

**D05**

**F/TH/20/0714**

PROPOSAL: Erection of 120 bed hotel and ancillary facilities, new stands, studio spaces, cafe, retail unit, club shop, club offices and car parking.

LOCATION: Margate Football Ground Hartsdown Road MARGATE Kent CT9 5QZ

WARD: Garlinge

AGENT: Mr Chris Chambers

APPLICANT: Mr Wilson

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to consultation with the Secretary of State, 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 development hereby approved shall be carried out in accordance with the submitted drawings numbered 015 Rev D received 03 June 2020 and 003 Rev A, 004 Rev B, 005 Rev A, 006 Rev A, 007 Rev A, 008 Rev A, 009 Rev A,, 010 Rev A, 012 Rev A, 013 Rev A, 014 Rev B, 015 Rev B,, 016 Rev B, 021 Rev A, 022 Rev A and 023 Rev A, received 25 June 2020 and 011 Rev B received 09 October 2020.

**GROUND;**

To secure the proper development of the area.

3 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall

a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

c)Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

**GROUND;**

In order to limit the impact upon protected species that may be present and to promote public safety and security by designing out crime, in accordance with Policies SP30 and QD02 of the Thanet Local Plan and the advice as contained within the NPPF.

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

**GROUND**

To protect the district's groundwater, in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

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

**GROUND**

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

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

**GROUND:**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site

flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF.

7 Prior to the commencement of the development hereby permitted, an Emissions Mitigation Assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance shall be submitted and approved in writing by the Local Planning Authority. The Emissions Mitigation Assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

**GROUND:**

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

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

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

**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.

9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- (i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority;
- (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

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

10 No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

11 No development should take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological post excavation works to include assessment, analysis, reporting and publication in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority. The archaeological post excavation works shall cover all archaeological investigation works carried out in connection with the present development (TH/20/0714) and previous archaeological investigations carried out at Hartsdown Stadium.

**GROUND;**

To ensure that the results of all archaeological investigations at the Hartsdown Stadium are properly analysed and reported.

12 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered 004 Rev B shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

**GROUND:**

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

13 Prior to the first occupation of the development hereby permitted details of the cycle parking, which shall be in the form of as shown on approved plan numbered 004 Rev B 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

14 Prior the construction of the external surfaces of the development hereby approved details of the bricks 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

15 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,
- o ecological enhancements to be provided within the site

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

16 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

17 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND:**

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

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

**GROUND**

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

19 Prior to the first use of the development, the area shown on approved plans numbered 003 Rev A and 004 Rev B for the parking and manoeuvring of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND:**

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

20 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers 003 Rev A and 004 Rev B received 25 June 2020 shall be provided and permanently retained.

**GROUND:**

In the interests of highway safety, in accordance with Policy TP08 of the Thanet Local Plan.

21 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details

**GROUND:**

To protect vulnerable groundwater resources in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

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

**GROUND::**

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

23 The development hereby permitted shall be constructed to a high standard of energy efficiency to demonstrate a 25% reduction in carbon dioxide emissions above the standards in Approved Document L2A (2013 Edition incorporating 2016 amendments) of Part L of Building Regulations 2010 (

**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.

24 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

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

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.

This permission does not entitle the Developer to obstruct in any way a public footpath that crosses the land to which this permission relates. If it is intended to divert or stop up a public footpath the appropriate legal procedures shall be executed before the development commences.

## SITE, LOCATION AND DESCRIPTION

Margate Football Club is located on the southern side of Hartsdown Park with the southern boundary of the site adjacent to Hartsdown Road. The site comprises the main football pitch which extends to the north from Hartsdown Road with a number of single storey buildings close to the southern boundary of the site. A car park is located to the east of the main football pitch and a public right of way runs between the car park and the main football pitch from Hartsdown Road to Tivoli Park Avenue in the north. To the west of the main football pitch are eight five-a-side football pitches. With the exception of the Hartsdown Road boundary which is enclosed by a brick boundary wall, the whole site and car park is enclosed by grey palisade fencing.

## RELEVANT PLANNING HISTORY

F/TH/19/0906 - Erection of single storey building containing changing facilities, physiotherapy room, first aid room and offices. Granted 20 August 2019

A/TH/17/1690 - Erection and display of 1No internally illuminated rotating digital screen. Granted 15 January 2018

F/TH/17/1662 - Application for the removal of condition 1 of planning consent F/TH/11/0428 The erection of mixed use development, comprising a football stadium, an 80 bed hotel, fitness club, children's club, children's play area, theme bar, conference and banqueting suites, hospitality boxes, admin offices, boardroom for the football club, 10 five a sides & one full size all weather pitch & associated parking and landscaping. Granted 31 January 2019

F/TH/14/0510 - Erection of single storey changing room building to the east of the existing pitch together with erection of covered seating terraces to the east, west and north side of the existing pitch. Granted 17 September 2014

F/TH/12/0433 - The erection of mixed use development comprising a football stadium, an 80-bed hotel, fitness club, children's play area, theme bar, conference and banqueting suites, hospitality boxes, admin offices, boardroom for the football club, 10 five-a-sides and one full-size all-weather pitch and associated parking and landscaping without compliance with condition 8 of planning permission F/TH/04/1601 to amend parking layout. Granted 27 September 2012

F/TH/11/0428 - The erection of mixed use development, comprising a football stadium, an 80 bed hotel, fitness club, children's club, children's play area, theme bar, conference and banqueting suites, hospitality boxes, admin offices, boardroom for the football club, 10 five a sides & one full size all weather pitch & associated parking and landscaping, without compliance of condition 30, attached to Planning Permission F/TH/04/1601, to reduce the size of the proposal. Granted 12 December 2011

NM/TH/11/0136 - Application for a non material amendment to Planning Permission F/TH/04/1601, to add a condition listing approved plans. Granted 22 March 2011

NM/TH/10/1088 - Application for a non material amendment to Planning Permission F/TH/04/1601, to reduce the Hotel from 80 to 69 Bedrooms. Refused 10 February 2011

F/TH/10/0224 - Erection of spectator stand with bar/cafe, education/lecture area and players changing facilities (amendment to the north stand ref F/TH/04/1601). Granted 04 August 2010

F/TH/10/0115 - Formation of a 100m x 65m Artificial Grass Football Pitch together with erection of floodlighting and fencing. Granted 15 June 2010

OL/TH/08/1186 - Outline application for the erection of a two storey Medical Centre incorporating general practitioners, dentist, dispensary and optician. Refused 18 December 2008

A/TH/07/1675 - Retention of 1No. internally illuminated totem sign. Granted 14 February 2008

F/TH/07/1568 - Provision of temporary changing facilities and locker room. Granted 09 January 2008

F/TH/05/0360 - The reinstatement of the stadium to include the re-established pitch; flood lighting and temporary seating; terracing (total capacity 3,000 incl. Hartsdown end terracing) and temporary cabins for changing, toilets treatment room and spectators first aid room and the erection of a glazed entrance porch to the existing social club. Granted 02 June 2005

F/TH/04/1601 - The erection of a mixed use development comprising a football stadium, an 80 bed hotel, fitness club, childrens play area, admin offices, boardroom for the football club, 10 five a sides and full size weather pitch and associated parking and landscaping. Granted 03 July 2006

R/TH/03/0122 - Demolition of existing stadium, and redevelopment of site with new 6000-seater stadium, additional artificial pitch, associated accommodation and car parking. Granted 14 April 2003

OL/TH/02/0765 - Outline application for mixed use development comprising new spectator stands; an all-weather pitch; ten 5-a-side pitches; additional car and coach parking; changing facilities; 80-bed hotel; conference and banqueting facilities; theme bar; offices and ancillary spaces; leisure fitness club; and class d2 (assembly and leisure use); new boundary treatments and landscaping. Granted 10 June 2005

OL/TH/01/0996 - Erection of new entrance building and club shop; new spectator stands; additional pitches; additional car and cycle parking facilities; and alterations to boundary treatments to provide new security measures (amended plans). Granted 21 March 2003

F/TH/01/0145 - Erection of three step concrete football terrace with cladded backing. Granted 26 March 2001

## PROPOSED DEVELOPMENT

Erection of 120 bed hotel and two new stands with ancillary facilities including studio spaces, cafe, retail unit, club shop, club offices bar and restaurant and associated parking. A new east stand would be built against the rear elevation of the hotel with a seated capacity of 650 people. A bar and restaurant, retail unit, club shop and club offices would all be located within the ground floor of the hotel building. With the exception of a stadium control room located at the southern end of the first floor, the upper floors of the hotel building would all be occupied by hotel rooms and facilities associated to service those rooms. The second stand is proposed at the northern end of the site and would have standing terraces with a capacity of 1300. The home and away changing rooms and three studio spaces for flexible uses such as sport and recreation are included on the ground floor and a cafe/bar is proposed on the first floor. The existing car park would be extended to the northern boundary of the site and new coach parking and loading facilities would be provided at the northern end of the hotel building. The southern stand adjacent to Hartsdown Road is not proposed to be extended through this application.

## DEVELOPMENT PLAN POLICIES

SP28 Protection of International and European Designated Sites  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP32 - Protection of Open Space  
SP35 - Quality Development  
SP37 - Climate Change  
SP38 - Healthy and Inclusive Communities  
SP41 - Community Infrastructure  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible locations  
SP45 - Transport Infrastructure  
E07 - Serviced Tourist Accommodation  
GI05 - Protection of Playing Fields and Outdoor Sports Facilities  
GI06 - Landscaping and Green Infrastructure  
QD01 - Sustainable Design  
QD02 - General design Principles  
QD03 - Living Conditions  
HE01 - Archaeology  
CC02 - Surface Water Management  
CC04 - Renewable energy  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
CM01 - Provision of New Community Facilities  
TP01 - Transport Assessments and Travel Plans  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

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

33 letters of support have been received raising the following points:

- Development would be a boost for the community and the football club
- Additional attraction for the area
- Supports the regeneration of Margate
- Hotel beds are needed for visitors to the area
- Support from an international company
- Development would bring more visitors to the area
- Economic benefits
- Additional community facilities
- Additional sports facilities
- Employment opportunities
- Well designed scheme
- Good public transport links

Two letters of objection have been received raising the following points:

- Need for a large hotel
- Height of the proposed building
- Impact upon the character and appearance of the area
- Lack of parking
- Lack of coach parking
- Loss of trees
- Light pollution
- Noise pollution
- Appearance of the proposed fencing
- Impact upon the public right of way
- Risk of flooding
- Planting has already commenced
- Loss of playing fields

## CONSULTATIONS

**Environment Agency** - We have reviewed the information submitted and due to the scale, nature and setting of this proposal and the supporting information submitted, we do not object to the proposal in principle providing the following conditions are placed on any permitted development.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

#### Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

NOTE: any surface or fly-tipped waste materials should be removed to suitable permitted sites as part of any site clearance/preparation works

#### Condition

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

#### Informative

If there is a reason to believe contamination could be an issue, applicants should provide proportionate but sufficient site investigation information (a risk assessment) prepared by a competent person to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level. The National Quality Mark Scheme (NQMS) accredits competent persons with regard to assessing and reporting land contamination issues.

**KCC Archaeology** - This is a site that I had pre application discussions with the applicant's archaeological consultant's Canterbury Archaeological Trust. As a result the Trust produced an Impact Assessment dated April 2020 that has been submitted with the application. This provides a good account of the previous work that has taken place in and around the application site, the archaeological potential and potential impact of development on archaeology. I agree with the mitigation as set out in section 8 of the impact assessment and Figure 5.

In my previous responses to development at this site I have highlighted the need for the archaeological work previously carried out at the stadium by the Trust for Thanet Archaeology to go through the process of post excavation works including assessment, analysis and reporting to publication. These works were to be secured alongside future

development proposals and publication should be integrated with the outcome of the present proposed mitigation works.

To secure further archaeological evaluation and subsequent mitigation measures which may include further detailed investigation and protection of important remains through development design measures, as outlined in the submission, the following worded condition would be appropriate:

AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason : To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

This should be supported by a condition to ensure agreement over the details of foundations and other below ground works where preservation in situ of important archaeological remains is desirable. The following clause would be appropriate:

AR2 No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason : To ensure that due regard is had to the preservation in situ of important archaeological remains.

In addition the following condition should be attached to secure the completion of post excavation assessment, analysis, reporting and publication works following the completion of archaeological investigation works. The post excavation works would need to cover the entire corpus of material from future investigations associated with the present development proposals and the results of the investigations already carried out in the stadium by the Trust for Thanet Archaeology in connection with the original pitch and east stand proposals. The following clause has been specifically worded to cover what would be appropriate:

No development should take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological post excavation works to include assessment, analysis, reporting and publication in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority. The archaeological post excavation works shall cover all archaeological investigation works

carried out in connection with the present development (TH/20/0714) and previous archaeological investigations carried out at Hartsdown Stadium.

Reason : To ensure that the results of all archaeological investigations at the Hartsdown Stadium are properly analysed and reported.

### **KCC Biodiversity - Designated Sites**

The hotel aspect of development would potentially entail new recreational pressure for 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.

### **Bats and Lighting**

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.

### **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 recommendations within the report include:

Provision of integrated WoodStone Build-in Swift Nest Boxes;  
Integrated bat boxes and bee blocks, and;  
Green roofs.

Integrated features should be incorporated into the fabric of the new build. We would also advise that any planting should consist of native species.

To secure the implementations of enhancements, we advise that a condition is attached to any granted planning permission. 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 within section 4.10 of the Preliminary Ecological Appraisal (KB Ecology April 2020). The approved details will be implemented and thereafter retained.

#### **KCC Flood and Water Management** - Updated comments received 26 February 2021

Given that sufficient space exists, should the need to increase the area of soakage be found as result of onsite infiltration testing, we are prepared to accept the applicant's proposal to deal with this as part of a detailed design condition.

It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.

As such we remove our previous objection and would advise that should you be minded to grant planning permission that the following conditions are applied:

Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Drainage

Statement, dated May 2020, prepared by Knapp Hicks & Partners Ltd and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated within the curtilage of the site without increase to flood risk on or off-site.

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

that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

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 that the drainage system constructed is consistent with that which was 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.

Reason:

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.

Condition:

Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant

unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

*Initial comments received 08 July 2020*

Following a review of the Drainage Statement, we have the following comments: 1. The drainage strategy proposes the use of infiltration suds with an assumed infiltration rate of 0.036m/hr. We recommend that ground investigation tests are undertaken to determine ground water levels and soakage tests in accordance with BRE 365, notably the requirement to fill the test pit several times. The design should utilise actual infiltration rates and demonstrate that any soakaway will have an appropriate half drain time.

We recommend a holding an objection until further information is submitted for our approval to confirm the appropriateness of the design proposal.

KCC Highways - After further consultation with the applicant and consideration of the previous planning approvals associated with this site, I am of the view that the proposals are acceptable in principle. The submitted Transport Assessment has examined the proposed trip generation compared with the extant planning permission and finds that the net impact on the local highway network is negligible, numbering only 11/12 additional two-way vehicle movements across the AM, PM and weekend peak or 1 additional approximately every 5 minutes.

In relation to parking, it appears that the existing provision was made in partial fulfilment of the 2011 permission and can therefore be considered as part of the allocation for the proposed. The parking accumulation study is based on verified TRICS data for the development and demonstrates that the proposed parking provision is adequate to meet the needs of the hotel and restaurant. For the sake of robustness, additional assessment has also been provided showing that during match times an equivalent number of spaces would be available on-site to those currently provided.

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

Submission of a Construction Management Plan before the commencement of any development on site to include the following: (a) Routing of construction and delivery vehicles to / from site (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Provision of wheel washing facilities (e) Temporary traffic management / signage

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

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

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

### **KCC Public Rights of Way** - Updated comments received 02 November 2020

Whilst my point still stands regarding the wider area, we have re-focused on requesting off site improvements to Public Footpaths TMX11 and TMX12. These routes are direct links to the station and town centre not only from the Football Club but also local facilities ie. Hartsdown Technical College and improvements here would significantly contribute to Active Travel in the community. Costings have therefore been reduced, and we would now request £48,280 via s106 for these works.

Initial comments received 28 September 2020

Public Footpath TMX13 is directly affected by the proposed development. The location of the path is indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the Public Right of Way (PROW) is a material consideration.

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

KCC PRow have no objection to the application, however, request the following is conditioned in the event of the application being approved:

Prior to a determination of the application the following is requested:

A scheme of access / construction is agreed to clarify the proposed temporary diversion, legal path alignment, surfacing, width and signage. Scheme to include surfacing of whole length of TMX13 to Tivoli Park Avenue.

Delivery of this agreed scheme before construction commences.

The applicant considers the improvements detailed below regarding the wider improvements to the PRow network. We request that the applicant also investigates providing monetary contribution in the form of s106 funding towards this provision. This would enable improvements to mitigate the impact of this application and make it more sustainable for both employment, leisure and tourism.

Impact on Public Footpath TMX13

Design and Access Statement:

Planning consideration: refer to specific Public Footpath TMX13 rather than a "PROW". Please note that any TRO for temporary diversion should be reviewed due to the passage of time since last engagement with KCC PRow.

Layout: KCC PROW would require improvements as above, due to predicted increase in use, ensuring a minimum width of 2m and we would suggest more if possible, as at times the route through the development would be expected to be very busy. The route needs to provide a safe, wide open corridor for users of all mobilities. KCC PROW would also have concerns regarding the proximity of the car park, which will be addressed in response to the Transport Assessment.

Access: Pedestrian safety is paramount on a recorded Right of Way and there are a few points of concern, again to be addressed in response to the Transport Assessment. We would require clarification of the proposed diversion route which requires KCC PROW approval. Please also note the timescale involved in processing Temporary Diversion Orders.

Transport Assessment:

2.2.12 - Reference to £15,000 within S106 for pedestrian and cycle improvements, for which KCC PROW require confirmation. This contribution would provide surface improvements the section of TMX13 from the development boundary to its junction with Tivoli Park Road, approx. 102 metres. We would expect that this sum would be index-linked.

4.3.1-2 Pedestrian access; the route of TMX13 is not east of the site but runs through the site (on the eastern side) and this should be altered to avoid confusion. The attached extract of the Definitive Map should be used as legal reference rather than the Explore Kent plan provided. Pedestrian access to the development of both hotel and sport facilities is not just TMX13 but should be part of the wider network of TMX11,12,15 & 40. All these routes will provide a significant opportunity for Active Travel for leisure, employment and tourism to the development (see comments on wider area below).

Hotel Ground Floor & Landscape Plan A & B

TMX13 appears to cross the access route behind the hotel; it is adjacent to the car parking area, needing a buffer between the PROW and spaces 001 to 027; route crosses the Coach and Loading Bay; all of which need to be addressed to ensure pedestrian safety is priority. Details of crossings at the access point and the Coach and Loading Bay should be provided as part of the required PROW Management Scheme to be agreed. All tree/ hedge/shrub planting should be at least 2m ideally 3m from the edge of the PROW to prevent overgrowth from obstructing use and to allow light and air to reach the highway surface.

Landscape & Visual Impact Assessment

Baseline Assessment - again Public Footpath TMX13 should be referenced specifically, and the legal route is within the site not adjacent. This should be corrected.

Policy Context - Kent Design Guide and KCC Rights of Way Improvement Plan should be included here, as the two provide KCC Policy guidance.

Impact on wider PROW network

KCC policy is to meet future demand by providing well planned new provisions, including green infrastructure to facilitate sustainable travel patterns. The PROW network provides an important element of this infrastructure and to this end, we examine all applications with regard to the wider area. It is therefore imperative that we use this opportunity to provide sustainable access from the site to employment, school and recreation for pedestrians and cyclists.

There are multiple PROW in the proximity of the development site, namely Public Footpaths TMX11,12,15 7 40. The network here is well used and the development provides a huge opportunity to invest in Active Travel using the already available network to encourage walking and cycling, reducing pressure on roads and strengthening connections into Margate transport hubs. This particular site will encourage visitors who will travel by public transport and to provide the connectivity to the site is paramount. Equally, visitors from the local area will increase use of the network to facilitate the great new opportunities on site, fitness, leisure, café, etc.

KCC PROW would therefore request that contributions are made to wider improvement for surfacing and enhancement of the above routes. The routes identified above are mainly of short length, and surface improvements to all would be in the region of £90,000. We would welcome engagement on this.

#### General Comments

Please make the applicant aware that any proposed work on the surface of the paths must be approved and authorised by the Highway Authority, in this case Kent County Council's Public Rights of Way and Access Service. PROW diversions or extinguishments should be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the path network as soon as possible. It is important that Thanet District Council are able to make the necessary Orders at the point at which consent is given.

**Kent Police** - We cannot recommend approval at this stage as the application currently shows no details of any designing out crime or crime prevention measures to be incorporated to minimise the opportunity for Crime, Fear of Crime, Anti-Social Behavior (ASB), Nuisance and Conflict, in particular:

Development layout and permeability, especially alongside the PROW.

Boundary heights, type and positioning including gates and access control.

Parking Management and design to include security and a secure parking area with adequate surveillance for motorbikes and cycles.

Details of a professional lighting plan to work with the CCTV plan.

Access Control, especially to hotel and a CSE policy.

Details of Glazing, Doorsets, Windows and Alarms.

Security Compartmentation measures to manage the hotel access throughout the building with formal access control on the lift, staircase and the lobby doorsets to all floors.

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.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

**Natural England** - Additional comments received 25 February 2021

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

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

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

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

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

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

*Initial comments received 14 July 2020*

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.

**Southern Water** - Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required)
- Detail design, including land negotiations.
- Construction.

The overall time required depends on the complexity of any scheme needed to provide network reinforcement. Southern Water will seek however to limit the timescales to a

maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that outline planning approval has been granted.

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.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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.

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

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

We request that should this application receive planning approval, 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."

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.

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains 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 water supply is required in order to service this development.

### **Sport England** - Further comments received 17 December 2020

Further to Sport England's previous objections to this proposal, specifically relating to the further extension of the car parking area into the playing field, my attention has been drawn to a revised landscaping plan that was uploaded to the application webpage on 9th October. The drawing no. 011 P1 shows an area of what appears to be a bank of screening planting between the existing and proposed extended area of car parking and the adjoining playing field. This planting is not explained on the drawing and is also outside of the application site red line. I would be grateful if you would provide an explanation as to what is proposed here to me and in the meantime, I confirm that Sport England objects to any further encroachment of development or screening landscaping onto the playing field without satisfactory mitigation in accordance with Sport England's playing field policy.

### Further comments received 20 October 2020

Although I can see that we have been consulted on other applications relating to the football ground both before 2004 and since 2011 these were not for the same scheme. I note also in respect to an earlier application F/TH/02/0765, that initially we didn't object but subsequently in light of further information, registered an objection that wasn't reflected in the officer's report.

Had Sport England been consulted on the original application in 2004 it is possible that in combination with the AGP permitted at that time that the loss of part of the playing field to additional parking would have been considered to be in accordance with our policy exception E5. It is highly probable on the other hand that Sport England would have objected to the omission of the AGP but retention of parking on parts of the playing field in the subsequent amendment applications. It is not clear since the officers report for the 2011 application is not available online that the loss of the playing field to parking was considered by the Council in accordance with Sport England, national or local policies to protect playing fields?

Therefore, while the Council may consider the previous permissions to be a material consideration, the loss of part of a playing field to parking as proposed by the current application is in accordance with Sport England's policy for playing fields and we therefore maintain our objection.

Our objection could be removed if the proposal is omitted from the application area or alternatively, the loss of this part of the playing field is compensated for either with new playing field land of equivalent quantity and quality or with a financial contribution towards improvements to existing community playing fields or ancillary facilities. In this respect the Council's adopted Playing Pitch Strategy 2017 identifies a very significant shortfall in Junior 11v11 and 9v9 grass football pitches in the district that is predicted to increase over the period to 2031.

Initial comments received 21 July 2020

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document':

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

all or any part of a playing field, or  
land which has been used as a playing field and remains undeveloped, or  
land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

The proposal is for the erection of 120 bed hotel and ancillary facilities, new stands, studio spaces, cafe, retail unit, club shop, club offices and car parking on land that is now all in the ownership of the football club but which includes part of the Tivoli Park recreation ground that is identified as protected open space in the adopted and draft Local Plan proposals maps where the aforementioned policies apply. Although the drawings submitted with the application are not very clear, in particular not including an existing and proposed block / site layout plan, from the proposed site landscaping drawings it would appear that part of the proposal is to extend the existing car parking and service area on the east side of the football club ground northwards into the existing playing field.

Google Earth historical imaging identifies that in 2017 and previous to that football pitches were laid out on the part of the playing field affected.

Assessment against Sport England Policy/NPPF

Having considered the proposal against Sport England's policy the proposal, specifically that part which proposes the extension of the car park area into the playing field, it is not considered to meet any of the policy exceptions. Specifically E1 is not met since the Council's Playing Pitch Strategy 2017-2031 identifies the need in the individual sport specific action plan to protect all existing football pitches and sites across the district.

While it is the case that E4 could be met if a suitable equivalent playing field area in terms of quality and quantity in a suitable location it is not evident that the applicant has given any consideration to the loss of this area of playing field. Exceptions 2, 3, and 5 are also not considered to be met since, in respect to E2, the proposal is not for ancillary facilities supporting the Tivoli Park playing field; in respect to E3, it is clear that this part of the playing field is capable of being used for playing pitches and in respect to E5, the proposal is not for an alternative indoor or outdoor sport facility.

## Conclusion

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. However we would be able to withdraw our objection in the event that the proposal was modified to exclude development on the existing playing field.

**TDC Arboricultural Officer** - No objections.

**TDC Environmental Health** - We note the inclusion of the electric charging points to this end. However I also note a further conditions was requested in the form of:

Prior to the commencement of the development hereby permitted, an Emissions Mitigation Assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance shall be submitted and approved in writing by the Local Planning Authority. The Emissions Mitigation Assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

As the site sits within Thanets Air Quality Management area and given the new stand, increase in capacity and planned hotel there will certainly be an increase in traffic brought to the area. This confirms the need for such a condition to mitigate such an increase.

## COMMENTS

This application is brought before members as an application of significant public interest, as considered by the Planning Applications Manager and the Chairman of the Planning Committee, due to the history of the site and extant planning permission, the loss of playing pitch and objection from a statutory consultee.

## **Principle**

The site comprises an existing football ground and associated facilities located within the urban confines of Margate. Part of the site to the north, east and west of the main football pitch is designated as open space under policy SP32 of the Thanet Local plan.

Policy SP32 states that proposals which would result in the loss of protected open space or allotments as shown on the policies map either through built development or a change of use will only be permitted if:

- 1) In relation to open space It is for an open recreation or tourism use and is of appropriate scale and design for its setting. Any related built development should be kept to the minimum necessary to support the open use, and be sensitively located; or
- 2) In relation to both open space and allotments there is an overriding need for development that outweighs the need to protect the open space or allotment which cannot be located elsewhere. In this case provision of alternative open space or allotment of at least an equivalent size and quality must be provided in a suitable nearby location; or
- 3) an assessment has been undertaken which clearly shows that the open space or allotments are no longer required; and
- 4) In all cases, there would be no material harm to the contribution the protected open space makes to the visual or recreational amenity of the area.

New development that is permitted by virtue of this policy should make a positive contribution to the area in terms of siting, design, scale, use of materials and biodiversity.

Paragraph 9.4 of the preamble for Policy E07 of the Thanet Local Plan states that "It is important to provide for new tourist accommodation of all types and for all budgets to attract a range of staying visitors to the area". The policy itself supports the provision of new hotel accommodation subject to a number of points which will be considered below. The principle of a hotel and ancillary facilities is therefore considered acceptable.

The 2004, 2011 and 2017 applications (references F/TH/04/1601, F/TH/11/0428 and F/TH/17/1662) for the erection of mixed use development, comprising a football stadium, an 80 bed hotel, fitness club, children's club, children's play area, theme bar, conference and banqueting suites, hospitality boxes, admin offices, boardroom for the football club, 10 five a sides & one full size all weather pitch & associated parking and landscaping are extant consents as they have been partially implemented primarily by the car park and five-a-side pitches. These consents include a car park that covers the same area as proposed as part of this application that is located in the area of protected public open space. The proposed stands and hotel would not be located within the protected public open space. Given these extant permissions, the principle of the erection of a hotel and football stadium with ancillary facilities on this site is considered acceptable subject to all other material considerations.

### **Character and Appearance**

Paragraph 127 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place. Policy QD02 of the Thanet Local Plan provides general design principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

The proposed hotel building would have a maximum height of four stories at the centre. At the northern end the building would step down to single storey level and the southern section would be three stories in height. The ground floor and central tower would be constructed from brick with the remainder of the upper floors and the single storey section of the western elevation constructed from cladding which graduates in colour from royal blue on the lower levels to white at the top of the building. White solar shades are proposed around the building extending over the first, second and third floors. The proposed football stand would be set on the western side of the building and would not extend above the proposed first floor level.

The proposed north stand would have a maximum height of two stories in the centre with a cantilever roof to all three sections angling away from the pitch. This stand would be constructed from similar materials to the hotel building with white cladding to the ground floor and graduated blue cladding to the upper level.

Due to the location of the site with boundaries which are shared with Hartsdown Road and open parkland to the North and east, there are a significant number of different viewpoints where the current and proposed development can be observed from. Current development on the site comprises a number of single storey structures around the main football pitch and the site is enclosed by a variety of fences and brick walls. A line of trees extends across the northern boundary of the site and two small groups of trees are located at the northern and southern ends of the eastern boundary within the site and to the west of the public footpath.

The trees along the eastern boundary of the site would be removed to allow the construction of the hotel building and a number of trees along the northern boundary within the site would be removed to allow the construction of the northern stand. A number of the trees inside the northern boundary have already been partially removed following the previous approved application and the existing trees outside the site along the northern boundary would remain. Whilst outside the application site and the scope of this application the applicant has already planted a substantial number of new trees along the eastern boundary of the car park and to the north of the site.

The four storey height of the proposed hotel building is similar to that of the approved hotel covered by the extant permission and whilst there are some changes in the levels and arrangement, the footprint is also similar. The proposed north stand has the same footprint as the stand that has already been approved, however it is taller. Both buildings would be visible in long views from around the site and in particular across the park from Tivoli Park Avenue and from the east due to the position of the site at the top of the hill. The graduating colour of the cladding to the upper floors, as well as the variation in the heights of the buildings, the use of different materials and solar shades, help to break up the height and width of the proposed development. The retention of the trees outside the northern boundary of the site and the additional planting that has recently been completed to the east would also help to soften the appearance of the buildings from the wider views. The existing car park would be extended to the northern boundary of the site and the whole site would be enclosed by 2.4m high green weldmesh fencing. Whilst the proposed development would result in a visual change to the area, the existing football ground and associated buildings make a limited contribution to the character of the area, and the design, location and

materials for the proposed development are considered to result in buildings that would improve the appearance of the football ground. The area of open space in the park that would be lost by extending the car park is limited in size and would comprise low level hard surfacing that would not extend significantly beyond the proposed north stand. Furthermore the proposed buildings and car parking are considered to represent an improvement upon the previously approved development which by virtue of the extant planning permissions could be constructed at any time.

The proposed development is therefore considered to make a positive contribution to the character and appearance of the area in line with policies E07 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

Currently the closest residential property is located to the south west of the site on the southern side of Hartsdown Road with a separation distance of approximately 70m. An outline application is currently under consideration for the erection of 450 houses on the southern side of Hartsdown Road to the south east of the site. As this is an outline application detailed plans have not been submitted, however the proposed plans indicate that the closest new dwellings would also be approximately 70m from the proposed hotel building. The closest residential property to the north of the site is located on the northern side of Tivoli Park Avenue approximately 120m from the site. Due to the large separation distances the proposed development is unlikely to result in any loss of light, sense of enclosure or overlooking to the neighbouring residential properties.

The existing football club and associated development would generate a degree of noise and disturbance to the neighbouring residential properties. The proposed development would not significantly increase the capacity of the stadium or the facilities on the site above that of the extant planning permissions and is therefore not considered to result in any significant increase in noise and disturbance to the existing or proposed residential dwellings.

A detailed lighting plan would be required by condition to ensure that any new lighting does not result in any significant disturbance to the existing or proposed residential properties.

Overall given the location of the proposed development, the existing development on the site and the extant planning permissions for similar development on the site, the proposed development is not considered to result in any significant increase in loss of light, sense of enclosure, overlooking or noise and disturbance to the neighbouring residential properties in line with policy QD03 of the Thanet Local Plan and the National Policy Framework.

### **Transportation**

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 site is located within 800metres of two bus stops, on George V Avenue (providing routes within Margate) and Tivoli Road (linking to Westwood Cross and Canterbury). It is also within a 15minute walk of Margate station across Hartsdown Park. Therefore the site is considered to be sustainably located with good public transport links to inside and outside the district.

A transport assessment has been submitted with the application and this has been reviewed by KCC Highways. This included an assessment of the trips generated by all proposed uses within the development, with a comparison against the extant planning permission for the 80 bed hotel and other facilities. The site would be accessed from the existing connection with the highway on Hartsdown Road and the existing car park would be expanded to provide a total of 104 parking spaces to serve the hotel. This would include 10 electric vehicle charging spaces and 6 disabled parking spaces. 12 cycle spaces and 6 motorbike spaces and one coach parking space would also be provided. On street parking is available on Hartsdown Road and this is frequently used on match days resulting in temporary on street parking. The use of the extended car park includes the ability for a coach related to the football club to utilise the loading bay.

KCC initially raised concerns regarding the amount of parking proposed on the site compared to the previous schemes, however on further consultation with the applicant have raised no objection subject to conditions detailing a construction management plan and to ensure that the proposed vehicle and cycle parking spaces and turning areas are provided prior to the first use of the development. Taking into account the extant permissions for an 80 bed hotel, the proposed parking provision, public transport links to the site and comments from KCC Highways, subject to safeguarding conditions the level of parking proposed is considered to be acceptable and the development is not considered to result in any significant harm to highway safety.

### **Public Rights of Way**

A public right of way (TMX13) runs between the existing car park and football ground between Hartsdown Road and Tivoli Park Avenue across the park. Due to the location of this public footpath it would be temporarily diverted during construction around the south east of the car park. KCC Public Rights of Way have raised no objection to the application subject to conditions requesting details of the temporary diversion, resurfacing of the whole of public footpath TMX13 and a contribution towards improvements towards two other public footpaths in the nearby area (TMX11 and TMX12 which are located to the north and east of the site running between All Saints Avenue and Highfield Gardens, and Hartsdown road and All Saints Avenue.). The applicant has provided a legal agreement securing the required

contribution. The diversion of a public right of way is subject to separate statutory procedure and the grant of planning permission does not override the separate need to follow due process for the footpaths temporary diversion. Therefore subject to the contribution it is considered that the proposed development would have no significant impact upon public footpaths in the area, and result in an improvement to the quality of existing public rights of way. An informative would be added to any planning permission advising the applicant to follow the appropriate statutory procedure before any works can be undertaken to the public footpath running through the site.

### **Playing Pitches**

Sport England have been consulted on the application as part of the site to the east of the public footpath and the north of the existing car park was previously in use as playing pitches. The proposed development includes the extension of the car park into this area and would therefore result in the loss of this area that was previously in use as a playing pitch sport. Consequently Sport England have objected to the application.

Policy GI05 of the Thanet Local Plan states that built development will not be permitted on playing fields or on land last used as a playing field unless one or more of the following applies:

- 1) It is demonstrated that there is an excess of playing field provision in the area, for current and future uses of both the school and the community; or
- 2) The proposed use is ancillary to the primary use as a playing field and does not affect the quantity or quality of pitches or adversely affect their use; or
- 3) The proposed development is on land incapable of forming a pitch or part of a pitch and does not result in the loss of, or inability to make use of, a pitch; or
- 4) The playing field or fields that would be lost as a consequence of the proposed development would be replaced, prior to the commencement of the development, by a playing field or fields of at least a similar or improved quality and size in a suitable nearby location and subject to equivalent or improved management arrangements; or
- 5) The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to sport and recreation as to outweigh the detriment caused by the loss of the playing field or playing fields. In each case the playing field should not make an important visual contribution to the amenity of the area and its loss should not be detrimental to the character of the area.

The applicant has not submitted any information to demonstrate that there is an excess of playing field provision within the area and the proposed use of the site is not considered to be ancillary to the primary use as a playing field. There is also no provision to replace the playing field prior to the commencement of development. The proposed development does relate to the enhancement of an existing outdoor sports facility, however does not provide a new sports facility and therefore it is considered that limited weight can be given to point 5 of policy GI05.

Tree planting which does not require planning permission has recently occurred in Tivoli Park along the south east and north east of the site limiting the use of this area as a playing field and its connection with the other playing fields in the area.

The proposed development would therefore be contrary to policy GI05 of the Thanet Local Plan. The area in question however has previously been granted consent for development as a car park as part of the previous approved plans for the site. Applications reference F/TH/04/1601, F/TH/11/0428 and F/TH/17/1662 are considered to be extant as these permissions have been implemented by virtue of the existing car park that has been constructed on the site. These previous consents are therefore a material consideration in the determination of this application and are given significant weight in consideration of the proposed loss of playing pitches (given that this loss has previously been approved by the Council). The car park proposed as part of application F/TH/04/1601 is significantly larger than the car park proposed as part of this application as it extended most of the way across the park from Hartsdown Road towards Tivoli Park Avenue. As this and the other consents noted above are extant, this larger car park and all other elements approved as part of these extant consents could be constructed at any time. The loss of this area of playing pitch can therefore only be given limited weight in the determination of this application. Sport England have been advised of this position, however have maintained their objection as they state they were not consulted on these previous applications. Whilst it is unfortunate that they were not consulted on these previous applications, it does not change the position that these areas could be developed at any time. It is therefore considered that given these extant permissions and the reduced area of extended car park compared to the previous permissions the loss of this area of playing pitch would be an acceptable departure from policy GI05 in this instance.

Sport England are a statutory consultee on applications that affect the provision of playing pitches and therefore as they have objected to this application the Council as Local Planning Authority, under The Town and Country Planning (Consultation) (England) Directions 2009, must consult the Secretary of State before issuing a decision on the application.

### **Archaeology**

KCC Archaeology have been consulted on this application and have previously been involved with the other developments on the site. Due to the archaeological potential of the site conditions have been requested requiring further archaeological evaluation and subsequent mitigation measures if required. Subject to the imposition of these conditions it is considered that the proposed development would have no significant impact upon archaeology in the area.

### **Flooding and Drainage**

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). The site lies in Flood Zone 1 as defined by the Environment Agency, thus is at a low risk of flooding.

KCC Flood and Water Management initially raised concerns regarding the proposed drainage for the site and requested the submission of further information before the application is determined, however have subsequently amended their comments advising that submission of the additional information, including a detailed sustainable surface water drainage scheme, a verification report to ensure that the proposed drainage would function correctly, and restrictions upon surface water infiltration, would be acceptable by pre commencement condition. Given the location of the site and subject to these conditions the proposed development is not considered to result in any significant increase in flood risk or risk to controlled waters.

## **Air Quality**

The UK Air Quality Strategy Regulations 2010 is the method for implementation of the air quality limit values in the UK and provides a framework for improving air quality and protecting human health from the effects of pollution. There is also a requirement, under the Environment Act (1995), for local authorities to periodically review and assess air quality with their area of jurisdiction under the system of Local Air Quality Management (LAQM). This review and assessment of air quality involves an assessing present and likely future air quality against the air quality objectives. If it is predicted that levels at the facade of buildings where members of the public are regularly present are likely to be exceeded, the local authority is required to declare an Air Quality Management Area (AQMA). For each AQMA the local authority is required to produce an Air Quality Action Plan (AQAP). Policy SE05 of the Council's Local Plan relates to Local Air Quality Management. It states that All developments which either individually or cumulatively are likely to have a detrimental impact on air quality, will be required to submit an Air Quality and/or Emissions Mitigation Assessment, in line with the Air Quality Technical Planning Guidance 2016 and any subsequent revisions.

The site is located within an air quality management area. The Council's Environmental Health Department have been consulted as part of this application and due to the location of the site within Thanets Air Quality Management area and given the new stand, increase in capacity and planned hotel they consider that there would be an increase in traffic brought to the area. They have therefore requested an Emissions Mitigation Assessment to be submitted by condition which shall include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. Subject to the submission of this assessment and the mitigation measures being secured the proposed development is not considered to result in significant harm to air quality and therefore would be in accordance with Policy SE05.

## **Biodiversity and SAMM Plan**

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."

KCC Biodiversity have raised no objection to the application subject to a bat sensitive lighting design and a condition requesting details of the proposed ecological enhancements similar to those set out within the ecology report. An informative would also be added reminding the applicant of their responsibilities in relation to the Wildlife and Countryside Act 1981 given the potential for breeding birds around the site.

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

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

The applicant has submitted a legal agreement securing the required contribution of £12,338.16 towards the Strategic Access Management and Monitoring (SAMM) plan to offset the potential impact on protected birds at European designated sites from increased visitors from the district to these areas. This is based upon the expected winter occupancy rate of the hotel of 50.9%, the number of bedrooms and the one bedroom rate of £202 set out in the SAMM plan. This approach has been considered by the Council and Natural England as acceptable for new residential development, as necessary to deal with the potential effects of increased disturbance to both summer and winter birds, in accordance with the Habitats Regulations. An appropriate assessment has been carried out taking into account this mitigation.

### **Other Matters**

The applicant has been advised to contact Kent Police with regard to crime and crime prevention within the site and an informative would be added to the decision notice. Details of the proposed lighting and boundary treatments would be secured by condition as noted above to address points 1,2 and 4. The other concerns would fall outside of the scope of any planning permission.

The development has been screened under the Environmental Impact Assessment regulations and it was concluded that an Environmental Impact Assessment is not required in this instance.

### **Conclusion**

Policy E07 of the Thanet Local Plan supports the development of new hotel facilities in this area and the development would result in economic and social benefits from the creation of a hotel (and associated economic activity and employment). Whilst the proposed development would result in the loss of some open space and an area that was previously in use as playing pitches, contrary to policies SP32 and GI05 of the Thanet Local Plan, this area has previously been approved for development and is currently covered by an extant planning permission which could be implemented at any time. Furthermore the trees that have recently been planted within the park limit the function of this space as a playing pitch. Similarly whilst the proposed buildings would result in a visual change to the surrounding area large development could currently be constructed on the site under the previous extant consent and the proposed development is considered to be an improvement upon the previous designs. The development is also not considered to result in severe harm to the transportation network following an assessment of the submitted transport assessment and details by KCC Highways and officers.

The proposed development is therefore considered to be an acceptable departure from policies SP32 and GI05 as the aims of these policies would not be significantly harmed. As Sport England has raised an objection to a proposal and, having considered all material planning considerations, in the view of officers planning permission should be granted, the application must be referred to the Secretary of State (SoS) via the Department of Communities and Local Government (DCLG).

Therefore it is recommended that members defer the application for approval subject to consultation with the Secretary of State.

**Case Officer**  
Duncan Fitt

TITLE: F/TH/20/0714

Project Margate Football Ground Hartsdown Road MARGATE Kent CT9 5QZ

