

**D03**

**F/TH/19/0889**

PROPOSAL: Erection of a part 3-storey, part 4-storey, and part 5-storey building comprising 15no. 2-bed self-contained flats and 3no. 1-

LOCATION: bed self-contained flats, with basement parking

Former Westonville Garage Canterbury Road MARGATE Kent

WARD: Westbrook

AGENT: Mr Kieran Rafferty

APPLICANT: Sapphire Developments Kent Ltd.

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the satisfactory completion of Section 106 agreement within six months of the date of this resolution securing the required planning obligations as set out in the Heads of Terms, and the following safeguarding conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 200.00 P5, 200.01 P6, 200.02 P5, 200.03 P5, 200.04 P5, 210.01 P4, 210.02 P4, 210.03 P4, and 210.04 P3, received 03 October 2019.

**GROUND:**

To secure the proper development of the area.

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

**GROUND:**

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

4 No development shall take place until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy shall include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources,
- pathways and receptors and potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

**GROUND:**

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

5 Prior to the first occupation of the development hereby permitted, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**GROUND:**

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

6 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.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously

unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.

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

**GROUND:**

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

8 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**GROUND:**

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

9 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 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 without increase to flood risk on or off-site.

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

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

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

**GROUND:**

To ensure 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 paragraph 165 of the NPPF.

10 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been

submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

**GROUND:**

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

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

**GROUND:**

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

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

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

**GROUND:**

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

13 The gradient of the access hereby approved shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

**GROUND:**

In the interests of highway safety.

14 Prior to the first occupation of the development hereby permitted, the secure cycle parking facilities as shown on drawing no. 200.01 Rev P6 shall be provided and thereafter maintained.

**GROUND:**

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

15 Prior to the first occupation of the development hereby permitted, the area shown on plan numbered 200.00 Rev P5 for the parking and manoeuvring of vehicles shall be made operational. The area approved shall thereafter be maintained for that purpose.

**GROUND:**

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

16 The development hereby permitted shall be constructed in accordance with the precautionary mitigation measures for hedgehogs as detailed within the Preliminary Ecological Appraisal (Middlemarch Environmental Ltd July 2019).

**GROUND:**

In the interests of protecting a priority species, in accordance with the NPPF.

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

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

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

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

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

**GROUND:**

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

19 Prior to the first occupation of the development hereby permitted, electric vehicle charging shall be provided within the site in the form of one active space and 15no. passive spaces. Details of the location and design details of the active electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

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

20 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

**GROUND:**

In the interests of amenity for future occupiers of the development, in accordance with paragraph 127 of the NPPF.

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

**GROUND:**

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

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

**GROUND:**

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

23 Prior to the construction of the external surfaces of the development hereby permitted, details of the metal balustrading, and manufacturing details of the aluminium windows and doors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

In the interests of visual amenity, in accordance with Policy D1 of the Thanet Local Plan, and the NPPF.

24 An airing cupboard shall be provided within each flat, as shown on plans numbered 200.01 Rev P6, 200.02 Rev P5, and 200.04 Rev P5, for the benefit of clothes drying facilities.

**GROUND:**

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

25 At least 10% of the development shall be built in compliance with building regulation part M4(2); and at least 5% of the affordable units shall be built in compliance with building regulations part M4 (3).

**GROUND:**

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

26 The refuse storage facilities as specified upon the approved drawing numbered 200.01 Rev P6 shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times.

**GROUND:**

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

SITE, LOCATION AND DESCRIPTION

The site is on the corner of Westbrook Gardens and Canterbury Road. Historically it was used as a kwik fit garage, but the site has been unused and overgrown for at least the last 15 years, with hoarding enclosing the site.

To the east of the site, in Canterbury Road, a pedestrian access adjoins the site, providing access to the rear of properties in Westbrook Gardens and the Former Sea bathing site, which is now in residential use. To the east of the pedestrian access is a 3-storey modern building, with residential use at upper levels and Tesco located at ground floor level. The site lies towards the end of a row of predominantly commercial uses, within the local centre of Westbrook. Buildings within Canterbury Road are mainly terraced, ranging in height from 2-storey to 4-storey; with the buildings opposite the site being 2-storey, and the recently constructed residential block on the former Dog and Duck PH site (within close proximity of the site) being 4-storey. Properties in Canterbury range in design, and include older pitched roof buildings, along with newer flat roof developments.

To the north of the site, properties within Westbrook Gardens consist of terraced residential dwellings that are either 3-storey in height, or 3-storey with a sub-basement level, as can be seen with the terraced row adjacent to the application site. Properties in Westbrook Gardens have a traditional historic appearance, with specific design features such as bay windows, first floor metal balconies, and sash windows, and all properties are constructed in brick.

RELEVANT PLANNING HISTORY

F/TH/06/0356 - Erection of part 4-storey and part 5-storey building containing 18no. flats, with basement parking and access from Westbrook Gardens. Granted - 26 June 2006

F/TH/05/1358 - Erection of a part 5-storey, part 4-storey, flat roofed building to provide 18no. 2-bedroom self-contained flats, and provision of basement parking for 18no. cars, with vehicular access from Westbrook Gardens. Refused - 25 January 2006

F/TH/04/0514 - Demolition of existing Kwik Fit premises and erection of 14no. Apartments and associated parking. Granted - 17 November 2004

Adjacent site history

F/TH/08/1286 - Erection of a 3-storey building containing A1 retail unit on ground floor and 8no. Self-contained flats, and installation of ATM to front elevation and air conditioning units to rear of building - Granted - 18 December 2008

### PROPOSED DEVELOPMENT

The proposal is for the erection of a part 4-storey, part 5-storey building containing 18no. Flats, including 15no. 2-bed units and 3no. 1-bed units. An underground parking area for 16no. vehicles is provided, with vehicular access from Westbrook Gardens.

### DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

H1 - Housing  
H8 - Size and Type of Housing  
H14 - Affordable Housing  
SR5 - Play space  
TR12 - Cycle Parking  
TR16 - Parking Provision  
CF2 - Financial Contributions

Draft Local Plan 2020

QD04 - Technical Standards

### NOTIFICATIONS

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

- loss of light,
- loss of privacy,
- height should be in keeping with neighbouring properties,
- highway safety resulting from the additional vehicles on the roads from the proposed development,

- noise and disturbance.

## CONSULTATIONS

**KCC Highways and Transportation - (*final comments*)** Following comments from the highway authority (HA) on 22nd July the applicants have revised the access arrangement and removed the vehicle lift. The amended drawings show a ramp access which will reduce the likelihood of vehicles queuing on the public highway, and remove the risk of issues associated with failure and maintenance of vehicle lifts. To accommodate the ramp within the site the applicants have removed 2 on site parking spaces, which mean that the site is slightly under the recommended standards. The provision of the access ramp is deemed an improvement in terms of safety, and due to the close proximity of the site to nearby shops and services it is agreed that a slight under provision of 2 spaces is acceptable. The remaining spaces on site must be allocated to ensure that future occupants are aware whether or not they can park on site and avoid abortive movements in and out of the site. It is noted on the revised drawings that the applicants have relocated the refuse storage area to the ground floor, removing the need for bins to be taken from basement to ground floor level on collection dates. To ensure that access visibility in and out of the site is not obstructed the applicants will need to progress a traffic regulation order (TRO) to remove the 2-3 parking spaces located directly at, and alongside, the proposed vehicle entrance. The TRO will need to be carried out separate from the planning process via a best endeavours condition. I confirm that provided the following requirements are secured by condition then I would raise no objection on behalf of the local highway authority.

**(*Initial comments*)** The highway authority (HA) is satisfied with the principle of development in this location; however do have concerns with the proposals as currently submitted. It should be noted that the applicants did not engage with the HA for formal pre-application advice so the designs have not been viewed previously by KCC. The applicants propose to install a vehicle lift on site to access the basement level car park. In general the HA do not support the introduction of vehicle lifts as there are various risks involved with their use, such as:

- Power cuts
- Lift failures / faults / routine maintenance
- Queues onto highway if more than one vehicle is attempting to access the site at once, or is waiting for another driver to exit the site which may lead to reversing back onto the highway. By placing the refuse store on the basement level further risks are presented by these proposals, with increased likelihood of queuing on the highway.

1.) The applicants need to revise the access and parking arrangements for this site, it is suggested that a revised parking layout with an access ramp be considered as the use of parking lifts are unlikely to be accepted in any form by the HA.

2.) The tracked drawings submitted show that access to some of the parking bays is very tight, especially those located near pillars. Some of the tracked drawings show vehicles overlapping other parking bays, which would not be acceptable.

3.) Parking numbers should accord with Kent Residential Parking Standards (IGN3) for a rural location which requires a minimum of 1 parking space per flat, plus 0.2 visitor spaces

per unit. This is the same parking standard recently applied to the nearby site off Westbrook Gardens (ref: TH/17/1788). If adequate parking is not provided on site this will lead to parking overspill into Westbrook Gardens and other nearby residential streets which contain limited parking restrictions. I wish to place a holding objection to this application.

**KCC SUDs - (final comment)** As discussed with yourselves we have specific concerns about the information submitted to support this application, firstly, in relation to the level of detail on surface water drainage matters and secondly in relation to the ability to prove a connection and discharge to the existing public sewer system.

We understand the implications of the comments made by the applicant in relation to our previous comments but would highlight that the dereliction of this site and the lack of a survey of a proven connection may require specific site controls on discharge from the site and have subsequent impact for calculation of attenuation volumes within the proposed development and implications for accommodation within the built-form.

We would highlight that irrespective of any agreement with Southern Water that discharge rates must be consistent with Kent County Council's Drainage and Planning Policy (November 2019). This requires that peak runoff rate from the development must be as close to the greenfield runoff rate as reasonably practicable but at a minimum must achieve a 50% reduction in the pre-development runoff rate. Please refer to the Policy for the full text on this requirement.

If your authority is minded to approve this application, we would recommend the inclusion of specific safeguarding conditions.

**(initial comment)** Kent County Council as Lead Local Flood Authority have reviewed the drainage strategy and SUDs Appraisal carried out by Turner Jomas & Associates (July 2019) and have the following comments:

1. The appraisal report states that the site is currently fully impermeable. It would appear that the site was demolished prior to 2007 and the vegetation growth has occurred since that time. The topographical survey plan indicates site is covered by overgrown vegetation and the contamination study indicates that the site has been clear of structures; therefore pre-development condition should reflect that the site is permeable.

2. The report assumes that the site is currently served by public surface water sewer and proposes maintaining the existing discharge rate and connection. However given the passage of time since demolition occurred there cannot be an assumption of a connection and contribution from the site. Southern Water correspondence clearly states that "alternative means of draining surface water from this development are required. Discharge of surface water runoff to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted and at the discharge rates agreed with Southern Water".

3. The appraisal should include a schematic drainage layout plan and supporting calculations to demonstrate the drainage system operation and the proposed drainage model network.

4. In February 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. The new allowances for peak rainfall intensities have implications for drainage design and should be included within any drainage strategy prepared to accompany a planning application. As LLFA, KCC will require that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%. This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.

5. The drainage strategy must establish the surface water discharge principle and location as part of the appraisal. The site is underlain by the Margate Chalk, therefore opportunity for using infiltration should be investigated. It is not known whether any contamination risk would constrain discharge to ground. This also needs to be confirmed. We consider the information provided are insufficient and incomplete; therefore recommend the application is not determined until additional information is provided for review.

**KCC Archaeology** - Extensive archaeological remains are recorded in the Westgate area. The sites of two iron age and Romano-British settlements are known within a 500m radius of the premises, one at Hartsdown park and one close to the nearby Royal Esplanade. Cropmarks of enclosures are also known directly south of the site. The general potential of the area relates principally to Bronze Age, Iron Age and Roman remains found along the coast line to the west and expected to continue in towards Margate. Recent investigations in close proximity to the present site have revealed remains of prehistoric date. While the site has seen previous development it is not known the extent to which the land below that development was previously disturbed and the present proposal involves substantial excavations including for a basement level.

It is possible that archaeological remains will be disturbed by groundworks involved in development. I therefore advise that a condition for a programme of archaeological work be attached to any forthcoming consent.

**KCC Biodiversity - (*final comment*)** We have reviewed the updated ecological information submitted in support of this planning application and advise that sufficient information has been provided.

Terrestrial Mammals (including Hedgehog)

There is potential for terrestrial mammals, such as Hedgehog (a priority species under the NERC Act 2006) to be present. To ensure hedgehogs are not harmed during the construction phase of the development, the ecology report has recommended precautionary mitigation measures which we advise are implemented. As such, if planning permission is granted, we advise a condition is attached to secure precautionary mitigation measures for hedgehogs.

## 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.

## Thanet and Canterbury SAMM

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP, there is a need for an appropriate assessment to be carried out as part of this application.

## Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. The ecology report recommends several enhancements which are suitable for the development. As such, we advise that a condition is attached to planning permission, if granted.

**(initial comment)** No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development. Although poorly connected and relatively small in size, the development area is densely vegetated and could have the potential for to support protected/notable species, such as badgers and hedgehogs (the latter being a priority species under the NERC Act 2006). As such, we advise that a preliminary ecological appraisal (PEA) is undertaken by a suitably qualified ecologist, in accordance with good practice guidelines - the PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.

**Southern Water - (final comments)** Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. The developer can discharge surface water flow no greater than existing levels if proven to be connected

and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows. All other comments in our response dated 05/08/2019 remain unchanged.

**(initial comments)** Please find attached a plan of the sewer and water records showing the approximate position of a public sewer and water main crossing the site. The exact position of the public sewers and water main must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

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.

Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. Discharge of surface water runoff to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted and at the discharge rates agreed with Southern Water as not introducing detriment to downstream network. Foul and surface water onsite network shall remain separate until the boundary of the site or final connection to public sewer.

**Environment Agency** - Based on the submitted information we consider that planning permission could be granted for the proposed development if the following planning conditions are included as set out below. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.

The previous use of the proposed development site as a PFS and motor vehicle garage presents a high risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer overlain by clay head.

The reports submitted in support of this planning application provide us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the LPA.

**TDC Contaminated Land Officer** - I am writing following review of the above and the desk study report (Ref. S19-489, June 2019, SWEL) submitted in connection with this application.

Given the former Vehicle Sales, Repair and Overhaul use of the site, and anecdotal evidence of tank removal at the site, the report recommends intrusive investigation is undertaken to test the Conceptual Model.

I would therefore be grateful if a safeguarding condition be added, should planning permission be granted.

**TDC Environmental Health** - Upon looking at the application this is the construction of a 4 storey building containing 18 flats. There will also be a basement parking area accessed by a car lift.

When considering the application Environmental health must take into account that:

- it continued to receive complaints about early morning deliveries to the Tesco store adjoining.
- the site itself will be 2 storeys taller than the adjoining Tesco building. There may be services on that building such as air condition unit that are a noise source.
- the site sits on a busy road with often stationary traffic.

With this in mind I request an external noise level condition, the following condition is added to any grant of permission.

I note the inclusion of a car lift at the site. The car lift will sit below a proposed flat within the same development. It will also sit adjoining an unconnected residential dwelling at basement and ground floor levels. To protect that residence I request a noise level condition is added to any grant of permission.

I note that the site has underground allocated parking. The site sits within the Thanet Air Quality Management area. I therefore request an electric vehicle charging condition is added to any grant of permission.

**Crime Prevention Design Advisor** - Having reviewed the on line plans and documentation, the applicant/agent has clearly considered some crime prevention issues in the submitted Planning Statement.

To date we have had no communication from the applicant/agent and there are some additional issues to be addressed, these include:

1. Perimeter and boundary treatments - should be a min of 1.8m high to the route that leads to the rears of the properties on Westbrook Gardens. The current design could affect that route detrimentally without careful security measures being included.
2. There are both gaps and gates shown to the Westbrook Gardens and Canterbury Road boundaries so we are unclear about if these are to be secured or merely a "guideline".
3. Parking security is essential so full height access controlled gates for vehicles only.
4. There are no ground anchors shown for motorbikes or mopeds, it is advised that these are offered to provide secure parking options thus avoiding them being secured outside and becoming vulnerable.
5. This area is very busy for on street parking (not seasonal). We have concerns that the space needed for the access to the lift, any additional vehicle ownership or larger vehicle ownership could increase the potential for conflict.

6. The proximity of the proposed building line and height to the Co-Op ATM and potential effects to the associated cash filling and user security is of concern.
7. Lighting and appropriate CCTV would be required for the lift access, the pedestrian access and the access to the doorstep play space.
8. Access Control to the main entrance should be dual fire and security PAS 24 2016 UKAS certified
9. All doorsets including those to the ground and first floor balconies to all of the communal areas and apartments to be PAS 24 2016 UKAS certified
10. All the windows on the ground floor and any vulnerable to climbing to be PAS 24 2016 UKAS certified
11. Bedroom windows are shown facing the doorstep play space - this requires defensive treatments.
12. Security Compartmentalisation - we recommend that the doors to the different floors are access controlled to minimise the opportunity for unauthorised access.
13. Bin collections - refuse collectors should not have access to the bins via the basement. There are several concerns about the plan as shown and access.
14. The cycle store should be completely separate from the bin store and fully lit and lockable.
15. Mail should be via a "Through the wall" or air lock system, the current plans show that there is a post room however it is around a corner. Trade buttons are not permitted as they are a proven factor for crime in this type of apartment block.
16. All flats to have full audio visual access control.
17. The top floor garden should serve those residents only.

**KCC Development Project Manager** - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

## COMMENTS

The application is brought before members as a departure to Policy H1 of the Thanet Local Plan.

### **Principle**

Policy H1 of the Thanet Local Plan states that residential development on non-allocated sites will be permitted only on previously developed land within the existing built-up confines. Whilst the site address makes reference to a former garage on the site, there is no evidence of any structures on the site, following the clearance of the site there is also no evidence of any hard surfacing. Until recently the site has been overgrown, with vegetation reaching almost 3m in height. Following the site clearance it is possible to see the number of saplings that covered the site from the remaining stumps. It is likely that the demolition of the garage occurred following the granting of the 2004 planning application for the demolition of the garage. The application site is therefore considered to be non-previously developed, contrary to Policy H1 of the Thanet Local Plan.

Whilst the proposed development is considered to be a departure to Policy H1, this policy constraint needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development.

The site is not allocated for housing within the Draft Local Plan, but planning permission has previously been granted in 2006 for 18no. flats, and in 2004 for 14no. flats. There is no extant consent for the development of the site; however, the principle of developing the site was previously considered and accepted under the current adopted Thanet Local Plan (2006), which needs to be afforded some weight within the decision making process.

The site is sustainably located on a bus route, falls within the local centre of Westbrook, and is within walking distance of Margate town centre, Margate train station, and other facilities and services. There are no policy restraints restricting the development of the site.

The principle of developing the site is therefore considered to be acceptable subject to other material planning considerations, including the impact upon the character and appearance of the area, neighbouring living conditions, and highway safety.

### **Character and Appearance**

The proposed development is located on a prominent corner site within the local centre of Westbrook. The site is visible from long views along the Canterbury Road, and is particularly visible from the top of the bridge to the west of the site. There is existing development on either side of the site, and whilst there is no presence of physical development upon the site, historically the site occupied a kwik fit garage. Whilst the site is classed as non-previously developed land given the period of time that has past since its last use, the current openness of the site is not considered to offer any recreational benefits, or intrinsic value to the area, and as such the loss of the open space is not considered to be contrary to Policy SR10 of the Thanet Local Plan.

To the north of the site are traditional three storey dwellings with basement level. The buildings have a bay window at ground floor level with a raised stepped access, and sash windows at the upper levels with balcony at first floor level.

To the east of the site is a 3-storey flat roof building accommodating a retail use at ground floor level with residential above. The building is more modern in its design, with aluminium windows and aluminium French doors with glazed balustrading at first floor level.

The most recently approved scheme for the development of the site was in 2006, prior to the introduction of the NPPF. The approved development was a part 4-storey part 5-storey development that extended across the full width of the site, joining onto no.1 Westbrook Gardens and extending up to the access from Canterbury Road. The design contained a single entrance to the building onto Westbrook Gardens, with a vehicular access leading down to a basement parking area.

This proposal is for the erection of a part 4-storey, part 5-storey development, of a similar scale, layout, and design to the previous consent. The 4-storey element of the design continues to connect with the parapet height of the neighbouring property in Westbrook Gardens; and when viewed in relation to the 3-storey neighbouring building in Canterbury Road, the 4-storey element (which is set in from the side wall at fourth floor level by 1.3m) is not considered to appear detrimental to the street scene. The site is on a prominent corner that fronts a main through road forming the approach into Margate. As such a dominant building of a height that increases incrementally beyond the height of the neighbouring building will provide a presence within the street, with the opportunity to achieve a well-designed landmark building.

Concern has previously been raised with the 5-storey element, which whilst set in and set back slightly from the main side and front elevations, was still shown within the originally submitted plans to expand almost the full width of both frontages. Amended plans have been submitted during the course of the application showing the fifth floor set further away from the proposed side elevations of the main building (by an additional 1.5m in Canterbury Rd and 3.2m in Westbrook Gardens), resulting in a greater concentration of the fifth floor towards the central corner of the building, away from the lower neighbouring properties. Given the setback location of the fifth floor by 1.7m from the main frontage elevation, and the set in of the side elevations as detailed above, along with the use of metal cladding and extensive glazing within the design of the fifth floor, the scale and height of the proposed development is considered to be, on balance, acceptable.

In terms of its location, the proposed development follows the main front building line of the properties in Westbrook Gardens, with the proposed bay windows projecting slightly further than those on the neighbouring properties. In Canterbury Road the proposed building projects forward of the front building line of no.56 Canterbury Road by 1.1m. To the front of the proposed building, small garden areas for each of the associated flats are provided at 3.7m deep, and metal railings with a gated entrance are shown along the boundary, creating a generous defensible space for each of the ground floor flats, whilst also enhancing this prominent corner through the use of soft landscaping. The presence of the front gardens is also characteristic of the properties in Westbrook Gardens.

With regards to the specific design, the proposed building will sit between a modern 3-storey flat roof block with generous window/door proportions (fronting Canterbury Road), and traditional 3-storey pitched roof terraced dwellings (fronting Westbrook Gardens). A more traditional style of property is also present opposite the site, with the key features of the traditional style properties being the bay and sash windows, and the front balconies. The proposed building therefore needs to sit comfortably between these two contrasting styles of building.

The proposed development consists of a brick built flat roof building, which is similar in form to the modern flat roof building fronting Canterbury Road. Within Westbrook Gardens the design as amended seeks to follow the pattern of fenestration viewed within the adjacent terraced dwellings, with upper level windows that follow the proportioning and positioning of the neighbouring windows, along with a balcony feature at first and second floor level to again reflect the design of the adjacent terraced properties, and provide a gentle transition

before reaching the larger modern window proportions proposed within the southern section of the building.

The traditional houses in Westbrook Gardens are terraced and achieve vertical emphasis through the presence of long sash windows and the emphasised elevated entrances. The presence of bay windows and first floor balconies help to add interest to the terraced block, breaking up its expanse. The proposed development continues this approach with the use of the single windows and balcony features, but also with the provision of a full height modern bay feature, which is metal clad with large glazing panels inserted. Using these features in a rhythmic way around the building has enabled the block to be broken up and vertical emphasis added across the wide frontages. This has not only added interest to the design, but achieves a pattern of development that appears in keeping with the surrounding area.

At ground floor level the provision of the basement parking entrance is unfortunate, and detracts from the design, but such a design feature has previously been approved, and enables parking to be achieved on the site that in itself does not visually detract from the area.

Whilst a single main pedestrian entrance to the flats is proposed onto Westbrook Gardens, access points to each flat have been achieved through the front garden areas, via a gated access. This has achieved a more active frontage to both elevations, and again through the presence of doors to each unit achieves the appearance of separate units within the block, in keeping with the adjacent terrace block, and the smaller commercial terraced units within Canterbury Rd.

In terms of materials, brick is the predominant material, in keeping with the nearby traditional properties. Metal is used for the balustrading, windows, and cladding, all of which help to add interest to the design and emphasize the vertical window alignments. As mentioned previously, the fifth floor is fully metal clad with large glazing elements, all of which help to lighten this structure and reduce its dominance within the street scene. Windows are to be set within a reveal of at least 100mm, which will add depth to the design.

Overall it is considered that the scale and height of the building as amended will not appear significantly out of keeping with surrounding development, and the design and materials are considered to be good quality, and sympathetic to the surrounding character and appearance of the area, with the proposal resulting in an enhancement of the site. The proposed development is therefore considered to be in accordance with Policy D1 of the Thanet Local Plan and paragraph 127 of the NPPF.

### **Living Conditions**

The proposal development is adjacent to an existing dwelling on Westbrook Gardens, and an existing block of flats on Canterbury Road.

#### *- Light and outlook*

When considering the impact upon no.1 Westbrook Gardens, there will be limited impact upon any lower level windows, as the proposed development follows the rear building line of

no.1 at ground and first floor level. At second floor level the rear building line of no.1 is setback by 3.4m from the rear building line of the proposed development, and with only a 0.5m gap between the properties, there would be some impact upon light and outlook to the second floor rear window of no.1. A daylight and sunlight study has been submitted with the application, which assesses the impact upon these windows. The study shows that the potential impact to this window, when considering the proposed development, passes the 'Building Research establishment' tests, which are based on the requirements of the British Standard BS 8206 Part 2. Taking account of this submission and following officer assessment, the impact to light from no.1 Westbrook Gardens is considered to be acceptable. Whilst there will also be some loss of outlook, this would be from what appears to be a bedroom window, which has a less extensive use than that of a living room, and therefore given the use, along with the limited depth of 3.4m, 0.5m from the neighbouring building, the impact upon this window, and light to no.1 Westbrook Gardens is considered to be acceptable.

Concern has been raised from residents of flats within the adjacent block to the application site on Canterbury Road. Within the side elevation of the flat block there are 5no. ground floor windows, and 3no. first and second floor windows that would face the proposed development, at a distance of 4.3m from the proposed development. The submitted daylight and sunlight study examines the impact upon these windows, and identifies all of the ground floor and one of each of the first and second floor windows as serving circulation space. The only windows affected are the 2no. bedroom windows, identified as windows 17 and 18 within the sunlight and daylight study. The report shows that there will be a significant impact to these windows, in particular the first floor window, where there is acknowledged to be a 47% loss of daylight. The report concludes that whilst these two windows do not pass the daylight distribution test, the use of the rooms as bedrooms means that the impact is considered to be of less importance than if the windows were serving other habitable rooms such as living rooms and kitchens.

Development has previously been approved on the application site, in both 2004 and 2006. The adjacent Canterbury Road flat development was approved in 2008, when the 2006 consent for the application was still extant. Within the report for the neighbouring site the extant consent for the application site was acknowledged as a material planning consideration, and the potential impact upon the future occupiers of both schemes was considered. The previously approved scheme showed a development much closer to the neighbouring windows, and this impact on future living conditions in the flats was considered acceptable and therefore approved. Whilst that scheme is no longer extant, the relationship between the developments has previously been deemed acceptable by the Council.

Furthermore, through this application amendments have been sought to try to reduce the impact upon these windows, with the latest plans showing the depth of the proposed development reduced by 0.3m, in order to avoid any part of the development from being located directly in front of the neighbouring windows. The impact upon outlook to these windows is therefore considered acceptable, and whilst there will be a detrimental loss of light to two bedrooms, on the basis that the plans have been amended, a similar relationship has previously been approved, and the windows serve bedrooms, which are likely to be utilised less during daylight hours than other habitable rooms, the impact upon the light to

neighbouring occupiers within the adjacent flat block is considered to be, on balance, acceptable.

- *Privacy*

Within the rear elevation of the proposed building there are 2no. bedroom windows located within the northern elevation on each floor, and 2no. bedroom windows located within the eastern elevation. The eastern elevation windows face onto the adjacent flat block in Canterbury Road, with the windows within the flat block opposite the proposed windows serving circulation space, and therefore no privacy is affected.

Within the northern elevation the proposed windows face the very rear of the neighbouring gardens in Westbrook Gardens, with only the end 2m directly affected. There is no direct overlooking of the first 5m of amenity space to the neighbouring properties, and it would appear that a number of outbuildings are located within the nearest neighbouring gardens, which would help to reduce the extent of overlooking.

At fourth floor level one side bedroom window is proposed within the northern elevation, but this would face over the neighbouring roof and towards the blank side wall of the neighbouring rear projection, no.1 Westbrook Gardens, and in addition to the setback distance from the boundary, this will result in minimal overlooking.

Overall the impact upon neighbouring privacy is considered to be acceptable, and in accordance with Policy D1 of the Thanet Local Plan, and paragraph 127 of the NPPF.

### **Future Occupier Living Conditions**

The proposed development does not incorporate any shared secure external amenity space. It is not possible to provide this space at the rear due to the basement parking area, which has an open vehicular access slope to the rear of the building, preventing any further use of this space. Amenity space is provided through the provision of balcony areas, and amenity space is associated with the ground floor units' nos.1-3, but this space can not be classed as secure. The proposal is therefore not able to fully comply with Policy SR5 of the Thanet Local Plan, which requires the provision of doorstep play space for all new residential family units. Three of the proposed units are 1-bed, and would therefore not require external space as they are not classed as family units. For the remaining 15no. units, the lack of any doorstep play space will have some impact upon the amenity for future residents; however, the site is within a few minutes walk of the seafront which provides large areas of amenity space. Whilst the proximity to the seafront does not override the policy requirement for doorstep play space, the location of the development, along with the provision of external amenity space for the ground floor flats and balcony provision for nearly all units, and the limited size of the proposed units and the design constraints of the site, it is considered that the proposal will, on balance, provide an adequate level of amenity for future occupiers.

All of the flats meet the nationally described space standards, as required through Policy QD04 of the Draft Local Plan, and an independently accessed internal refuse store has been provided for all flats at ground floor level, along with a cycle store. Given the lack of external amenity space, the agent has agreed to a condition requiring the provision of airing

cupboards within all units, which will assist with clothes drying, and minimise the likelihood of the balconies from being used for this purpose, which would be to the detriment of visual amenity.

Environmental Health advises that there have been noise complaints recorded regarding deliveries to Tesco, and the site sits on a busy main through road. As such, Environmental Health recommends that a condition be added to any consent to test noise levels from within the proposed development, in order to safeguard the amenity of future residents. Concerns were also previously raised regarding the car lift and the potential for noise to adjoining flats, but following its removal Environmental Health no longer have concerns regarding this issue.

Subject to safeguarding conditions requiring the provision of the refuse and cycle store, clothes drying facilities, and the amenity areas as shown, the impact upon the living conditions of future occupiers is considered to be acceptable, and in accordance with paragraph 127 of the NPPF.

## **Transportation**

The proposal is for the provision of underground parking to serve the 18no. proposed units. The proposed vehicular access is from Westbrook Gardens, with the initial plans submitted with this application showing a car lift to provide basement access. The agent had advised that the car lift proposal was a direct result of discovering that the approved basement vehicular access from the 2006 scheme was not workable, and therefore this was the only proposal that enabled the 18no. parking spaces to be maintained.

KCC Highways and Transportation were consulted, and raised objections with the car lift on the grounds of the risks associated with them, including power cuts, failures, and queues onto the highway if more than one vehicle is attempting to access the site at once, or is waiting for another driver to exit the site, leading to reversing back onto the highway. KCC suggested that the lift be removed and replaced with a ramp. Concerns were also raised with the number of parking spaces proposed, along with a lack of tracking information to prove that safe manoeuvres within the site could be achieved.

Amended plans have been submitted showing the lift replaced with a ramp, but this has led to the number of parking spaces being reduced from 18 to 16.

KCC advises that the amended ramp access will reduce the likelihood of vehicles queuing on the public highway, and remove the risk of issues associated with failure and maintenance of vehicle lifts. Whilst 2no. On site parking spaces have been lost, meaning that the proposed development falls slightly under the recommended standards, the requirement for a safe access to the site is considered to outweigh the lack of parking, and given the sustainable location of the site on a bus route, and within walking distance of the town centre and railway station, along with the reduction in size of 3no. units from 2-bed to one-bed, the lack of 2no. parking spaces are not considered to justify a reason for refusal in this instance.

The relocation of the refuse store from basement level to ground level is shown on the amended plans, which is supported, as this allows for easy access of the bins on refuse collection day, and doesn't require the basement to be accessed by refuse vehicles.

KCC has advised that in order to ensure that access visibility in and out of the site is not obstructed, the applicants will need to progress a traffic regulation order to remove the 2-3 parking spaces located directly at, and alongside, the proposed vehicle entrance.

Secure cycle parking has been provided internally for 20no. bikes, and electric vehicle charging will be provided to each of the allocated parking spaces.

Subject to safeguarding conditions, the impact upon highway safety is considered to be acceptable, and in accordance with the NPPF.

### **Affordable Housing and Unit Sizes**

The proposal is for the erection of 15no. 2-bed flats and 3no. 1-bed flats. Whilst Policy SP19 encourages a range of unit types and sizes across a development site, there are often site constraints that prevent this from happening. In this case, given the size and shape of the site, and its corner location, housing cannot easily be accommodated on the site. A flat block would achieve the optimum use of the site.

The proposal provides for 30% affordable housing, where the greatest need is one and two bed units, and therefore the proposal would meet this local need. Affordable housing provision of 30% is to be secured through the legal agreement on the basis that this site would be developed independently of any other development.

Alternatively, this application site is linked to an allocated housing site in Cliftonville, former St.Georges Hotel, Eastern Esplanade, which has an extant planning permission for the erection of 87no. flats. It was agreed through the legal agreement for the St.Georges planning application that this application site would serve as the off-site affordable housing provision for the development of the St.Georges site. The St.Georges application is extant, and therefore if that development were to commence, there would be a requirement for this site to be provided entirely as affordable housing. On this basis, the provision of all 1-bed and 2-bed units would contribute significantly to local affordable housing need.

The proposal is therefore considered to comply with Policy H14 of the Thanet Local Plan, and Policy SP19 of the Draft Local Plan.

### **Ecology**

A preliminary ecological appraisal has been submitted as part of this application. The report concludes that there is the potential for terrestrial mammals, such as Hedgehogs, to be present within the site. KCC Biodiversity have advised that in order to ensure that hedgehogs are not harmed during the construction phase of the development, precautionary mitigation measures are put in place, which includes any excavations needing to be left overnight either covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm

must also be covered at the end of each work day to prevent animals entering/becoming trapped. Subject to a safeguarding condition securing this mitigation, KCC raises no concerns with the impact upon terrestrial mammals.

The site has been overgrown for a number of years, and birds are often heard within the site during the nesting period. KCC has further advised that this habitat provides opportunities for breeding birds, and therefore any work to vegetation 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. The site has recently been cleared, with the owner confirming that this took place in the last few months, outside of the bird breeding season. The impact upon breeding birds is therefore considered to be acceptable and in accordance with the NPPF, with the provisions of the Wildlife and Countryside Act 1981 remaining in force.

### **Drainage**

Southern Water has advised that a public sewer may be crossing the site, but that it may be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense.

The drainage appraisal report submitted with the application states that the site is currently fully impermeable, and assumes that the site is currently served by a public surface water sewer, and proposes maintaining the existing discharge rate and connection. However, from visiting the site this is not correct, as the former building on the site and any associated hard surfacing has been removed, and the site is now overgrown with numerous tree stumps across the site, proving that the site has been permeable and therefore surface water drained within the site.

Southern Water further advises that there are no dedicated public surface water sewers in the area to serve this development, and that whilst the discharge of surface water to the public combined sewer network may be possible, considerations should be given to alternative means of draining surface water from the development.

A revised drainage strategy has been submitted showing the intention to provide a blue roof system, which will slow down surface water flows to the combined sewer. A storage tank will also be provided within or below basement level, to store the water to restrict the discharge rate to the combined sewer. No information has been provided on the drainage proposal for the basement level or the front gardens area, but KCC has advised that this could all be drained to the storage system, and as such it is likely that surface water drainage could be adequately dealt with within the site, preventing any increase in surface water runoff from the site and increased risk of flooding.

Subject to safeguarding conditions the impact upon flood risk is considered to be acceptable, and in accordance with the NPPF.

### **Contamination**

The Environment Agency advises that the previous use of the site as a motor vehicle garage presents a high risk of residual contamination that could be mobilised during construction to

pollute controlled waters. Controlled waters are sensitive in this location because the application site is located upon a Principal aquifer, which is overlain by clay.

A desktop study has been submitted with the application. The Environment Agency advises that the report submitted provides them with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development, however, safeguarding conditions are necessary to secure further detailed information, without which they would object to the application.

Subject to the safeguarding conditions, the impact upon the public water supply is considered to be acceptable, and in accordance with the NPPF.

### **Archaeology**

KCC Archaeology has advised that extensive archaeological remains are recorded in the Westgate area. The sites of two iron age and Romano-British settlements are known within a 500m radius of the premises, one at Hartsdown park and one close to the nearby Royal Esplanade. Cropmarks of enclosures are also known directly south of the site. The general potential of the area relates principally to Bronze Age, Iron Age and Roman remains found along the coast line to the west and expected to continue in towards Margate. Recent investigations in close proximity to the present site have revealed remains of prehistoric date. While the site has seen previous development it is not known the extent to which the land below that development was previously disturbed and the present proposal involves substantial excavations including for a basement level. It is possible that archaeological remains will be disturbed by groundworks involved in development, and therefore a safeguarding condition requiring a programme of archaeological work is advised. Subject to this condition the impact upon archaeology is considered to be acceptable and in accordance with the NPPF.

### **Financial Contributions**

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

KCC have commented that a financial contribution of £864.28 is required for additional book stock at Margate Library in order to mitigate the impact of the additional borrowers generated from this development.

KCC have requested a financial contribution of £16,464 towards secondary education in the form of the phase 1 expansion of King Ethelbert Secondary School, in order to mitigate the impact from additional children occupying the development.

KCC have requested a financial contribution of £371.28 towards community learning, in the form of additional equipment and resources at the Margate Adult Education Centre.

KCC have requested a financial contribution of £1,179 towards youth services, in the form of additional equipment and resources at the Quarterdeck Youth Centre.

KCC have requested a financial contribution of £2,643.84 towards social care provision, in the form of extra care provision in Thanet.

A contribution towards equipped play provision is required under Policy SR5 of the Thanet Local Plan. The nearest park to the application site is Hartsdown Park. There is a need for new or replacement play equipment at this park, and therefore a financial contribution of £13,125 is sought.

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

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

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

The tariff for this contribution is provided in the SAMM report, and for this development equates to £5,406. This mitigation means that the Council accords with the Habitat Regulations and an appropriate assessment has been undertaken. The applicant has agreed to this contribution, which will be secured through a legal agreement.

### **Heads of Terms**

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

- Special Protection Area - £5,406
- Secondary Education - £16,464
- Libraries - £864.28
- Play equipment - £13,125
- Community learning - £371.28
- Social care - £2,643.84
- 30% affordable housing.

### **Conclusion**

The site is considered to be non-previously developed land, given the time that has passed since the previous use, and the current condition of the land, which is now overgrown. The proposed development is therefore considered to be contrary to Policy H1 of the Thanet Local Plan; however this policy currently has minimal weight in determination due to the Council's current housing land provision.

The proposed development would provide an additional 18no. flats towards the current housing need, which will provide a social benefit. It is also expected that all of these units would be provided as affordable units, if constructed in conjunction with the former St.Georges Hotel development site, which further enhances this social benefit. All of the flats meet the minimum space standards and provide a good standard of amenity for future occupiers, with the only disadvantage being the limited external amenity space; and for neighbouring occupiers the impact upon amenity, whilst balanced, is considered to be acceptable given the historic permissions granted on the site.

Economic benefits will be achieved through the construction of the development, and the occupation of a currently vacant boarded up site.

With regards to the environment, the retention of the site as open space is not considered to be necessary, as the site does not offer recreational benefits, and is not intrinsically valuable to the area. The proposed development is of a scale and height that will not detract from the area, and is of a design that is sympathetic to its surroundings. Whilst the site is sustainably located, off-street car parking is achieved at basement level. Overall the proposal is considered to enhance the character and appearance of the area.

It is therefore considered that the proposed development represents sustainable development in accordance with the NPPF, and it is therefore recommended that members defer and delegate the application for approval, as an acceptable departure to Policy H1 of the Thanet Local Plan, subject to safeguarding conditions, and the submission of a signed legal agreement securing the commitments as identified within the heads of terms of this report within 6 months of any resolution.

**Case Officer**

Emma Fibbens

TITLE: F/TH/19/0889

Project Former Westonville Garage Canterbury Road MARGATE Kent

Scale:

