

D05

F/TH/20/1145

PROPOSAL: Change of use of existing Public House and surrounding land (Use Class A4) with the erection of a three storey building comprising 2no. 2-bed and 1no 1-bed self-contained flats on upper floors and a cycle cafe and micropub (Use Classes Sui Generis) at ground floor together with the erection of 4no. 2-storey 3-bed semi-detached dwellings with associated parking and landscaping following demolition of existing Public House

LOCATION: Sportsman Inn 123 Sandwich Road RAMSGATE Kent CT12 5JB

WARD: Cliffsend And Pegwell

AGENT: Hume Planning Consultancy Ltd

APPLICANT: Kentish Projects 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 conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered P01 Rev E (received 15/12/20), P02 Rev E (05/02/21), P03 Rev C (received 15/12/20), P04 Rev C (received 23/11/20), P05 Rev B (received 23/11/20), P07 Revision A (received 15/12/20) and P08 Rev A (received 15/12/20).

GROUND

To secure the proper development of the area.

3 Prior to the construction of the external surfaces of the development hereby approved manufacturer details 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 details unless otherwise agreed in writing by the Local Planning Authority.

GROUND

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

4 Prior to the first occupation of the commercial/residential building hereby permitted, the doorstep play area for the residential accommodation of the building as shown on the approved plan numbered PO1 Rev E (received 15/12/20) , shall be provided and thereafter maintained.

GROUND

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

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

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway

- o walls, fences, other means of enclosure proposed

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

GROUND

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

6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND

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

7 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

8 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

GROUND

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework

9 All living and sleeping accommodation hereby shall be sited at or above 6.03m AOD.

GROUND

In order to protect future residents in a flood event in accordance with the principles of the National Planning Policy Framework.

10 Prior to the commencement of development, full details, including drawings and exact specifications of flood mitigation measures as set out in the submitted Flood Risk Assessment (Herrington Consulting Limited December 2020) section 7.3, shall be submitted to and agreed in writing by the Local Planning Authority. Such details as are agreed shall be fully implemented in accordance with the approved details of any of the units and shall thereafter be maintained as specified.

GROUND

To reduce any impact of flooding in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

11 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

To ensure that the development is compatible with the amenities of the future occupiers in accordance with the NPPF and in pursuance of Policy QD03 of the Thanet Local Plan.

12 There shall be no servicing of the building, no goods shall be loaded or deposited and no delivery vehicles shall arrive, depart, be loaded or unloaded, within the application site before 7am; or after 6pm; hours Mondays to Fridays: before 8am; or after 6pm; hours on Saturdays or at any time on Sundays or Bank Holidays.

GROUND

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

13 The front elevation openings (onto Sandwich Road) to the habitable rooms within the residential accommodation on the first and second floor of the commercial/residential building shall be fitted with triple glazing and therefore after retained.

GROUND

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

14 Prior to the commencement of the cycle cafe use hereby approved an extraction system shall be provided to food cooking and preparation areas, that terminates 1 metre above roof (ridge/eaves), in accordance with details submitted to and agreed in writing by the Local Planning Authority. The flue discharge efflux velocity shall achieve at least 8metres per second and that the flue is to be sited so as to minimise effects of vibration transmission and noise to any adjacent façade, and incorporates anti-vibration mounts, flexible couplings and an accelerator cone. Any such extraction system agreed shall be installed and thereafter maintained in accordance with the manufacturer's specification unless otherwise agreed in writing by the Local Planning Authority. Odours from the site shall not be detected at any adjoining or neighbouring residential premises not in the occupation of the proprietors of the food business.

GROUND

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

15 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 interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

16 Prior to the commencement of the development hereby approved, details of the construction of the ceilings and floors that separate the second floor and third floors of the three-storey residential and commercial building 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

To ensure that the development is compatible with the amenities of the future occupiers in accordance with the NPPF and in pursuance of Policy QD03 of the Thanet Local Plan.

17 Other than background music (music that is not part of a performance and played at a level that would not interrupt normal conversation) there shall be no amplified music, recorded music or any other amplified sound (from loudspeakers/PA systems) within the ground floor commercial unit

GROUND

To ensure that the development is compatible with the amenities of the future occupiers in accordance with the NPPF and in pursuance of Policy QD03 of the Thanet Local Plan.

18 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 NPPF

19 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 demolition, construction and delivery vehicles to / from site
- (b) Parking and turning areas for demolition, construction and delivery vehicles and site personnel
- (c) Timing of HGV movements
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Access arrangements

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

Provision and permanent retention of the vehicle parking spaces and/or garages shown on

the submitted plans for the purpose of parking of vehicles only, prior to the use of the site commencing.

GROUND

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

20 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

GROUND

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

21 Prior to the first use of the development hereby permitted details of the secure cycle parking, to accommodate the provision shown on approved drawing no. PO1 Rev E (received 15/12/20) shall be submitted to and approved in writing by the Local Planning Authority.

GROUND

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

22 Prior to the first use of the site hereby permitted, the vehicular accesses and associated vehicle crossing point in the highway, as shown on the approved plan numbered PO1 Rev E (received 15/12/20) should be completed and made operational.

GROUND

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

23 Prior to the first use of the site hereby permitted, the footway along the Sandwich Road frontage, as shown on the approved plan numbered PO1 Rev E (received 15/12/20) should be completed and made operational.

GROUND

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

24 Prior to the first use of the site commencing hereby approved visibility splays shown on the submitted plans shall be provided to the accesses on to Sandwich Road as shown on the approved plan no PO1 Rev E (received 15/12/20) with no obstructions over 1m above carriageway level within the splays, which shall thereafter be maintained.

GROUND

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

25 Prior to the first use of the site hereby approved pedestrian visibility splays of 1 metre by 1 metre behind the footway on both sides of the each access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

GROUND

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

26 Prior to the first use of the site allocated parking shall be clearly denoted for visitors, staff and residents.

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

27 The first floor windows in the rear elevation (north west) and projecting window on the side elevation (north west) of the commercial/residential building and the side elevation (south west) of the dwelling denoted as unit 1 hereby approved shall be 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 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.

28 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes.

GROUND

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

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

GROUND

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

INFORMATIVES

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

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation

(web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

The site access to the flats and micropub parking will need to be constructed as a vehicle crossing rather than with junction radius kerbs.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, 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 taken by the Highway Authority.

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

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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 Highways and Transportation to progress this aspect of the works prior to commencement on site.

The residential and commercial occupiers are advised to subscribe to the Environment Agency Flood Warning alerts.

SITE, LOCATION AND DESCRIPTION

The site lies on the northern side of Sandwich Road facing the sea across salt marshes. The area within which it lies is predominantly residential, although on the other side of the road there is a petrol filling station and a public car park. The site lies on a prominent corner with views around the bay. Behind the site lies a golf course.

The dwellings in the area are of varying design, but are predominantly two storeys in height with pitched, tiled roofs. The existing building is located towards one end of its plot, and the residual space provides a sense of openness on the sea front. Although the building has a commercial use its scale reflects the domestic scale and character of the surrounding area.

RELEVANT PLANNING HISTORY

F/TH/18/1059 Change of use of the existing public house and surrounding land (use class A4) together with the erection of detached 4 storey building to side area to create 9 No 2 Bed flats (use class C3) with offices (class B1) and cycle cafe & micropub (use A3 & A4) at ground floor levels, with associated parking and landscaping. Refused 25/06/2019

The reasons for refusal were:

No assessment has been made of the availability and suitability of sites in the main town centres, edge of centre locations or other out of centre sites and the application is, therefore, contrary to the provisions of paragraph 86 of the National Planning Policy Framework which requires a sequential approach in site selection for main town centre uses.

The proposed 3 and 4 storey buildings, by virtue of its design, height, mass and scale, would represent a visually dominant, obtrusive and incongruous form of development which would fail to respond to or respect the low density pattern of development and predominantly two storey character of the surrounding residential area, resulting in significant harm to the appearance and local distinctiveness of the area, contrary to saved Thanet Local Plan Policy D1 and paragraphs 122, 127 and 130 of the National Planning Policy Framework.

The proposed development of this site; specifically building B, by virtue of its location, height, design and relationship with the adjacent dwelling (no. 2 Ash Court), would result in an unacceptable degree of overlooking of the private amenity space associated with the proposed dwelling and subsequent loss of privacy, and furthermore the development would result in an unacceptable loss of light and outlook resulting in a sense of enclosure to this property and the occupiers therein detrimental to the amenities enjoyed by the occupiers of those properties contrary to saved Thanet Local Plan Policy D1 and paragraph 117 of the National Planning Policy Framework.

The proposed development will result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraph 118 of the NPPF and the Habitats Directive.

This decision was appealed against and the case dismissed. The Inspectors report is appended at Annex 1. It stated in relation to building A (three storeys in height, with a pitched roof presenting five gables to the road frontage), 'the incongruity in scale, height and roof form is so marked as to constitute significant harm to the character and appearance of the area.' With regard to building B (four floors of accommodation with a flat roof) he stated:

"The design of Building B seeks to reduce the perception of massing by stepping the penthouse back from the perimeter of the building. The proposed buildings would have facades running parallel to Sandwich Road, as opposed to the existing building, which is at a slight angle to it and so would relate better to the principle frontage. Building B is located in the lowest part of the site and the ground levels around it would act to reduce the awareness of the difference in roof levels. However, these measures are not, in themselves, sufficient to reduce the perception of the buildings' heights and massing to mitigate the harm that I have identified or address the incongruous roof form of Building B."

In terms of the impact upon the living condition of the occupiers of 2 Ash Court the Inspector noted existing windows on this properties flank elevation facing towards the appeal site at both ground and first floor levels which appear to serve as a kitchen and a bathroom. He also noted that this property had a small conservatory. He considered that these windows,

the conservatory, and the garden have an open aspect towards the sea, giving a sense of spaciousness and light beyond the side boundary.

In the Inspectors assessment of the application he stated "Building B would introduce a new structure very close to the side boundary of No 2 presenting a blank elevation at second and third storeys. The occupiers of No 2 did not attend the Hearing or my site visit. Nevertheless, from their representation and those of their neighbours and elected representatives, I am of the opinion that they would experience a harmful overbearing effect and an increased sense of enclosure due to the height and bulk of the development in close proximity to the house, conservatory and garden.

In addition, Building B would be positioned to the south-east of No 2 and its bulk and massing, close to the boundary and four storeys in height would cast shadow over the flank wall for significant periods of the day, resulting in a loss of light within the rooms closest to the boundary between the appeal site and No 2 and in the conservatory."

In addition the Inspector considered that the short separation distance from Building B to the side boundary of No 2 and overlooking that would result (from the windows and part of the balcony) would intrude significantly upon the privacy of the principal outdoor amenity area, the conservatory and windows on the flank wall of No 2. It was not considered that mitigation such as a privacy screen would be suitable. In conclusion the impact on the living conditions of no.2 Ash Court was considered contrary to the NPPF and Policy D1 of the Thanet Local Plan.

In respect of suitability of the location for offices the Inspector considered given the limited size of the office area proposed which would be suitable for small businesses he considered that the rigid approach to applying the sequential test required by the Framework in respect of major schemes would not, in this instance, be appropriate or necessary. He also felt that given the flood risk issues, 'active' use of the ground floor, employees would provide support to the cycle cafe/micropub element and noting that Council's employment strategy promotes locations in town centres, or existing business parks, there is also some support in the Framework for mixed use development and for economic growth in general, including that outside of identified town centres. He concluded that the proposed development is a suitable location for offices and complies with the provisions of the Framework in as much as it promotes economic development outside of town centres, whilst the scale of development does not require the application of a sequential test.

The Inspector considered aspects relating to highway safety and access for all users was acceptable.

In regard to protected habitats the Inspector recognised that the site is located within the Zone of Influence of the Thanet Coast and Sandwich Bay SPA and Ramsar site and the Sandwich Bay and Hacklinge Marshes SSSI. To mitigate against the increase of disturbance by additional residential properties mitigation measures are required. No details of how the money would be used in connection with the appeal proposal was provided. Therefore the Inspector considered that he was unable to assess the effectiveness of the measures or to be certain that they would be delivered in a timely manner. Furthermore, as the UU offering

a contribution was flawed, there is no mechanism to secure the mitigation measures. As such the Inspector concluded that the proposal would adversely affect the integrity of Thanet Coast and Sandwich Bay SPA and Ramsar site and the Sandwich Bay and Hacklinge Marshes SSSI.

This current revised application seeks to address the Inspectors concerns.

PROPOSED DEVELOPMENT

Full planning consent is sought for the change of use of the existing Sportsman Public House and surrounding land (Use Class A4) with the erection of a three storey building (commercial/residential) and 4no 3 bedroom dwellings. The residential accommodation would be provided at first and second floors. At first floor there would be a 2-bed and 1-bed self-contained flats and a 2 bed unit on the top floor, totalling 3 units. Access for residents of the flats is to the rear of the building with communal staircase and lift to the upper floors.

The commercial use would be contained at ground floor; a cycle cafe and micropub (99 sqm), access to this area would be from the front of the building.

The building has a flat roof design, with the different levels of the building stepped in at each level.

In terms of materials the building would have grey and red facing bricks to a large portion of the elevations with cedar click cladding, slate grey in colour, on the upper part of the building, central element of the front elevation and a panel on both the side elevations.

This building is proposed to be located at the eastern end of the site; corner of Sandwich Road and Foads Lane.

Separated by a vehicular access and parking at the western end of the site, 4no. two and a half storey 3-bed semi-detached dwellings are proposed. These would be approximately on the footprint of the existing Sportsman Public House. Each dwelling would have a rear garden area and off street parking to their respective frontage. At ground floor level there would be an integral garage, utility, bootroom, store and W.C. At first floor there is an open plan living/dining/kitchen area facing Sandwich Road, a bathroom, and two rear facing bedrooms. Within the roof there would be a third bedroom with ensuite.

In terms of appearance the dwellings are identical. The ridges of the property run parallel to Sandwich Road. The first floor part of the habitable accommodation is set back in order to provide a small roof terrace on the front elevation. The front elevation also has a roof light to serve the bedroom within the roof, further light is gained to this room by a centrally located flat roof dormer window in the rear elevation.

The materials comprise facing brickwork- no colour identified, cedar click cladding slate grey as feature panels. The roof terrace would have a clear glass balustrade.

The application has been amended during the application process, the scheme initially comprised 4no. Semi-detached two storey (with accommodation in the roofspace) dwellings

and the erection of a three storey apartment block accommodating 4no. Apartments with a ground floor cafe/micropub (136sqm).

In terms of the dwellings these have a similar appearance to the current scheme, although the dormer windows to the front elevation have been omitted and the dwellings were approximately 1m taller than the current scheme, additional visual interest has been added to the end elevation adjacent to no. 125 by incorporating windows/cladding feature (high level and fitted with obscure glazing) and there has also been some changes to the materials; timber cladding which is not proposed to be slate grey cedar click cladding.

The apartment/commercial building was originally three storeys but the design incorporated a three mono pitch roof on the upper floor - this element was set in from the lower floors to the side and front to provide some articulation. It had a maximum height of approximately 10.3m.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP01 - Spatial Strategy - Housing
SP04 - Economic Growth
SP08 - Thanet's Town Centres
SP13 - Housing Provision
SP26 - Landscape Character Areas
SP27 - Green Infrastructure
SP28 - Protection of the International and European Designated Sites
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP37 - Climate Change
SP38 - Healthy and Inclusive Communities
SP43 - Safe and Sustainable Travel
SP44 - Accessible locations
E05 - Sequential and Impact Test
H01 - Housing Development
HO9 - Housing in Rural Settlements
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
CC01 - Fluvial and Tidal Flooding
CC02 - Surface Water Management
CC03 - Coastal Development
SE04 - Groundwater Protection
CM01 - Provision of New Community Facilities

CM02 - Protection of Existing Community Facilities

TP02 - Walking

TP03 - Cycling

TP06 - Car Parking

NOTIFICATIONS

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

13 representations were received in relation to the original submission. The concerns can be summarised as follows:

- Affect local ecology
- General dislike of proposal
- Increase in traffic
- Increase of pollution
- Noise nuisance
- Out of keeping with character of area
- Height of flats not in proportion with existing development on the area
- Concern about noise and pollution from the commercial use
- Insufficient parking
- Concern about road safety
- Close to adjoining properties
- General dislike of proposal
- Increase danger of flooding
- Increase in traffic
- Increase of pollution
- Loss of light
- Loss of outlook
- Loss of privacy
- Overlooking
- Over development
- Opposed to the commercial use as there is adequate in the area
- Impact upon Human Rights
- Conflict with local plan
- Inadequate access
- Inadequate public transport provisions
- More open space needed on development
- Strain on existing community facilities
- Proposal not addressed previous concerns
- Impact upon Pegwell Nature Reserve
- Is there a need for flats or micro pub?
- How saleable would the properties be opposite a petrol station
- Loss of existing building - should be listed
- Concern about loss of community facility
- Concern if the commercial aspect is unviable could be converted into residential

5 representations were received in relation to revised plans to address concerns. Comments in relation to revised plans are detailed as follows:

- Still not in keeping with the area- 3 storey block
- Overlooking
- Impact upon nature reserve
- What is the need for residential or commercial uses in this location?
- Close to adjoining properties
- Conflict with local plan
- Development too high
- General dislike of proposal
- Loss of light
- Overshadowing
- Loss of outlook
- More open space needed on development
- Out of keeping with character of area
- Over development
- Inadequate access
- Inadequate parking provision
- Increase danger of flooding
- Increase in traffic
- Loss of parking
- Loss of privacy
- Strain on existing community facilities
- Materials not in keeping with area
- Concern about possible landscaping close to boundary with no. 2 Ash Court

Cliffsend Parish Council: Object on basis:

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Inadequate parking provision
- Increase danger of flooding
- Loss of light
- Loss of privacy
- Other - give details

At the parish council meeting on 10th December, it was felt that the revised submission had failed to adequately address the issues already raised. These being "an objection against the height and the lack of appeal of the development".

It seems that the developer is intent on repetitive submissions, similar in nature to earlier ones with the aim of wearing down opposition from local residents.

We note that inadequate details have been presented regarding the proposed bikers cafe and micro pub. As previously said, should these be assessed as not commercially viable, what alternative plans may then be put forward.

Attention was again drawn to the overall height of the development which is out of character with surrounding properties and likely to impinge on light and privacy.

The parish council's conclusion is these plans are too similar to the previous proposals which have been rejected despite the seemingly few objections. The council is minded to stay by its previous objections as there are insufficient grounds for reconsideration

CONSULTATIONS

KCC Economic Development: As the site falls below the Government thresholds for seeking contributions, we will not be pursuing.

KCC Highways:

Final comments (16/12/20) I have reviewed the amended plans and information and would comment as follows:

1. The minimum residential car parking requirement is 13 spaces for the dwellings (11 for residents + 2 visitors) and the maximum requirement for the micropub (assuming 2 members of staff) is 12 spaces, giving a total of 25 spaces. The proposals include 21 spaces in total. I note the suggestion that the parking for the flats can be shared with the micro pub/cafe, however the peak demand for both is likely to occur at similar times, i.e. in the evenings and at weekends, so sharing of spaces is therefore unlikely to be possible. It is accepted that some customers of the micro-pub may not drive and therefore I consider a total of 9 spaces should be provided for this use, giving a total parking requirement of 22 spaces. The shortfall of 1 space is unlikely to have a severe impact on the highway bearing in mind the parking restrictions in place and the likely availability of a space in the parking area opposite the site. The site is also readily accessible by non-car modes of transport and suitable cycle parking is also included.
2. Acceptable visibility is available at the proposed site accesses and a new footway provided along the frontage of the proposed houses, providing a connection to the existing footway network.
3. It should be noted by the applicant that the site access to the flats and micropub parking will need to be constructed as a vehicle crossing rather than with junction radius kerbs.

I therefore now have no objections in respect of highway matters subject conditions relating to the submission of a Demolition and Construction Management Plan, measures to prevent the discharge of surface water onto the highway, provision and permanent retention of the vehicle parking spaces and/or garages, use of a bound surface for the first 5 metres of each access from the edge of the highway, provision and permanent retention of the cycle parking facilities, completion of the accesses and footway shown on the submitted plans, provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each access with no obstructions over 0.6m above footway level.

Further comments (08/12/20): It appears the cafe/bar has been reduced to 105 sq. metres and the number of flats reduced to three. I would comment on that basis as follows:

1. The minimum residential car parking requirement is 13 spaces for the dwellings (11 for residents + 2 visitors) and the maximum requirement for the micropub (assuming 2 members of staff) is 12 spaces, giving a total of 25 spaces. The proposals include 19 spaces in total. I note the suggestion that the parking for the flats can be shared with the micro pub/cafe, however the peak demand for both is likely to occur at similar times, i.e. in the evenings and at weekends, so sharing of spaces is therefore unlikely to be possible. It is accepted that some customers of the micro-pub may not drive and therefore I consider a total of 9 spaces should be provided for this use, giving a total parking requirement of 23 spaces. A further 3 spaces are therefore required. It may be that the car park opposite the site could provide these spaces during peak times for the micro-pub but the status and availability of this car park is unknown, so the applicant may wish to investigate this.
2. Clarification is required on the proposed delivery/servicing arrangements for the flats and micro-pub/cafe.

I wish to place a holding objection until the above matters have been satisfactorily resolved.

Electric/hybrid vehicle charging points should be provided in accordance with the Adopted Thanet Local Plan 2020.

Initial comments (14/09/20): Holding objection until the following matters are resolved:

A visibility strip is required along the frontage of the 4 houses, measuring 2.4 metres in depth from the edge of the carriageway. There should be no obstructions over 1 metre above carriageway level within the splays.

The widening of the footway along the site frontage is welcome but the proposed width should be clarified (minimum 1.8 metres required).

The minimum of 11 spaces should be provided for the micro-pub.

The car ports and tandem parking arrangements for the houses are acceptable, subject to permitted development rights allowing the provision of doors being removed (i.e. to prevent the conversion to garages).

Clarification is required on the proposed delivery/servicing arrangements for the flats and micro-pub/cafe.

Provision should ideally be made for the parking of at least two adaptive cycles, which require a minimum of 1.5 metres unobstructed width on one side.

Electric/hybrid vehicle charging points should be provided

KCC Flood and Water Management:

Final Comment: (11/12/20) We have reviewed the updated layout/ plans and can inform the LPA that we have no comments to make to these proposed changes. We would therefore refer back to our earlier consultation response.

Initial comments (17/09/20): We reviewed the application with accompanying Flood Risk Assessment (August 2020) and comment as follows:

Whilst this is identified as a minor application and outside our remit, it is noted from the Environment Agency's Surface Water Flood Mapping that a potential flow path passes through the site, with a "high" risk area centered on the current car parking area. It is clear from the Digital Elevation Model that the car parking area is at a slightly lower elevation than the surrounding area and is the likely cause for the higher risk of flooding.

It is accepted from the Herringtons report that the dwellings and buildings are to be positioned on both sides of the development to allow any surface water flows through and join the anticipated flow route.

It is probable that the development/ drainage strategy may reduce the intensity of the flow path should surface water enter the site. At present there would appear to be no formal drainage on site and any surface water would appear to drain onto the highway and allow the car park area to pond. The drainage strategy prepared within the report will both attenuate and direct surface water away into the sewer and thus reduce the risk of surface water flooding.

In conclusion, the LLFA have no objections to this proposal and would seek for our standard verification condition to be attached to this application should consent be granted. This will support the team in documenting critical drainage assets around Kent.

Environmental Health: (11/12/20) I note that the ground floor space of the 3 storey building is proposed as both a Cycle Cafe and a Micropub. The application form states the opening hours to be 7am until 11pm Monday to Saturday and 10am until 10pm on Sunday and Bank Holiday. I would suggest that these times are conditioned.

My concern is for the residential properties above and possible noise transfer from the ground floor facilities. To safeguard these properties I would expect the conditions relating to the following being imposed details of construction of ceilings and floors and restrictions on delivery vehicles.

I also have further concerns about the noise transfer from the ground floor commercial to the flat above on the first floor. The plans show that the door to the micropub/cafe is below windows to bedrooms and there are also balcony doors which open from the open plan kitchen/lounge area of the first floor properties. I would seek to request that these windows and balcony doors are triple glazed.

For the Micropub I would want to restrict amplified music by condition.

Cycle Cafe

There is no information submitted in the application in relation to an extraction system. I am unsure if one will be needed so I would therefore request a condition relating to extraction system details.

There are no details submitted for any possible air conditioning units to be sited at the building. I would request a condition to safeguard from possible installation noise.

The proposed floor plans of the three storey building show a kitchen on the second floor is above a bedroom and additionally a bedroom is on top of a living area. To safeguard noise transference between the 2 properties I would request a condition.

I note the number of car parking spaces on the plan and also note comments made by Highways concerning the number allocated to this development. The proposed site is within the Air Quality Management Area and I would ask that consideration be given to the following condition should there be in excess of 10 commercial spaces 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.

NHS Kent and Medway CCG: The CCG will not be requesting any capital contributions as a result of the application above. The proposal does not meet the minimum number of additional dwellings to trigger an application.

Environment Agency: No objection subject to a condition requiring the development to be carried out in accordance with the Flood Risk Assessment (FRA) and mitigation measures relating to finished floor levels, flood resilience and resistant measures.

In light of the nature of the proposed development and this site's location within an area of flood risk, these proposals will be initially subject to the sequential test (para 100-103 of the NPPF). This risk based test is applied at all stages of planning and its aim is to steer new development to areas at the lowest probability of flooding. The submitted FRA suggests that the sequential test can be considered to have been passed for this site owing to the wider benefits provided by the regeneration of this area. If it can be considered that the sequential test has been passed, the exception test will also be applicable. The exception test requires that the development is 'safe'.

After reviewing the proposal, we have no objection to either building A or B. However, it is worth raising that building B is being proposed solely with flood zone 3, when it had the opportunity to be placed differently (not within FZ3.) That being said, the appropriate flood mitigation measures have been considered, and provided the LLFA are happy within this positioning then we have no objection.

Kent Police: Initial Comments (29/09/20): We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Secured By Design (SBD) is a police initiative that improves the security of buildings and their immediate surroundings to provide safe places to live, work, shop and visit.

The points below are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Development layout and permeability - the planned open layout to the rear of the site is of concern as it lacks full natural surveillance, includes recessed areas and does not demonstrate structure or ownership.
2. Perimeter and boundary treatments - no details shown, these are important to both secure the proposed development and neighbouring ones.
3. Design - there are currently recessed areas and flat roofs that could be used for climbing and therefore are a security concern.
4. Parking including visitor parking will be very difficult to manage in such an open area and to avoid conflict. Deliveries and refuse collection vehicles are to be addressed. The cycle spaces need to be of a high security standard e.g. SBD or Sold Secure with plenty of natural surveillance as many visitors would have quality cycles and want to ensure their cycles are secure.
5. The integral open car ports with cycle parking are a significant concern, they lack lighting, any security and have no appropriate natural surveillance.
6. We are concerned that there is an assumption of parking spaces being shared, this is a concern and we strongly advise that to avoid conflict, all parking spaces are allocated with enforceable policy that covers staff and visitor spaces.
7. We strongly request the inclusion of secure areas for motorbikes, mopeds and electric bikes too, ground or wall anchors in an area with plenty of natural surveillance is ideal.
8. Lighting, CCTV and physical security - no details shown within the application
9. Apartment security and access control
10. If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

Further comment: Having reviewed the amended plans and documents, we have significant concerns about the potential for crime. The concerns include layout, lack of surveillance, recesses, physical security and boundary treatments.
Therefore, we are unable to recommend approval currently.

Southern Water: The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.

- No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.
- No new soakaways should be located within 5 metres of a public water main.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Our records indicate there are Anti-Flood Device (AFD) located over the development. Access to an AFD should be maintained at all times. The applicant is advised to discuss the matter with Southern Water Services Operations Team.

Furthermore, 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.

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

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker

and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

We request that should this planning application receive planning approval, an informative relating to foul sewerage and surface water disposal.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Natural England: Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an

appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.

The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Rodgers due to concerns that the development would result in overlooking and a loss of light for residents of Ash Court.

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

Principle

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 site lies within the defined settlement of Cliffsend it is, however, considered to be part previously developed (the area of the former pub and car park) and part undeveloped land (the pub garden). Policy HO1 of the Local Plan states that residential development on non-allocated sites within the confines of the urban area and villages is acceptable and therefore the principle of residential development is acceptable, subject to all other material considerations.

Policy CM02 of the Council's Local Plan states that proposals which would result in the loss of a community facility as defined in this plan will not be permitted unless:

- 1) there is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs; or
- 2) every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities; or
- 3) alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community.

Given the above, the emphasis on the retention and protection of community services and facilities is clear. In this instance, the proposal puts forward, retains a community facility, albeit at a smaller scale (99m²); micro pub/cycle café. The agent puts forward that the floorspace created would be more flexible to serve modern standards and would be more viable to run. The use of a cycle cafe/micro pub is considered to serve a wider element of the population compared to a public house, whilst I acknowledge the floorspace has decreased, officers consider that the use would improve its attractiveness to local residents and visitors and thus there would be a wider community benefit. It is therefore considered that part 3) of policy CM02 has been met and that there is no policy objection.

It is considered that the cycle cafe/micropub is a main town centre use, having regard to the definition with the NPPF. This states that main town centre uses are defined as retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).' The proposed provision has a floor area of 99m², which is smaller than the existing provision. On this basis it is considered that there is no need to apply the sequential test to the location, as there is no net increase in commercial use outside the town centre and therefore this is an acceptable departure to Policy E05. Furthermore the provision would be supported by the NPPF in terms of rural business, paragraph 83.

Given the contribution the development makes to the housing stock within the district, the inclusion of the community facility, it is considered that the proposed development of the site is acceptable in principle.

Character and Appearance

Paragraph 127 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create place that are safe, inclusive and accessible. Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design. Policy QD01 relates to sustainable design and sets out that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gasses and have resilience to function in a changing climate. Policy QD02 is a general design policy and sets out that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive

design and be sustainable in all other respects. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases.

The application site lies within the defined village settlement of Cliffsend in a prominent location at the junction of Sandwich Road and Foads Lane. The surrounding area is largely low density residential in character comprising mainly detached two storey dwellings along the Sandwich Road frontage although there are some bungalows and semi-detached properties along Foads Lane and to the north of the application site. The Sportsman pub is a prominent building on this stretch of Sandwich Road, that formerly connected Ramsgate with Sandwich. The current building is a traditional two storey height with a large single storey extension to the side. The building on site at present has been extended and altered in the past, some of these extensions are not sympathetic to the original building. As such, it is considered that the building is two storey with a single storey element, so the loss of the building would not be detrimental to the area if replaced by a suitable building/s. It is also noted that whilst the pub had a large footprint it sits with just over half of the frontage not having a building in situ and a pub garden to the rear.

The proposal involves the total demolition of the existing building on site, whilst the original building has character it has been significantly altered and extended in the past. It is confirmed that there is no objection to its demolition in principle.

The application submitted is for two pairs of semi-detached properties, being two storey with rooms in the roof, located at the western end of the site, with part of the site adjacent the boundary with no. 125 Sandwich Road. The building to the eastern end of the site is a 3 storey apartment block, comprising 3 units, together with the cycle cafe/micro pub at ground floor level.

The application site measures some 0.17 hectares giving a density of 41 dwellings per hectare and this is considered to be at the higher end for a rural village location. Whilst making efficient use of land is encouraged by the NPPF, it is not considered that it should override other aims and objectives of national and local policies which includes the desirability of maintaining an area's prevailing character and setting. The revised scheme identifies that each of the dwelling houses would have a rear doorstep play space, of a scale that is comparable to other dwellings within Cliffsend. Furthermore the commercial/residential building has a communal rear amenity space. The buildings proposed also incorporate space between the built form which provides a sense of space within the plot. It is therefore considered that the proposed development would respect the prevailing low density of the surrounding area and not appear cramped within the locality.

Proposed houses

Firstly having regard to the semi-detached dwellings, these are positioned to the east of no. 125 Sandwich Road and forward of this two storey dwelling; the rear wall of the semi detached dwelling is set in front of the front wall of number 125 with a separation distance at this point of approximately 1.7m. It is accepted that the current building sits further forward of any adjoining buildings currently and therefore the proposed relationship between the sets of dwellings will not be significantly obtrusive when viewed from Sandwich Road. In addition

during the application process this elevation has been amended in order to create more visual interest by the introduction of windows and some cladding. As two pairs of semi-detached dwellings are proposed, the built form is visually broken into separate elements-unlike the previous scheme which was one single mass with an appearance of a terrace of three storey five dwellings with five strong gables to the road frontage. The current application also appears two storey in height from the road and has a roof line that has its ridge parallel to the road, thus more in character with surrounding dwellings and also reducing its vertical appearance. In terms of overall height the proposed dwellings have a ridge and eaves height of approximately 8.9m and 5.6m respectively and the refused scheme had a ridge and eaves height of approximately 11m and 9m respectively, thus in my opinion there is a significant reduction in overall and perceivable height between the two schemes.

The dwellings along Sandwich Road have a variety of materials used in their construction including bricks (buff and red), render, tile hanging and cladding. There is also variety in terms of roof tiles, both colour and shape on tile. With regard to the materials proposed I consider the general mix to be acceptable, although precise details- colour etc can be secured via planning condition.

Taking into account the character and appearance of the street scene the proposed dwellings have a two storey appearance, appearing in character with other dwellings in the vicinity and within the wider area. Whilst the proposed dwellings are closer to the road than those dwellings to the east, given the reduction in height and design approach, I consider that the dwellings would be in character with the area.

Commercial/Residential building

With regard to the apartment and cycle cafe/micro pub building, this would be located at the narrowest point in the site, adjacent to the boundary with 1 and 2 Ash Court. This building has a flat roof design and has a maximum of three floors. It is noted that no. 1 Ash Court is at a higher ground level to the site. This building would be seen in the context of two storey residential dwellings adjacent in Ash Court and further along Sandwich road. Dwellings within the area have traditional pitched roof design and the proposed building has a flat roof, there are no other examples of such a building on a prominent site. The flat roof design is the same as was proposed within the previous refused scheme. There has been a reduction in height of this building of approximately 3m (not including lift shaft projection). It is accepted, if approved, this would be the only three storey flat roof building in the road. I however consider the height of the proposed building to be comparable with adjacent buildings (due to their roof height) I also the flat roof building whilst not replicating the pitched roof styles within the street would have a greater degree of separation from pitched roof dwellings that would enable a different form not to appear visually dominant and out of keeping with the character and appearance of the area. It is therefore considered that the proposed building would not appear as an incongruous feature and sit comfortably within the streetscene.

In terms of its positioning within the plot; the building would be set forward in front of the proposed dwellings. The building at ground floor would be within a minimum of 1.8m from the footpath and at first floor - due to the cantilevered middle section would be within

approximately 0.5m. At present this part of the site is devoid of built form and therefore this would be quite apparent. It is recognised that the current building is also much closer to the highway than existing development along Sandwich Road. However this positioning is resulting from the need to get sufficient space from neighbouring properties and also to provide a communal garden area for the occupiers therein. Given the articulated nature of the building, on balance, I do not consider there would be harm resulting from its positioning.

There is a separation distance of approximately 15m, and 8.5-9m from nos. 1 and 2 Ash Court respectively with the building being reduced in floor area with height, thus a second floor level the only element of the proposed building is projection that is approximately 5m in length, approximately adjacent to the rear half of the side elevation of no. 2 Ash Court. Given the heights, articulation and distance I do not consider that the proposed building would dominate these two dwellings.

As stated above, there is a varied material pallet within the area. The proposed building would utilise the same materials as would the dwellings, giving a cohesive appearance to the overall scheme.

In summary it is considered that the proposal would overcome concerns in terms of design and appearance and the resulting buildings in terms of their form, density and character and appearance of the area, would accord with Policies SP35, QD01 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

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 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms.

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

- 1) Be compatible with neighbouring buildings and spaces and not lead to 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.

Concerns have been raised by local residents in relation to the impact of the proposed development on their residential amenities - loss of light, loss of privacy, loss of outlook.

Firstly with regard to the semi-detached properties, whilst forward of no. 125, the proposed semi-detached dwellings do not sit in front of no. 125, but to the side. With regard to the physical form of the building itself, it is recognised that the proposed building would be positioned closer to no. 125 than the existing public house. It would also be higher than the existing building; approximately 7.2m to the ridge compared to 8.9m of the proposed, a difference of 1.7m. The front habitable room windows of no. 145 are located on the western half of the property, which minimises any sense of enclosure or loss of outlook from this property. Given the position of the proposed building to no. 125 to the south east, it is appreciated that there will be some loss of sunlight in the morning, however for the majority of the day, the house would be unaffected by this development. In terms of outlook, no. 125 has its living accommodation located further away from the proposed building, separated by two single garages. Whilst the building will be located forward and higher, it is considered that whilst the occupiers of no. 125's outlook will be altered it would not be so significant to result in objectionable harm to the living conditions of this dwelling.

In terms of upper floor windows of the dwellings, these are mainly positioned in the front and rear. The unit adjacent to the boundary with no. 125 has windows within the side elevation adjacent to the boundary, these would serve a bathroom at first floor (obscure glazed) and secondary lounge window and two high level windows at ground floor to the carport. Three of these windows would serve non-habitable rooms, the fourth window would be a secondary window to the living room that would however only have view across front gardens and access road and is therefore considered to be acceptable.

There is a first floor front balcony to serve the living/dining room facing onto Sandwich Road. It would also have views out from the side of the vehicular access and front gardens to the dwellings to the east (nos. 125-131). Given that this area is in the public realm, it is not considered to result in harm by overlooking. It is noted that no. 125 has two single attached flat roof garages, the nearest to the dwelling has a roof terrace wrapping around the front of the property. Due to the siting of the proposed dwellings, there will be no direct views from windows or the balcony in the adjacent proposed unit to affect no.125, or to impact on future occupiers of the proposed dwellings.

The rear elevation of the commercial/residential building has two windows both of which are annotated as being obscure glazed on the submitted drawing. These windows would serve an en-suite and bathroom and face towards the side elevation and rear garden of no.2 Ash Court. On the side elevation there is a projecting 'V' shaped window, on the rear facing glazing this would also be fitted with obscure glazing (serving a bedroom). As such I do not consider that there would be direct overlooking out onto no. 2 Ash Court at first floor level. There are no windows at the second floor and the windows/opening at ground floor level serve the storage areas or provide light to the access to the flats. No. 2 Ash Court has two side windows; one clear glazed at ground and one at first floor level which appear to serve a kitchen and a bathroom. There is a separation distance of approximately 8.5-9m, between the two buildings. As mentioned above the height has been reduced in comparison to the earlier scheme and now has a height of 8m, which is comparable to a dwelling. Furthermore the building's floor area decreases with height, so only a small element is at this 8m (excluding lift shaft) height.

It is considered that the building would have some impact upon no.2's outlook from these flank windows, which will contribute to a sense of enclosure and loss of sunlight, as outlined in the previous Inspector's decision. However this impact has been significantly minimised through the reduced height and articulated bulk of the building, , effectively removing a floor directly adjacent to no.2. These changes are considered to minimise the impact to an acceptable living without significantly compromising the living conditions of no.2 Ash Court.

This building would also have balcony areas to the front elevation. The balcony areas are clearly defined and would only permit views of Pegwell Bay and site/street frontage; this would therefore not result in harm to neighbour amenity.

The proposed development is therefore considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and para 127 National Planning Policy Framework.

Future occupiers

Doorstep playspace is required for all 2-bed units or more under Policy GI04 of the Thanet Local Plan, along with refuse storage, clothes drying and cycle storage space. Each of the dwellings have an enclosed doorstep playspace. The apartment units have a communal space to the rear and also small balcony areas. This is therefore considered to be acceptable.

In terms of the living conditions of the future occupiers of the proposed dwellings, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015).

The proposed apartments and dwellings are a good size and would meet the National Space Standards. All units would be served by separate cycle and refuse storage area or room within their respective curtilage. It is, therefore, considered that the proposed dwellings would provide a good standard of accommodation for future residents. The proposed dwellings meet all of these criteria in terms of the overall floor space and window provision to habitable rooms and is therefore considered policy compliant.

The proposed micro-pub/cycle cafe has the potential to result in noise and disturbance. Whilst there may be some noise generated from the micro-pub, there is no reason to consider that this would be excessive and it could be controlled by opening hours and management and it is not considered to be inappropriate to have pubs/micro-pubs within residential areas on the basis of these controls. Furthermore it is recognised that the former use would have had similar levels of noise generation. It is, however, noted that some of the proposed apartments would be in close proximity to the proposed micro-pub and parking areas and may be subjected to some additional noise and disturbance.

Environmental Health have not raised an objection on the basis of a number of conditions being required to ensure that the proposed development could be developed without affecting the residential amenity of future occupiers or the operation of the proposed micro-pub/cycle cafe. These conditions requiring insulation between floors, triple glazed windows,

opening hours and delivery time restrictions are considered reasonable to mitigate potential harm to living conditions.

Transportation

The application site is within an established built up area and currently has an open accessed frontage within parking available to the side of the main building . The proposed plans include 13 parking spaces; this includes 1 disabled space for the apartments and cafe/bar. The dwellings each have a separate hardstanding to their respective frontage as well as a carport and thus have off street parking for at least 2 vehicles. One main access is proposed to be created between the houses and corner building to access the parking for the corner building. Cycle parking to both the flats and commercial aspects are also provided, the agent details that these will be secure- although the precise details are not submitted with this application. The agent has confirmed that this equates to 2 spaces per dwelling and 1 space per apartment plus 2 visitor spaces and the pub/cafe has the 8 remaining including disabled bay.

KCC Highways have sought additional information and revisions to the plans in order to address their concerns. Issues including visibility splays, traffic movements/types of vehicles etc in relation to the commercial enterprise and clarification on the use, and the number of parking spaces were raised.

Negotiations were taking place during the consideration of application on this aspect and other areas of concern. The requested amendments and additional information has been submitted and KCC Highways has confirmed that they have no objection subject to conditions. These alterations have increased the visibility of the access, extended the footway and reduced the required parking spaces through reductions in floorspace. Taking account of the existing use of the site (and current levels of parking available) and the location of the development on a bus route, the level of parking provided is considered acceptable, within safety requirements related to the access and movement of vehicles to be secured by condition.

The impact upon highway safety is therefore considered to be acceptable.

Flood Risk and drainage

The approach to managing flood risk set out at Section 14 of the revised National Planning Policy Framework (the Framework) is to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The site is within Flood Zone 3a with the rest of the site within Flood Zone 2 and so is at risk of flooding. A site-specific flood risk assessment (FRA) is therefore required. The Framework makes it clear that applications for all forms of development in Flood Zones 2 and 3 should be supported by an FRA. Both the Framework and the Planning Policy Guidance are also clear that it is up to the developer to carry out an FRA.

Applying the Flood Risk Vulnerability Classification in Table 2 of the Technical Guidance to the National Planning Policy Framework (2012) (the Technical Guide), the proposed development is classed as 'more vulnerable'.

Paragraph 158 of the National Planning Policy Framework (the Framework) states that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The site is not allocated in the development plan for housing. The application is supported by a site specific FRA. Within this document the sequential and exceptions tests are reviewed.

Although the Environment Agency has no objection to the proposal, the Local Planning Authority is responsible to consider if the sequential test has been satisfied, informed by evidence provided by the developer. In terms of the sequential test (to demonstrate that alternative sites at lower risk of flooding) no information is provided within the FRA, although it is highlighted within the planning statement that the LPA previously accepted that the site passed the test.

It therefore falls for the LPA to consider the sequential test to establish whether the development could be accommodated in a flood zone 1 location, which has the lowest probability of flooding. As the proposal involves the demolition of the existing building and construction of three new buildings, it cannot be considered as a change of use proposal. The LPA consider that this site is in principle acceptable for residential development/mixed use development being within the urban confines; and that there are no other reasonable available sites at a lower risk, this is acknowledged by the fact that the site is identified within the SHLAA as a potential windfall site and therefore the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Therefore, should the sequential test conclude that no other sites are available, the proposal is then required to pass an exception test.

The application states that finished floor levels should be set at a minimum of 6.03m AODN and for sleeping accommodation a minimum of 6.33m AODN, no ground floor residential living accommodation and that flood resilience measures and subscription to the EA Flood Warning alerts for the proposed residential and commercial uses will be ensured.

Conditions can be attached in relation to finished floor levels and resilience measures. In terms of signing up to the warnings this is usually covered by an informative note on any approval, due to concerns in relation to the tests applied to use of conditions with regards to enforceability.

The Environment Agency has reviewed this documentation and have confirmed that this is the case and that the development can be considered safe.

Air quality

Policy SE05 of the Council's Local Plan relates to Local Air Quality Management. It states that proposals for new development must ensure that users are not significantly adversely affected by the air quality and include mitigation measures where appropriate.

The preamble to policy QD01 requires that all new homes should help reduce fuel poverty and improve the energy rating, seeking to maximise energy efficiency. This can be through improved insulation e.g. roof, wall, floor insulation and energy efficient windows. Other initiatives can include on site options electric vehicle charging. In accordance with the policies of the Local Plan, the requirement for electric charging points to provide one electric car charging point for every 10 parking spaces provided in communal parking areas, or one charging point to be provided for every new dwelling with parking provision within its curtilage will be secured by condition to mitigate the impact of the proposed development

Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties.

The police raise a number of concerns with the submitted scheme including the level of natural surveillance to the rear of the site. It is confirmed that there are side openings within the end dwelling and also apartment at first floor level, albeit the former in a stairway and in the latter would serve a kitchen area in front of a sink and stairway. Whilst I appreciate this does not give floor coverage, providing windows that would overlook the car parking or amenity space would result in harm to residential amenity and therefore change have not been sought.

Boundary treatments will be secured by planning condition. Precise details of the secure cycle spaces would be required through a planning condition.

Car ports are open by their very nature and therefore are unlikely to be used for storage of household items that you often get in garages, it is most likely to be used for vehicle parking. Whilst I appreciate that residents cannot see into them it is acknowledged that their main living space is over the garage and looking out onto the driveway and therefore there would be a certain amount of surveillance.

In terms of allocated parking it is considered that this could be clearly denoted which spaces are for visitors or staff to avoid the potential for conflicts.

Matters pertaining to site or apartment security and access control would not be a matter for planning.

Contributions

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

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

This application includes a draft Unilateral Undertaking which provides a financial contribution for the 2no 2 bed, 1no 1 bed and 4no 3 bed residential units (£2,538) to mitigate the additional recreational pressure on the SPA area. A final undertaking is being sought at the time of writing.

Conclusion

NPPF paragraph 10 stipulates that at its heart is a presumption in favour of sustainable development. For decision-taking (NPPF para 11) this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

At the current time the Council has not met its Housing Delivery test and therefore there is a presumption in favour of sustainable development.

In terms of the economic dimension of sustainable development, the provision of 7 residential units would give rise to employment during the construction phase of the development, furthermore the proposed commercial use would bring employment to the area, albeit modest, to the local economy.

In terms of the social dimension to sustainable development, Paragraph 59 of the NPPF refers to 'the Government's objective of significantly boosting the supply of homes'. The NPPF (paragraph 68) points out that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly'.

The scheme brings forward some limited benefits with 7 dwellings, which are likely to support shops and services in the surrounding area and further afield and it would allow increased social interaction between residents existing and new, and employment personnel albeit in a modest way.

In terms of the environmental dimension of sustainable development, the development of 7 dwellings, in a sustainable location is considered to satisfy economic and social objectives as required by the NPPF. It is considered that the revised scheme addresses previous

objections in terms of its design, height and scale of the proposed buildings on the character and appearance of the surrounding area and also in terms of residential amenity. The applicant has incorporated materials to give the design a context as well as introducing contemporary elements.

On the basis of the safeguarding conditions outlined above, there are no outstanding landscaping, highways, noise or flood risk issues.

It is therefore recommended that Members defer and delegate the application for approval subject to the receipt of an acceptable unilateral undertaking to secure the required planning obligations within 6 months and the identified safeguarding conditions.

Case Officer

Gill Richardson

TITLE:

F/TH/20/1145

Project

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