Local Plan.

5 Prior to the first occupation of the development, the areas shown on the approved plans for the parking of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

GROUND:

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

6 Prior to the first occupation of the development, the area shown on the approved plans for cycle parking shall be operational. The area approved shall thereafter be maintained for that purpose.

GROUND:

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

7 Prior to the commencement of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be in the form of one active charging point per allocated parking space, and one active charging point per ten unallocated parking spaces. The electric vehicle charging points shall be provided prior to the first occupation of the development and thereafter maintained.

GROUND:

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

8 Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local

Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of:

- hours of construction working;
- Routing of construction and delivery vehicles to / from site
- Parking/turning areas for construction and delivery vehicles and site personnel
- Timing of deliveries
- Temporary traffic management / signage
- measures to control noise affecting nearby residents;
- wheel cleaning/chassis cleaning facilities;
- dust control measures;
- lighting control measures;
- pollution incident control and site contact details in case of complaints.

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

GROUND:

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

9 Prior to the commencement of works hereby permitted (including any demolition and site clearance), an Arboricultural Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The method statement shall include details of the tree protection measures during construction (to accord with BS 5837 2012), works to be carried out within any root protection areas; a scheme for auditing tree protection during construction and subsequent reporting of this to the Local Planning Authority, and construction details of any hard landscaping within the root protection areas of the trees identified for retention on plan 06B. The development shall be carried out in accordance with the approved details and methodology.

GROUND:

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

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

GROUND:

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

11 Prior to first occupation of any part of the development hereby approved, all hard and soft landscape works shall be carried out in accordance with the details outlined on plan numbers 5460-LLB-XX-XX-DR-L-0001-Po2 and 06B or in accordance with a programme of works which must be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND:

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

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

GROUND:

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

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

GROUND:

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

14 Prior to first occupation, the recommended actions within section 9 of the Ecological Assessment (dated 9th June 2020) shall be carried out and implemented in full, and thereafter maintained.

GROUND:

In the interests of nature conservation in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

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

Thanet District Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make

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

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

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

SITE, LOCATION AND DESCRIPTION

The site is situated on the east side of Convent Road, Broadstairs. The site comprises the former school building and associated area of parking hardstanding on its northern half, adjacent to the golf club clubhouse, with the remainder of the site laid to grass. The former school building is two and a half storeys in form with steeply pitched roof and dormer windows on the northern side. The site boundaries are marked by mature and established vegetation. North Foreland Golf Course abuts the site to the north, east and south, with the edge of the main Broadstairs residential area lying approximately 50m beyond.

The whole site lies outside the urban confines and within the designated Green Wedge between Margate and Broadstairs

RELEVANT PLANNING HISTORY

The site has no relevant planning history.

PROPOSED DEVELOPMENT

Full planning permission is sought for the change of use of the former college building to 18no residential apartments - 15 2-bed units and 3 3-bed units.

The established setting of the building is maintained (with some alterations and extensions mainly to the rear of the building) with a full height extension to the south-east corner of the

building creating an extended leg to this 'L' shaped footprint, which is formed around the established and re-used car parking court.

In addition to the main building, the proposals include other ancillary structures: a refuse/recycling store; a 27-space cycle store; and a carport. In total, 40 car parking spaces are proposed including 10 visitor spaces.

All of the apartments will have private amenity space, in the form of a balcony/terrace and/or private garden area. There will also be communal landscaped gardens within the grounds.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP13 - Housing Provision

SP14 - General Housing Policy

SP22 - Type and Size of Dwelling

SP23 - Affordable Housing

SP24 - Development in the Countryside

SP25 - Green Wedges

SP26 - Landscape Character Areas

SP27 - Green Infrastructure

SP28 - Protection of International and European Designated Sites

SP29 - Strategic Access and Management and Monitoring Plan (SAMM)

SP30 - Biodiversity and Geodiversity Assets

SP33 - Local Green Space

SP35 - Quality Development

SP36 - Conservation and enhancement of Thanet's Historic Environment

SP37 - Climate Change

SP41 - Safe and Sustainable Transport

SP44 - Accessible Locations

H01 - Housing Development

H09 - Housing at Rural Settlements

H018 - Rural Housing Need and Exception Sites

GI01 - Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ)

GI04 - Amenity Space and Equipped Play

QD01 - Sustainable Development

QD02 - General Design Principles

QD03 - Living Conditions

QD04 - Technical Standards

QD05 - Accessible and Adaptable Accommodation

HE01 - Archaeology

HE02 - Heritage Assets

CC02 - Surface Water Management

SE04 - Groundwater Protection

SE05 - Air Quality

SE06 - Noise Pollution

SE08 - Light Pollution
TP02 - Walking
TP03 - Cycling
TP04 - Public Transport
TP06 - Car Parking

Draft Broadstairs Neighbourhood Plan

BSP1 - The Green Wedge
BSP2 - Important views and Vistas
BSP3 - Protecting and Providing Important Trees
BSP9 - Design in Broadstairs and St Peters
BSP12 - Full Fibre Broadband Connection

NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice placed close to the site and the application publicised in a local newspaper.

Four representations have been received objecting to the proposal. Their comments are summarised below:

- Affect local ecology;
- Conflict with Local Plan;
- Trees on the site need to be properly protected;
- Since college has closed, the site has become more important for wildlife;
- The footpath through the protected trees should be resisted;
- It is likely that an application will be made to develop the rest of the college site;
- Pressure on trees during construction works and also once the site is occupied;
- Development too high;
- General dislike of proposal;
- Noise nuisance;
- Affect on breeding birds from disturbance;
- Loss of privacy;
- The proposed development should be renamed given that is close to a property with a similar name;
- Need to know which areas of landscaping will be retained and at what level.

Broadstairs Town Council: Amended comment - refusal - introduction of a footpath cannot be justified at the expense of the sizable loss of tree canopy in this protected and sensitive area in the green wedge.

Initial comment - objection. Overdevelopment in the green wedge; out of character with the area; increase in mass; footpath through existing protected trees; and the tree protection order should be extended.

Broadstairs Society: Neutral - General dislike of the proposal; inadequate public transport provision; sad to see the disappearance of this small educational establishment in favour of flats; Concerns about the design's relationship to the local area character; and likely to be more development on the adjoining site.

CONSULTATIONS

Natural England: Awaiting formal comment

Southern Water: Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. If the existing development discharges surface water to the combined sewerage system, then a discharge from the site may be permitted. The applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

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."

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

Kent Police: If the application is to be approved, would request a condition to address the following points. Boundary treatments - detailed plans required and the field gate should be secured or removed. Parking plan - Should benefit from supervision and residents spaces should be allocated and visitor spaces marked as such. Landscaping - planting should be designed to enhance security and maintain surveillance, Lighting - a lighting plan is required, Access - the communal door should be lit, audio visual electronic visitor door system for each apartment, windows should meet PAS 24:2016 UKAS certification, mail delivery should be through the wall or sited close to the access and have CCTV coverage, security measures required during construction.

KCC Biodiversity: We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided by the applicant.

Bats and Lighting - Although no bats were observed emerging from the building, bat activity was recorded and suitable commuting/foraging habitat exists on and around the development site. Lighting can be detrimental to commuting and foraging bats so we advise that the external lighting of the development should be designed in a way that negates the impact on bat activity.

To mitigate against potential adverse effects on bats, and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission. Suggested wording:

Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Thanet and Canterbury SAMMS - 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 Strategy (SAMMS) 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 SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

Breeding Bird Informative - Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and

are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Ecological Enhancements - In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Suitable enhancement recommendations have been made within the ecology report. This includes replacement of the Californian privet with a native hedge and provision of bat boxes.

To secure the implementation of enhancements, we advise that a condition is attached to planning permission, if granted. Suggested wording:

Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section 9 of the Ecological Assessment (Bakerwell June 2020). The approved details will be implemented and thereafter retained.

KCC Highways: (*Amended Comment*) I refer to the amended plans submitted for the above on 14th September and confirm I have no objection in respect of highway matters. As previously advised the proposals are unlikely to have a severe impact in highway capacity terms, bearing in mind the permitted use as an educational establishment and the associated vehicle trips that could be generated. Adequate parking is proposed within the site such that there is unlikely to be any unacceptable parking on the highway. Whilst the proposals are unlikely to result in an increase in use of the existing access I would ask the applicant to consider improving visibility at the same. The following should be secured by condition:

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

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking/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

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

Provision and permanent retention of the secure, covered cycle parking spaces shown on the submitted plans prior to the use of the site commencing.

(*Original Comment*) I refer to the above planning application and concur that the proposals are unlikely to have a severe impact in highway capacity terms, bearing in mind the permitted use as an educational establishment and the associated vehicle trips that could be generated. However, I would comment further as follows: 1. I note the proposed footpath between the site and Convent Road and that it does not connect to the existing footway network further to the west. The point where the path meets Convent Road also provides poor visibility for pedestrians joining, or trying to cross, Convent Road. It is accepted that the permitted education use also has the capacity to generate pedestrian movements without such a footpath and so, unless the path can be extended to connect to the existing footway

network, I would prefer to see it removed. 2. The amount of car parking appears excessive, although it does meet the minimum required under current guidance. I would therefore ask for further information/justification on the amount of parking proposed.

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.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements

Primary Education - £1,700 per applicable flat. Total £30,600. Towards the phase 2 accommodation at the new St Georges Primary School.

Secondary Education - £1,294 per applicable flat. Total £23,292. Towards the new Thanet Secondary School.

Secondary Land - £377.78 per applicable flat. Total £6,800.04. Towards the new Thanet Secondary School land acquisition costs.

Community Learning - £16.42 per flat. Total £295.56. Towards additional classes and resources at Broadstairs Adult Education Centre.

Youth Services - £65.50 per flat. Total £1,179. Towards additional equipment and resources for the youth service in Thanet.

Libraries - £55.45 per flat. Total £998.10. Towards additional stock, services and resources at Broadstairs Library.

Social Care - £146.88 per flat. Total £2,643.84. Towards specialist accommodation in Thanet. All homes built as wheelchair accessible and adaptable in accordance with Building regulations Part M 4(2).

Waste - £92.72 per flat. Total £1,668.96. Towards Materials Recovery Facility and improvements at Margate Household Waste and Recycling Centre.

KCC recommends that all developers work with a telecommunications partner or subcontractor in the early stages of planning for any new development to ensure that gigabit capable fibre to the premise Broadband connections.

TDC Housing: The Housing Strategy & Projects team have considered the provision of 30% Affordable Housing to be delivered on site, in line with current policy, however due to the location of the units it is considered not suitable. It has also not been possible to secure a Registered Provider for the small number of units in such an isolated location. The financial contribution of £400,000 is acceptable and will be used to deliver affordable housing in other locations across Thanet.

TDC Environmental Health: Environmental Health (EH) would like to offer the following comments.

The site falls within the urban AQMA, and in accordance with SE05 Air Quality are required to install EV charging provision, as follows:

STANDARD AIR QUALITY MITIGATION

Residential of 10 or more units:

All gas-fired boilers to meet a minimum standard of <40mgNO_x/kWh

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

EV Charger details to be provided:

Prior to the erection of the building(s) hereby approved, written and illustrative details of the number, type and location of Electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority before any of the units are first brought into use. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

EH has received several complaints from residents regarding smoke nuisance from demolition activities at the site. As with all large scale construction projects we would like a CEMP that considers mitigation of potential nuisance to neighbours.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; lighting control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

TDC Biodiversity and Horticulture Officer: The proposed design appears encouraging. The interconnection by wildlife corridors/living landscapes bodes well. It would be great to see the proposed mix of plants, and it's great to hear native plants of true regional provenance will be used.

COMMENTS

The application is brought before Members as a departure to policy H01 of the Thanet Local Plan, as the site is located outside the urban confines.

The key issues in the determination of this application include the principle of development, character and appearance, living conditions, transportation, affordable housing, planning obligations, and other material considerations.

Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

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

The site currently comprises an existing building which operated as part of a former college and its associated curtilage. The site is therefore classed in part as previously developed land.

The site is located within the Westgate Green Wedge and is outside the urban confines and therefore falls to be considered under Policies SP24, SP25 and SP01 of the Thanet Local Plan.

The former use is not considered to be a community use, and therefore there is no presumption to retain it for a community use.

The Council has not met the Housing Delivery Test as required by paragraph 67 of the National Planning Policy Framework (NPPF). Planning applications should therefore be considered with a presumption in favour of sustainable development and the provisions of the NPPF with specific reference to Section 2 and paragraph 11(d).

In determining whether the development of the site is acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact on the countryside, the green wedge and character and appearance of the area, impact on the highway network, impact upon living conditions, and sustainability of the development.

The site is within walking and cycling distance of the facilities and services that Broadstairs offers as well as its public transport, schools and employment opportunities. Therefore the site is considered to be sustainably located, whilst being situated in the countryside and the Green Wedge.

Policy SP25 states that within the green wedges, new development will not be permitted, unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the policy, or it is essential for the proposed development to be located within the green wedges. The proposed development is for the conversion of a former college into

18 self contained flats (with the erection of some extensions to the existing building together with the erection of associated structures, for which it is not essential to be located within the green wedge, however it should be considered as to whether it would be detrimental or contrary to the stated aims of the policy.

These are:

Within the Green Wedges new development (including changes of use) will only be permitted if it can be demonstrated that the development is

1) not detrimental or contrary to the following aims to:

Safeguard areas of open countryside in order to maintain physical separation and avoid coalescence of the towns, retaining their individual character and distinctiveness (for example by the expansion of isolated groups of houses or other development).

Conserve, protect and enhance the essentially rural and unspoilt character, and distinctive landscape qualities of the countryside that separates the urban areas, for the enjoyment and amenity of those living in, and visiting, Thanet.

Increase access and usability without compromising the integrity of the Green Wedges.

Or is

2) essential to be located within the Green Wedges. Open sports and recreational uses will be permitted subject to there being no overriding conflict with other policies, the wider objectives of this plan and the stated aims of this policy. If granted, any associated built development must be kept to a minimum, essential, small in scale and be necessary to support the open use. It should also be well related to adjacent urban edge and sensitively located to retain openness of the area. Proposals for policy compliant development that include measures that will create or enhance wildlife habitats and biodiversity within the Green Wedges, or will improve the quality of the Green Wedges by providing high quality public amenity space will be supported.

In this instance, it is appreciated that the proposed residential development is not essential development, as housing could be located elsewhere within the District. It is, however, noted that the development is largely confined to the conversion (with minor extensions) of the existing vacant building within the application site and that the site is enclosed by existing vegetation and trees that will be retained and enhanced as part of this application. The development would maintain the physical separation between the town and not extend the built form into the open landscape or result in large amounts of new built form within the Green Wedge (with the new development limited to the footprint of the existing structures on site). It is, therefore, considered that in this instance the proposed development would not detract from the character, appearance or significance of the Green wedge in principle.

Policy SP24, relating to development in the countryside, permits the redevelopment of a brownfield site for a use compatible with its countryside setting and surroundings. The reuse of an existing vacant building for residential occupation is considered to meet the test of this policy.

Furthermore the provision of 18 residential units is considered to make a modest contribution to the District's housing supply, supporting economic and social dimensions of sustainable development, with employment provided through construction and to the local economy for eighteen new households. Additionally there would be associated economic benefits in

terms of additional Council tax revenues, and there are social benefits from the re-use of the existing building to avoid vacant properties in the district.

Taking into account the current policy SP25 it is considered that a balanced decision therefore needs to be taken as to whether the specific material considerations suggest that the development would be sustainable weighing up all factors. In this case weight needs to be attached to the countryside and green wedge location of the site, the existing redundant building located on the application site and the benefits that the proposal would bring in terms housing within Broadstairs which adds to the sustainability of the scheme as defined by the National Planning Policy Framework.

Taking the above issues into account it is considered that there are specific material considerations that indicate that this application could be determined as an acceptable departure to the development plan, subject to all other material considerations and the overall planning balance.

Character and Appearance

Paragraph 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. It continues in paragraph 127 that planning decisions should aim to ensure that development should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 170 of the NPPF stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.

Policy QD02 of the Local plan states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. Development must: 1) Relate to the surrounding development, form and layout and strengthen links to the adjacent areas. 2) Be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality. The development itself must be compatible with neighbouring buildings and spaces and be inclusive in its design for all users. 3) Incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access. 4) Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases. Development will be supported where it is demonstrated that: 5) Existing features including trees, natural habitats, boundary treatments and historic street furniture and/or surfaces that positively contribute to the quality and character of an area should be retained, enhanced and protected where appropriate. 6) An integrated approach is taken to surface water

management as part of the overall design. 7) A coordinated approach is taken to the design and siting of street furniture, boundary treatments, lighting, signage and public art to meet the needs of all users. 8) Trees and other planting is incorporated appropriate to both the scale of buildings and the space available, to provide opportunities for increasing biodiversity interest and improving connectivity between nature conservation sites where appropriate.

The creation of 18 residential units on the site would give a density of 30 dwellings per hectare which is considered acceptable given the edge of settlement location of the site.

Policy SP26 of the Local Plan (Landscape Character Area) identifies that the application site lies within St Peters Undulating Chalk Farmland (C3). This is described as a particular landscape feature in Thanet and consists of four landscape character areas: C1: St Nicholas-at-Wade Undulating Farmland, C2: Central Thanet Undulating Farmland; C3: St Peter's Undulating Farmland; and C4: Newlands Farm. Some of these character areas are important for their long distant views to the marshes and sea while in others the agricultural land performs a settlement separation function. These areas of high quality agricultural land are of value for farmland and roosting coastal birds. The openness and undeveloped character of the farmland contributes to the essentially rural character and relatively dark skies.

The application site contains the now vacant Kingsgate College building to the north of the site with an existing hard surface area to its south. There is established vegetation and trees along the boundary with Convent Road which are covered by a Tree Preservation Order (TPO 10(2000)) and its boundaries with the golf course and it is noted that this will be retained and enhanced as part of the proposed development. Additional landscaping is also proposed along the southern boundary of the application site. It is considered that longer views of the site are not readily available from public vantage points and the reuse of the existing building and hard surfaced area, existing established trees and vegetation together with the proposed additional landscaping will result in the proposed development having a minor/negligible visual effect on the local context once built out.

It is noted that some extensions are proposed to the existing building, but these are largely confirmed to its rear and would generally square off the building and facilitate its conversion to residential. Purpose built cycle and bin storage buildings are proposed to the south west corner of the building as well as a carport structure within the established hard surfaced area. It is, however, considered that given well established vegetation, limited public views of the site and their small scale nature that neither the extensions or additional buildings would be visible from outside the site and would not have an adverse impact on the character and appearance of the wider area or the landscape character area.

The existing building would be refurbished as part of the proposed development giving the building a more contemporary feel whilst retaining much of its form, scale and massing. This approach is considered acceptable and it is noted that inspiration for the finishing of the building and proposed materials have been taken from the form of the existing building and the surrounding area.

Given the above, it is considered that the impact of the proposed development on the character and appearance of the surrounding area is considered to be acceptable in

accordance with Policies QD02 and SP26, subject to safeguarding conditions relating to issues such as materials and landscaping.

Impact on Trees

As stated above, the trees along the boundary of the application site with Convent Road are the subject of a Tree Preservation Order 1 of 2000, which protects a group of trees in the north-west corner/edge of the site. The application is accompanied by a tree survey which has been used to inform the determination of the application. Concerns were raised by Officers about the number of trees that would be lost to facilitate the footpaths, particularly the one through the south of the site in the proposal as originally submitted. The scheme has been amended and the proposed footpath through the land to the south to Convent Road removed. This results in the need for only one sycamore (T27) to allow refuse vehicles to access the site.

The scheme allows for additional planting/landscaping to the boundaries of the site including a number of trees to be planted along the southern boundary of the site. It is considered that this tree planting will offset the required loss of a single protected tree to facilitate safe access to the site. This additional planting is welcomed and it is considered that it will enhance the area from both a visual and ecological perspective and the Council's Biodiversity and Horticulture Officer has raised no objection, welcoming the proposed mix of plants and added wildlife corridors to the site.

An Arboricultural Method statement will be required for submission to provide tree protection measures during construction to British Standard 5837 2012) including a scheme for auditing tree protection during construction and subsequent reporting of this to the Council.

Therefore the development is considered to preserve tree coverage and the amenity value from trees on the site subject to safeguarding conditions.

Living Conditions

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 127 states that planning decisions should ensure that all developments (a) function well and add to the overall quality of the area for the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) are sympathetic to local character and history including the surrounding built environment and landscape setting, (d) establish or maintain a strong sense of place, (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and (f) create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Policy QD03 of the Local Plan relates to living conditions and states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and

layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The proposed development is some distance away from other residential dwellings, with its nearest neighbour being the golf course and its clubhouse. Given the distances involved, the small number of units proposed, and when considered against the former use of the site (as a college), it is not considered that the proposed development would have an adverse impact on the residential amenities of the surrounding occupiers. It is recognised that there may be some disruption, noise and disturbance during construction works, but these would be temporary and could be limited by way of a condition requiring the submission and agreement of a construction management plan, including dust suppression requirements.

In terms of the living conditions for the future occupiers of the development, it is considered that each unit would be provided with adequate levels of light and ventilation and be served by a vehicle parking space. It is noted that one unit of the 18 would not benefit from private amenity space, but the occupiers of this unit would have, with the occupiers of the other units, access to shared communal amenity space. All new residential development is required to meet the Nationally Described Space Standards to ensure a good standard of accommodation for future occupiers. The proposed units would meet the respective standards and given the above they are considered to provide a good standard of accommodation for future occupiers.

Highways

Paragraph 108 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 110). These aims are reflected in the Council's Local Plan policies.

The proposal would utilise the existing vehicular access onto Convent Road which served the College. A Transport Assessment has been submitted to support the application. The assessment concludes that the level of parking proposed within the development complies with KCC's Interim Guidance Note 3 for suburban locations, the site is within walking distance of various services, facilities and public transport nodes which would allow future residents to undertake many typical journeys by non car means, there are no pre-existing

highway safety concerns which would be exacerbated by the development proposals and there would be a reduction in traffic generation from the proposed development when compared with the existing trip generation of the existing site.

KCC Highways have reviewed the assessment and agreed that the proposals were unlikely to have a severe impact in highway capacity terms, bearing in mind the permitted use as an educational establishment and the associated vehicle trips that could be generated. They also, however, raised concerns that the proposed footpath between the site and Convent Road did not connect to the existing footway network and that the amount of car parking on the site seemed excessive.

As set out above, the footpath referred to by KCC Highways has now been removed from the proposed development to ensure the protection of protected trees and is, therefore, no longer an issue. In relation to the concerns raised about the amount of parking proposed to serve the development, it is noted that the proposed development is utilising an existing area of hard standing within the site for parking and is not introducing more hard surfacing to the area. It is not considered reasonable to insist that the hard surfacing is removed, especially given its limited visibility from public vantage points, and the availability of generous site parking within the site for both residents and visitors will alleviate the need for on road parking along Convent Road and the surrounding area. The re-use of the existing access would not result in a detrimental effect on highway safety given the previous level of movements which would occur from the educational use.

Given the above, subject to the imposition of safeguarding conditions, it is not considered that there would be an adverse effect from the proposed development on highway safety or parking in the surrounding area.

Affordable Housing

Paragraph 60 of the NPPF says that local planning authorities should use their evidence base to ensure that their local plans meet the full, objectively assessed needs for housing in the housing market area, as far as is consistent with the policies set out in this Framework. This is reinforced by the guidance at paragraph 61 which states that the size, type and tenure of housing needed for different groups should be assessed and reflected in planning policies (including, but not limited to, those who need affordable housing and the needs of different groups in the community. Where planning authorities have identified that affordable housing is needed paragraph 62 says that they should set policies for meeting this need on site, unless off-site provision or financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies, the NPPF says, should be sufficiently flexible to take account of changing market conditions over time. Therefore it is for planning authorities to determine whether affordable housing is required and, in the absence of a national threshold within the NPPF, to set their own thresholds for provision.

Affordable Housing is dealt with through Policy SP23 of the Thanet Local Plan setting out 30% as the starting point for negotiations on all qualifying developments of more than 10 dwellings. The proposal is for 18 dwellings and, therefore, under this policy there is a requirement for 5 units of affordable housing.

In this instance, however, the Council's Housing Team recognise the potential issues of securing a Registered Provider to take a small number of units within an apartment scheme of this size and location due to the values in the area. As such, it is considered that a contribution towards off site provision of affordable housing is acceptable in this instance rather than on-site provision. Following the assessment of viability appraisals for the development, a contribution of £400,000 has been offered by the applicants towards affordable housing in the district and this has been assessed as sufficient by the Housing Strategy and Projects Manager to help deliver units when matched with other funding. This contribution is therefore considered acceptable and on this basis the proposal will meet the aims and objectives of Policy SP23.

Size and Type of Units

Policy SP22 of the Thanet Local Plan requires that proposals for housing development will be expected to provide an appropriate mix of market and affordable housing types and sizes having regard to the Strategic Housing Market Assessment (SHMA) recommendations as may be reviewed or superseded.

The proposal is for the provision of 18 residential units - 15 two bed units and 3 three bed units. The Council's SHMA confirms that there is a need for 2 and 3 bed units. Whilst there is no provision for smaller units or larger units within the scheme, the proposed mix would provide required types of housing, with the proposed type of housing providing family appropriate within a conversion of an existing building.

Policy QD05 of the Local plan relates to accessible and adaptable accommodation. It states that accessibility provision in new developments as required by Building Regulations Part M4 shall be provided as follows: 1) 10% of new build developments will be expected to be built in compliance with building regulation part M4(2) (accessible and adaptable); 2) 5% of the affordable housing units on housing developments will be expected to be built in compliance with building regulations part M4(3) wheelchair user dwellings.

Applied to this application for 18 residential units, it is considered that 2 units (1.8) would meet Part M4(2) of the building regulations and given that there would be no on site affordable housing provided in this instance, there would be no requirement for units that would meet Part M4(3).

It is therefore considered that the proposal will comply with the principles of Policy H8 of the Thanet Local Plan in achieving an appropriate mix in the size and type of housing.

Archaeology

Thanet is rich in archaeology and Policy HE01 of the Local Plan relates to archaeology and states that The Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation.

In this instance, the proposed development would see the conversion of the existing building on site (with very minor extensions) and the reuse of existing hard surfacing. As such, it is not considered that there would be any adverse impact on archaeology from the proposed development.

Ecology

The NPPF states at paragraph 170 that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF then states at paragraph 175 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

An Ecological Assessment has been submitted in support of the application. It concludes that the habitats found on the application site are common and widespread and that it has a low value for commuting and foraging bats, breeding birds and potential habitat for hedgehogs, reptiles and badgers. The mature boundary trees and vegetation are largely to be retained and the scheme offers the opportunity to enhance the site for biodiversity. The mitigation and enhancement measures outlined are stated to increase the floral diversity of the site and offer opportunities for a wide diversity of different fauna.

KCC Ecology have reviewed the submitted assessment and confirm that no additional information is required in relation to ecology. They note that the hedgerows and mature trees surrounding and within the site are generally proposed to be retained other than for access and welcome this. They recommend that a condition is imposed to ensure that any external lighting for the site is designed to minimise any impact on bat activity and to secure the ecological enhancements set out in the assessment.

The impact upon biodiversity is therefore considered to be acceptable, and in accordance with the NPPF, subject to the imposition of the conditions.

Habitat Regulations

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The proposed development is 1km from the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy. This has been accepted as an appropriate approach by Natural England.

It is considered that the SAMM request meets the test for inclusion within a Section 106 agreement. The contribution required in this instance would be £6,072 for the 18 units proposed (£320 per 2 bed dwelling and £424 per 3 bed dwelling).

The applicants have agreed to pay this contribution and this would be secured through the legal agreement. An appropriate assessment has been carried out on the basis.

Drainage and Flooding

Paragraph 155 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Policy CC02 of the Local Plan relates to surface water drainage and states that new development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible.

In this instance, the proposed development would see the conversion of the existing building on site (with very minor extensions) and the reuse of existing hard surfacing. As such, it is not considered that there would be any adverse impact on flooding or drainage from the proposed development however a condition to provide the proposed details of foul and surface water is required to ensure no adverse effect

Planning Obligations

Policy SP41 of the Local Plan states that development will only be permitted when provision is made to ensure delivery of relevant and sufficient community and utility infrastructure. Where appropriate, development will be expected to contribute to the provision of new, improved, upgrade or replacement infrastructure and facilities.

Such financial contributions would need to be secured via a S106 agreement or unilateral undertaking. The test for such contributions is that they must be fairly and reasonably related in scale and kind to the development proposed.

KCC have been consulted and have advised that there is a need for financial contributions towards Primary and Secondary Education and Secondary School Land, community learning, youth services, libraries, social care and waste.

The primary education contribution would be £30,600 towards Phase 2 accommodation at the new St Georges Primary School, secondary education contribution would be £23,292 towards the new Thanet Secondary School and the secondary land contribution of £6,800.04 towards the new Thanet secondary school land acquisition costs. The community learning contribution would be £295.56 towards additional classes and resources at Broadstairs Adult Education centre, youth services £1,179 towards additional equipment and resources for the Youth service in Thanet. Libraries £998.10 towards additional stock, services and resources at Broadstairs Library to mitigate the impact of the new borrowers from this development. Social care £2,643.84 towards specialist care accommodation in Thanet and waste £1,668.96 towards Materials Recovery Facility and improvements at Margate Household Waste and Recycling Centre.

It is considered by officers that the requests for contributions towards primary, secondary schools, community learning, youth service, libraries, waste and social care meet the tests for inclusion in a S106 agreement/undertaking.

Heads of Terms

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

- £400,000 towards the provision of off site affordable housing within Thanet.
- 2 units which meet Building regulations part M4(2).
- Primary Education - £30,600 towards the phase 2 accommodation at the new St Georges Primary School.
- Secondary Education - £23,292 towards the new Thanet Secondary School.
- Secondary Land - £6,800.04 towards the new Thanet Secondary School land acquisition costs.
- Community Learning - £295.56 towards additional classes and resources at Broadstairs Adult Education Centre.
- Youth Services - £1,179 towards additional equipment and resources for the youth service in Thanet.
- Libraries - £998.10 towards additional stock, services and resources at Broadstairs Library.
- Social Care - £2,643.84 towards specialist care accommodation in Thanet.
- Waste - £1,668.96 towards Materials Recovery Facility and improvements at Margate Household Waste and Recycling Centre.

Conclusion

It is noted that the application site is within the countryside for planning purposes and within the Green wedge where development is normally limited to uses that are essential to be located within it or for recreational uses. The Council has not met the Housing Delivery Test and, as such, planning applications should be considered with a presumption in favour of sustainable development. Whilst within the Green Wedge, the application would see the conversion of an existing vacant building and reuse of an existing hard surface area and would not result in a significant amount of new built form within the Green Wedge, preserving the characteristics and views of the landscape

All requests for contributions have been agreed by the applicant and it is considered that, with safeguarding conditions and appropriate contributions and items secured via a S106 legal agreement/undertaking, that there would be no adverse impact of the development on ecology, archaeology, flooding, drainage or highways. There would be no impact on the significant adverse impact on the residential amenities of adjoining occupiers and a good standard of accommodation would be provided for future residents.

Therefore when considering the framework as a whole, the proposal constitutes sustainable development, as the harm to the Green Wedge has been minimised to preserve the characteristics of the area, the environmental character of the site will be maintained with required planting, with notable economic and social benefits from the proposal. Therefore it is recommended that Members defer and delegate the application to officers for approval subject to the receipt of a satisfactory legal agreement within 6 months to secure the heads of terms outlined and safeguarded conditions.

Case Officer

Annabel Hemmings

TITLE: F/TH/20/0591

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