

D03

F/TH/21/0688

PROPOSAL: Erection of a four storey building containing 26No. 2 bed flats and 8No. 3 bed flats and erection of 3No. 3 storey 4 bed terraced houses, with associated parking, access and landscaping works following demolition of the existing commercial buildings

LOCATION: 2 - 12 Harold Road MARGATE Kent

WARD: Cliftonville West

AGENT: Miss Danielle Ingleston

APPLICANT: 33 London Ltd

RECOMMENDATION: Defer & Delegate

Subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 4052/p210 rev b, 4052/p211 rev b, and 4052/p220, received 10 May 2022; and the revised drawings numbered 4052_p203 rev A, 4052_p206 rev A, 4052_p204 rev A, 4052_p213 rev B, 4052_p216 rev B, 4052_p215 rev B, and 4052_p200 rev A, received 10 February 2022.

GROUND;

To secure the proper development of the area.

3 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

4 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

5 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.

6 Phase 2) Intrusive Investigation

a) An intrusive investigation and updated risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Ground waters and surface waters;
 - Ecological systems;

- (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

b) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. 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 proposed site investigation, remediation and 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.

7 Prior to the commencement of the development hereby approved, including demolition and site clearance, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to, and approved in writing by the Local Planning Authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the Local Planning Authority's request.

GROUND:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation, in accordance with Policy SE03 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 Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto the highway, as shown on the approved plan numbered 4052_p206 rev A should be completed and made operational.

GROUND:

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

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

GROUND:

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

11 The vehicular access gates hereby permitted shall open away from the highway and be set back to a minimum of 5.5 metres from the edge of the highway.

GROUND:

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

12 Prior to the first occupation of the development hereby approved, the redundant vehicle crossing to Harold Road shall be removed and the footway reinstated in accordance with the specifications set out in the Kent Design Guide.

GROUND:

In the interests of highway safety and visual amenity in accordance with Policy QD02 of the Thanet Local Plan and the advice contained within the NPPF.

13 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers 4052_p206 rev A shall be provided and permanently retained.

GROUND:

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

14 Prior to the first occupation of the flats hereby permitted, the secure cycle parking facilities as shown on approved drawing no. 4052_p206 Rev a shall be provided and thereafter maintained. with details of the design to be first submitted to and approved in writing by the Local Planning Authority. The details shall include a double stacked design to accommodate 34.no bikes.

GROUND:

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

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

GROUND

To protect air quality, in accordance with Policy SP14 and SE05 of the Thanet Local Plan and the advice as contained within the NPPF

16 The area shown on the approved plan numbered 4052_p206 rev A for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

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

17 Prior to the first use of the flats hereby approved visibility splays of 2 metres by 2 metres behind the footway on both sides of the vehicular access and parking spaces fronting Harold Road access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

GROUND

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

18 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, the front railings, and any other means of enclosure proposed, which shall include a 1.8m high boundary treatment around the car park area, and a minimum 1.5m high enclosure around the communal and private doorstep playspace,
- ecological enhancements to be provided within the site, including bird boxes,

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

GROUND

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

19 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

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

GROUND

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

21 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 as set out within the tree survey report reference: 1903/07/2021. 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.

22 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.

23 Prior to the first occupation of the development hereby permitted, the doorstep play area as shown on the approved plan numbered 4052_p206 Rev A, shall be provided and thereafter maintained.

GROUND:

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

24 The refuse storage facilities as specified upon the approved drawing numbered 4052_p206 rev A shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times. The 'bin collection' area for the dwellings shall be used on collection day only, with the bins moved back to the bin storage area at all other times.

GROUND:

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

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

GROUND:

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

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

GROUND:

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

27 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been 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, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

28 Prior to the installation of the gate within the access road leading from Norfolk Road, details of the design, materials and method of operation shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be installed in accordance with the approved details.

GROUND:

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

29 Prior to the commencement of development hereby permitted, a land level plan that identifies the location of any retaining walls to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate the height of all boundary treatment to be installed around the perimeter of the site. Development shall be carried out in accordance with the approved details, and any boundary treatment thereafter maintained.

GROUND

In the interests of visual amenity and neighbouring amenity, in accordance with Policies QD02 and QD03 of the Thanet Local Plan

INFORMATIVES

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

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

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

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

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

SITE, LOCATION AND DESCRIPTION

The site is located within the northern end of Harold Road, and lies just outside of the Clifftop Conservation Area (located to the north of the site), and the Norfolk Road Conservation Area (to the east of the site). The site lies within the Cliftonville Development Plan Area, and is surrounded by existing residential development of 2-4 storey in height. Immediately adjacent to the site to the north is a 4-storey pitched roof flat block that fronts Eastern Esplanade, with parking to its rear that adjoins the application site. Adjacent to the site to the south is a three and a half storey building, with parapet wall and setback pitched roof, which contains flats.

The site has a commercial use as a garage, and contains a mix of buildings, including 2-storey pitched roof buildings, large warehouse style pitched roof buildings of a 2-storey height, and flat roof single storey buildings. The buildings extend up to the southern, eastern and part of the northern boundary of the site. The north western area of the site provides a large open hard surfaced forecourt area to serve the garage.

To the front of the site adjoining the pavement is a small brick boundary wall of approximately 0.6m high. Behind this, just forward of the building line, is a small brick wall with a metal palisade fence above.

RELEVANT PLANNING HISTORY

F/TH/20/0802 - Erection of part 5 storey, part 4 storey building including accommodation in roof space containing 41No. 1, 2 and 3 bed flats together with 4No. 3 storey 4 bed terraced houses with associated parking, access and landscaping following demolition of existing commercial buildings.

Withdrawn - 21st October 2020

PROPOSED DEVELOPMENT

The application was originally submitted for the erection of 38no. 2-bed flats and 1no. 3-bed flat, with the erection of 3no. 4-bed terraced houses, resulting in a total of 42no. Units. There has been much negotiation throughout this application that has led to a reduction in unit numbers and the scale of the building.

The current proposal, as amended, is for the demolition of the existing buildings on the site and the erection of a 3-storey flat block that fronts Harold Road, containing 26no. 2-bed flats, and 8no. 3-bed flats; and the erection of 3no. 3-storey 4-bed terraced dwellings to the rear of the site, that are served by an access from Norfolk Road. A total number of 37no. units are now proposed, a reduction of 5no. units from the original submission.

The flats have a communal doorstep playspace to the rear, and a rear parking court area that is served via an undercroft from Harold Road that accommodates 33no. parking spaces. A further 5no. Parking spaces are provided to the front of the site, directly from Harold Road. The terraced houses are each provided with a private garden, along with 6no. off street parking spaces.

The flat block has a flat roof design, with staggered vertical elements that are constructed of red and yellow brick. Projecting bays are provided within the front elevation that are finished with dark grey zinc cladding. The same cladding is used within the main elevations to help break up the brickwork. The windows and doors are proposed as dark grey UPVC. The rear dwellings are pitched roof with grey concrete roof tiles.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP02 - Implementation
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP23 - Affordable Housing
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds
SP35 - Quality Development
SP43 - Safe and Sustainable Travel
SP45 - Transport Infrastructure
HO1 - Housing Development
HO8 - Cliftonville West and Margate Central
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
CC02 - Surface Water Management
SE05 - Air Quality
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Cliftonville Development Plan Document

CV1 - One-bed units
CV3 - Provision of Family Housing in New Developments
CV5 - Cycle Parking Provision

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. A total of 55no. letters of objection have been received, with 15no. letters of objection received in response to the amended plans re-consultation.

The main concerns raised to the amended plans are:

- Loss of privacy,

- Noise nuisance,
- Increased traffic,
- Increased pollution,
- Lack of affordable housing,
- Lack of financial contributions, and subsequent impact upon infrastructure and services,
- Not in keeping with the character of the area,
- Impact upon the conservation area,
- Impact on trees,
- Safety of access onto Norfolk Road,
- Overdevelopment,
- Impact on security if the boundary fence is not maintained,
- Ground level change will impact upon the boundary treatment,
- Access for emergency vehicles,
- Other empty plots that could accommodate housing, rather than demolish an existing business and residential unit,
- Headlight glare from vehicles in parking area,
- Increased use of access onto Norfolk Road,
- Loss of light/outlook,
- Loss of existing residential unit on site, which will forced the existing occupiers to move,
- Potential impact from bins being left at the bin collection point,
- Impact on drainage, existing drains overflow in heavy rain,
- Noise from the electric gate,
- Poor design,
- Low quality housing,
- Increased crime levels,
- Existing buildings should be reused.

The additional concerns raised to the original plans are:

- The proposal exceeds the number the site has been allocated for, and will result in a high number of people living on the site,
- Construction traffic will cause noise, dirt and pollution,
- Does not support the Cliftonville DPD through the loss of jobs and lack of family housing,
- Height of development should not exceed 2-storey,
- Doesn't support the local community,
- Design is not complimentary or sympathetic to existing architecture,
- Impact to health from worsening of air quality,
- Would prefer to see the reuse of the existing building for other commercial uses,
- Police have raised concerns about the project,
- Lack of cycle and parking spaces,
- Lack of green space,
- Loss of commercial unit, which will increase unemployment,
- Building will be too dominant,

Margate CAAG (in response to the original plans) -

Grim design. Unimaginative and does not complement or improve the urban realm
It would be a great shame to lose the unique 1920s garage building and sheds which makes a significant contribution to the historic streetscape.

Loss of this light industrial site will represent a significant loss of employment in the local area.

Anonymous design, no relationship with place history, a complete copy and paste exercise, totally unfit for a Conservation Area

Over-development on a tight urban site.

A development of 42 units of accommodation represents a significant additional strain on the local infrastructure, including drains, schools, roads, etc.

The local plan makes allowance for only 10 units on this site, this is for significantly more.

The main block has a 30 metre long, narrow corridor with no natural light or ventilation on all upper floors.

5th floor has only one means of escape, which may not comply with current fire regulations.

There are no ventilated fire lobbies to protect the fire escape stairs from the common part corridors - Planners should check if there is adequate smoke extraction from the common parts.

Trees in the gardens have very little space to grow - too close to the houses to be practical, garden space too small to accommodate even a photoshopped tree

Houses

The scale of the proposed units will form an overbearing and light blocking mass directly behind numbers 18 and 20 Norfolk Road, and will generate long shadows across numbers 16 to 4 to the North.

Will residents be expected to move their wheelie bins 50m to the street on collection day? Where will the bins be left on the street for collection?

A mature tree currently sits next to the Norfolk Road access road against the boundary of no 16. As a condition, should the development go ahead, can this tree be protected to provide some privacy and noise dampening between the new houses and Norfolk Road properties?

Flats

The scale and massing of the proposed block of flats reflects the grand architectural scale of the main promenade, Eastern Esplanade, not the residential housing of Harold Road. Even Darwin Court on the corner is only four stories (three stories at the junction with Norfolk Road). While Harold Road contains a mixed style and size of properties, the largest of these are semi-detached terraced houses with four floors including the sub-basement. The one exception is the five story (including sub-basement) Madison House which is singularly the most out-of-character, inappropriate and low-quality development on the road representing the poorest of precedents. Only three properties at the southern end of Harold Road have Dormer windows and accommodation at roof level.

The elevations suggest that the entrance road to the 'courtyard' is not high enough to allow delivery, removal, garbage or emergency vehicles to pass through - Planners should check this please.

General

The proposal only references the architectural and material qualities of nearby buildings that are distinctly at-odds with the local built environment. Why does the proposal differ entirely from its immediate surroundings (e.g. uPVC windows not wooden windows, Juliet balconies not bay windows, etc)?

It should be noted that the existing buildings provide premises for several businesses and good-sized period warehousing of the type suitable for artist studios and the creative industries or similar are in short supply in Thanet. These buildings would be ideal for such repurposing.

CONSULTATIONS

KCC Highways -

(Final comment)

Further to my previous comments dated 21st June 2021 on the above planning application and additional consultation with the applicant, I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority.

(Initial comment)

Thank you for your consultation in relation to the above planning application. I note that in highway terms this application differs little materially from the previous proposal submitted under planning ref. F/TH/20/0802, so many of my comments with respect to highway matters will be the same as before. For convenience I reiterate my points and comment on updates provided through the new Transport Statement where applicable:

- 1) Having considered the proposed trip generation within the submitted Transport Statement, I agree with the conclusion that this residential development would likely generate fewer trips on the local road network than the existing approved commercial use of the site. Consequently we would not wish to object to the principle of this development.
- 2) Whilst the form of the proposed accesses to the site may be considered acceptable, their implementation along Harold Road will result in the loss of four marked on-street parking bays. I recommended previously that Thanet Parking Services were consulted on their loss, which has subsequently been considered acceptable.
- 3) Further to the accesses, the proposed driveways would need to be supported with pedestrian visibility splays of 2 metres x 2 metres, with no obstructions over 0.6 metres within the splays.
- 4) Although I am generally satisfied with the level of residential parking on offer I find that visitor parking falls below our current standards. For 45 dwellings we would expect the provision of nine visitor parking bays whereas only two have been offered on-site. Combined with the loss of on-street parking outside the site this shortfall would need to be addressed.

5) Cycle parking is indicated to the south of the site although we would require further details as it does not appear that there is space to feasibly store 42 cycles there, as well as this location being poorly overlooked. Cycle storage should be secure, covered and lit for the convenience of users and to increase their use. A good rule of thumb with cycle storage is also to allow 60cm width per cycle, for accessibility.

6) I note that my previous comments regarding refuse collection have been addressed, with collections to take place within short distances from the public highway.

7) I note that EV charging has been offered in accordance with our previous request and is considered satisfactory.

8) An additional point associated with this application is the altered vehicular access to the flats, which is acceptable in principle although I would recommend that instead of providing a zebra crossing on-site, drop kerbs and tactile pavers are used either side of the bellmouth within the highway boundary to serve pedestrians walking along Harold Road.

9) One further point of note would be the presence of a Virgin Media Cabinet within the proposed bellmouth. I would urge the applicant to contact the operator to determine the process and costs involved in relocating this equipment.

KCC Biodiversity -

(Final Comment)

We have reviewed the ecological information submitted with the planning application and we are satisfied with the conclusions of the report - no further surveys are required to be submitted.

The ecological report have concluded that bats are unlikely to be roosting within the buildings

- the surveys were carried out at the very end/outside of the optimum bat survey season but we accept that if bats were roosting within the buildings it's likely that they would have been recorded during the emergence surveys.

The mature trees are to be retained and it is possible they contain suitable features for roosting bats as they were not fully examined properly during the survey. As the are to be retained we are satisfied that no updated assessments are required - however we advise that no external lighting must be directed towards the trees.

Lighting can negatively impact bats and we recommend that any lighting condition requires the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

The buildings have potential to be used by breeding birds and we advise that if planning permission is granted a breeding bird informative is included - suggested wording at the end of the report.

One of the principles of the National Planning Policy Framework is that "opportunities to improve biodiversity in and around developments should be integrated as part of their design" The ecological report has made recommendations to enhance the site for biodiversity and we advise that if planning permission is granted a detailed ecological enhancement plan is submitted as a condition of planning permission - suggested wording at the end of the report.

(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.

We have taken this view as the building proposed for demolition has a tiled roof which appears to have a number of gaps which may be used by roosting bats and as such the proposal may impact roosting bats. Therefore we advise that a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines - the PEA will assess the building internally and externally for its suitability to be used by roosting bats in addition to assessing any other habitats and features

within and around the site and identify if there is a need for bat emergence surveys or other species surveys.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the PEA report, OR, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought as part of the planning application. This is in accordance with paragraph 99 of ODPM

06/2005 which states: "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". The PEA / EclA must make recommendations for appropriate ecological enhancements to be incorporated in to the site.

Designated Sites

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of

International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

KCC Archaeology - Given the substantial effect of present and previous development on the site I am satisfied that no archaeological measures are necessary

KCC Accommodation - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

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

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

the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

KCC SUDs - Kent County Council as Lead Local Flood Authority have reviewed the application with supporting documentation and can provide the following comments:

It is understood that the earlier planning application F/TH/20/0802 was withdrawn and a fresh application has been submitted, containing several revisions to the design and layout. The Surface/ Foul Water Drainage Strategy Report provided within the previous submission has been updated in light of these amendments however, the principles of permeable paving and cellular soakaway's remain.

Within our consultation response for the previous application, we requested that infiltration testing be carried out at this stage to demonstrate that sufficient rates can be achieved. The only option for management of surface water should rates not be suitable is a controlled discharge to the Foul sewer, of which is not preferred.

The Planning Statement by DHA Planning states that undertaking ground investigations (including infiltration testing) would be difficult as the site is currently occupied and in use.

DHA Planning highlight that they are accepting of a pre-commencement detailed design condition being attached to this application.

Whilst we would usually pursue for infiltration testing to be undertaken now, it is accepted that this is not practical in the current setting. Therefore, the LLFA would be agreeable for testing to be carried out at detailed design. We would highlight that the design may have to be modified depending upon the results from the tests and therefore can have the potential to impact the site layout.

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

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 hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

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.

Environment Agency - We have assessed this application as having a low environmental risk. We therefore have no comments to make.

TDC Environmental Health - I have reviewed the application and confirm that an AQ or Emissions Mitigation is not required but EV condition is. The Contaminated Land Assessment is phase one only so the phase 2 is still required.

Our previous comments requested a 1.8 metre closeboard fence to enclose the car park to protect against car light and noise issues to surrounding dwellings. I note within the design and access statement a mention of a wall. If this is to cover our comments on the previous application then can the applicant expand on this. If it is to only cover certain parts of the site then this would need to be shown on a plan. I would also want to confirm the height of the wall as anything below 5ft (or 1 metre) would be ineffective.

I also note the intention of the provision of 8 EV charging points, something which we welcome. However in my view this may not be sufficient. The growing use of electric vehicles and the expectation prohibition on the sale of diesel and petrol cars means that every parking space will likely be electric at some point in the future. Our usual condition for such applications is :

All gas-fired boilers (if applicable) to meet a minimum standard of <40mgNOx/kWh

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

Looking at the plan provided it appears that there will be one parking space per flat (unclear if allocated) and three allocated slots for the houses plus two visitor bays. Obviously the three allocated bays for the houses will have to be EV points. The visitor bays will not necessarily. Can the applicant confirm if the remaining spaces for the flats (spaces 1-39) are going to be allocated or unallocated parking. It may mention this in the application information but I could not immediately find it.

Given the proximity to other residential dwellings the demolition and construction process will cause disturbance. I therefore request a construction / demolition management plan. There is a relevant condition that covers this. This was missed from our previous comments on the last application but I feel it is certainly relevant.

TDC Conservation Officer - 2 - 12 Harold Road is a large site located not directly within but adjacent to two separate conservation areas.

This application looks to demolish the buildings existing on the site and rebuild something much more substantial but more unified.

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.'

As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area.'

New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

Guidance under the National Design Guide Section C2, Paragraph 45 highlights that when determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape and paragraph 47 which states Well-designed places and buildings are influenced positively by the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.

The site itself is not located within the conservation area however it is adjacent to two separate designated areas, Norfolk Road, Warwick Road, Surrey Road and Clifftop Conservation Area and as such needs to consider its implication to the setting and appearance of the nearby environment.

Initial review of the application set out in principle the acceptability of the demolition of the existing building, at this time given their age, construction, form and visual appearance they offer no positive contribution to the site or the nearby surrounding conservation areas. Instead it appears as later addition warehouse development offering little in the way of historic contributions.

Initially some concerns were raised regarding the harm to the conservation environment to the rear of the site as this is directly adjacent to the conservation area boundary and as such would have a greater level of impact. In response to this the rear development form has been staggered and stepped away from this boundary reducing the direct infringement of designated space whilst creating interest in the proposed rear elevation.

The scale of the proposed, although greater than that of buildings proposed for demolition, is lesser than that of the surrounding street scene as well as adjacent roof lines, as such it is not considered dominant or overbearing. A view could be taken that the loss of open space here impacts negatively in terms of views through the site, however the overall visual improvement of the space as well as the requirement of new homes is considered to outweigh this element, even more so as it is not directly situated in the conservation environment.

From the street scene of Norfolk Road minimal or glimpse views will be perceived from the primary public spaces and as such I do not see a substantial level of harm here. The main glimpse view will be created through the line of sight of the proposed access already in existence.

Although I do believe that there will be some level of harm caused to the perceived setting and appearance of the nearby conservation environment I do not believe this to be of a substantial level with amendments made to mitigate the overall harm where possible. The proposed scheme is greater in height but not to a scale to negatively impact the perceivable street scene, with the footprint of the new scheme actually following the line of the street rather than being so set back like it is currently.

Overall I do not believe the proposed scheme causes a substantial level of direct harm to the setting and appearance of the surrounding conservation area and subsequently I consider it to meet with the aforementioned legislation requirements, therefore I do not object to the proposed application.

If this application is successful I would suggest that further information regarding hard surfaces, boundary treatments and general materials of the buildings themselves be met through condition.

TDC Strategic Housing Officer -

(Final Comment)

In regards to the above amended planning application TDC Strategic Housing note the previous comments made on 16th June 2021, which are still relevant regarding this scheme. The scheme does not provide any affordable housing; therefore, is not compliant with Policy SP23. A Financial Viability Assessment carried out in September 2021 by Dixon Searle

Partnership acknowledges the indicative scheme is not viable and unable to provide a policy compliant level of affordable housing; therefore, Strategic Housing strongly objects to this proposal.

(Initial Comment)

Upon review of the submitted Planning Statement (May 2020), the level of affordable home provision proposed does not align with Thanet District Council's Local Plan (adopted July 2020). Policy SP23 requires residential schemes of 10 or more units to provide 30% of the dwellings as affordable housing, including extra care facilities falling under the Use Class C3.

To be policy compliant, a contribution of 30% affordable housing (AH) is required. The 30% AH shall be split 70% Affordable Rent (AR) and 30% Shared Ownership (SO) which equates to 12.6 units rounded to 13no. AH units - split 9no. AR and 4no. SO. However, the exact tenure split can be confirmed during the course of the application process.

The Financial Viability Assessment (May 2021) ref: AGH/DI/14191 submitted with the planning application seeks to demonstrate the proposed development is unviable with the inclusion of the Affordable Housing Provision and Section 106 contributions; therefore, it is strongly recommended that the Financial Viability Assessment is assessed by an independent 3rd party viability assessor.

TDC Waste and Recycling -

(Final Comment)

This looks good to me. It's always nice when bin stores are at the front of the development and we don't have to try to get in. The only point I would want to raise is that the residents of the 3 houses need to understand that the bins will need to be presented at the bin collection point by 6am on the morning of collection and that they will need to return them to within the gated area as soon as possible after collection.

(Initial Comment)

It appears that there is a bin store at the front entrance to the site, if this is the location for all the sites bins then this is acceptable, if not please advise accordingly. As with all new developments we wish to be kept advised of progress. As always we have concerns around access, parking, street furniture placement and residents being moved onto the site prior to building works being completed. For us to collect we will need to see proof of vehicle tracking, site completion and will need to make a site visit prior to collections starting.

Primary Care Team (CCG) - NHS Kent and Medway Group (CCG) has delegated co-commissioning responsibility for general practice services in East Kent and is the body that reviews planning applications to assess the direct impact on general practice.

I refer to the above full planning application which concerns the proposed residential development comprising up to 42 dwellings.

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

Kent Police -

(Final Comment)

We have reviewed the amended documents and note within the DAS the application of SBD within this site, further to our comments dated 29th June 2021.

We request a condition for this site to follow SBD Homes 2019 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. Whilst most of our points from our previous letters have now been included within the design we recommend the following;

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways/ side entrances must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. Parking areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:
"18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided."
Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018

Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.

8. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

9. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats. We advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area and sheds of dwellings.

11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. For the houses, we recommend SBD TS008. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

12. CCTV is advised for all communal entry points and to cover the mail delivery area.

(Initial Comment)

With regard to this planning application, whilst we note the amendments, we cannot recommend approval for this application as shown on the planning portal at 30/04/21. As our previous comments dated 21 August 2020 on application F/TH/20/0802 have not been addressed.

We request a condition for this site to follow SBD Homes 2019 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

If the points above are not addressed, they can affect the development and local policing. Current levels of reported crime have been taken into account.

Natural England - Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING

APPROPRIATE MITIGATION

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.

COMMENTS

The application is brought before members following a call-in request by Cllr Heather Keen on the grounds of overdevelopment.

Principle

- *New Housing*

The existing garage use is not protected, and therefore the loss of the commercial use is not considered to be contrary to Policy.

The proposed residential development is located on previously developed land within the urban confines, and is allocated within the Thanet Local Plan for housing under Policy HO1,

for a notional dwelling capacity of 10no. units (which are indicated for the purposes of illustrating total land supply and do not signify that consent will be granted for particular numbers at any site). Whilst the proposal significantly exceeds this number, the preamble to the policy states that 'capacity on individual sites will be considered in light of planning policy and usual development management considerations', and therefore the acceptability of the proposal is dependent upon other material planning considerations, such as the impact upon the character and appearance of the area, living conditions, and highway safety. The principle of residential development is therefore considered to be acceptable and in accordance with Thanet Local Plan Policies SP01 and HO1.

- ***Cliftonville West Renewal Area***

The site is located within the Cliftonville West Renewal Area, which is covered by Policy H08 of the Thanet Local Plan and policies contained within the Cliftonville Development Plan document.

Policy H08 relates to development within the Cliftonville West area, and supports proposals for residential accommodation where it provides high quality homes, increases the number of family homes, contributes to the creation of mixed settled communities in which families and individuals will want to live, and where it makes a positive contribution to the street scene and environmental quality of the area.

The proposal includes 3no. 4-bed dwellings, and 8no. 3-bed flats, all of which would be able to accommodate families. The remainder of the units are 2-bed, and which are still considered suitable as family units. Given the variety of unit sizes and the mix of unit types it is considered that a mixed settled community would be created in accordance with the policy. The design and visual impact elements are discussed within the character and appearance section of this report.

The Cliftonville Development Plan Document (CDPD) is aimed at the regeneration of Cliftonville West through the improvement of housing accommodation which is expected to play a major role in achieving the objectives of breaking the deprivation cycle associated with the oversupply of small, poor quality accommodation.

Policy CV1 of the CDPD does not permit the creation of one bedroom flats, bedsits/studio flats of non-self contained residential accommodation within this area. This includes provision by way of conversion of existing buildings and new build. The application proposal does not include the provision of any one bed units, and therefore complies with this policy.

Policy CV3 of the CDPD states that in new development or redevelopment flats of any size will not be permitted unless it can be clearly demonstrated that there are overriding design or townscape reasons for allowing such development and no acceptable design solution can be found to accommodate individual family dwellings.

The site is allocated within the Thanet Local Plan for a notional 10no. units, yet the proposal is for 37no. units. There have been numerous discussions with the applicant about whether a 10-bed housing scheme could be accommodated on the site, but the agent has stated that such a proposal is unviable, and the site can only be developed using a mix of dwellings and

flats. The site lies within a road that is characterised by large buildings that are predominantly 3-storey in height. A similar height development would therefore be expected on this site. The site is also extremely deep, with a number of similar depth sites within the road accommodating development to the rear. Given the size of the site, and the need for such large buildings in keeping with the area, along with the viability concerns that are covered within the viability section of this report, it seems reasonable to consider a mix of unit types under Policy CV3.

Subject to the size of the units complying with the nationally described space standards, and the design being of good quality and contributing to the regeneration of the area, the proposal is considered to comply with Policy HO8 of the Thanet Local Plan, and Policies CV1 and CV3 of the CDPD.

Character and Appearance

Policy QD02 of the Thanet Local Plan states that 'the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. Development must relate to the surrounding development, form and layout and strengthen links to the adjacent areas; be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality; be compatible with neighbouring buildings and spaces and be inclusive in its design for all users; incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access; and improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime.

The proposal seeks to demolish the existing buildings on the site. Some neighbouring comments have been received asking why the existing buildings could not be retained. There is the potential for the existing buildings to be retained if the existing or an alternative commercial use were to be accommodated on the site; however, the site is allocated for residential use within the local plan, and the existing buildings could not easily be converted for residential use given the large footprint of the buildings and the footprint of the buildings being on neighbouring boundaries, which prevents the ability to insert any new openings within the building without significantly impacting upon neighbouring amenity.

The originally submitted plans for the new residential development raised concerns, as the height and scale of the building was considered to be out of keeping with the character of the area, and an appropriate balance between the built form, amenity space and parking was not considered to have been achieved, resulting in a poor quality form of development.

Amended plans have been submitted that reduce the number of flats from 39 to 34, which has enabled the height and scale of the building to be reduced. This has also reduced the size of the space allocated for parking, and increased the area of amenity green space, both around and to the rear of the building.

The proposal, as now amended, is for the erection of a 4-storey block of flats that fronts Harold Road. In terms of the height of the building, the partial fifth floor element has now been removed, with the building now entirely 4-storey in height. Given the presence of a 4-storey building to the north of the site, and a three and a half storey building to the south of the site, a 4-storey building in this location is considered to be in keeping with the character of the area, and the overall streetscene.

In terms of scale, the amendments have led to the reduced depth of the building. The building is now approximately 20m deep, although the footprint is staggered allowing for shallower sections of buildings where they are more visible from the street. Overall, given that the site is larger in size than surrounding plots, a building that is slightly deeper could be supported on the site if a spacious setting around the building is achieved. The southern side elevation of the proposed building is approximately 2.5m from the side elevation of nos. 14-16, and therefore only narrow views of the building depth through this space will be achievable. The building is 11.4m deep at this point, (which is shallower than the neighbouring property) and then extends a further 8.2m but with this section set in from the main side elevation by 1.6m to provide a staggered side elevation. The rear section is therefore unlikely to be visible from the street.

Views towards the site from the north are important as north of the site is the conservation area, so views of the development could impact upon the setting of the conservation area. The amendments have sought to stagger this northern side elevation, with the introduction of quite a deep 4m setback for the rear element, which has helped in breaking up this elevation, and reducing the perceived scale of the building from the street and the nearby conservation area. The central section of the building is provided with quite a consistent depth. There are limited views of the central section from the surrounding area, with only a narrow view possible through the undercroft, but again the elevations either side of the undercroft are staggered so the full depth of the building is not fully visible in these views.

Within the street there is a range of building styles and designs. There is a mix of terraced blocks, semi-detached units and detached units; and there is a mix of building styles, with some gable fronted and some pitched roof, whilst others are flat roof, or have parapets with shallow pitched roofs behind. Some are very traditionally designed buildings with full height bay window projections, whilst others are more modern in their design with completely different fenestration and materials.

The site is located between a large pitched roof flat block that is brick built with casement windows to the north, and a more traditional pair of semi-detached buildings (that appear to be subdivided as flats) with bay window projections, a parapet to the roof, and render finish to the south. The existing buildings on the site are large warehouse style buildings, with smaller 2-storey pitched roof buildings with casement windows to the front of the site. When considering the acceptability of the proposal, consideration needs to be given to the scale and design of the existing buildings on the site, and whether the proposed development would represent an enhancement of the site.

The proposed flats are brick built with a flat roof set behind a parapet wall. Modern window proportions have been used, with the majority of openings accommodating floor to ceiling glazing. The building has a staggered front building line that enables the width of the building

to be broken up utilising separate vertical elements that differ in material to one another. Within each vertical element a similar window pattern has been used to that within traditional style properties, with one larger window next to a smaller window, giving the impression of a terraced block. Modern bay projections have been used across the frontage to provide depth and interest, whilst also introducing a feature that is characteristic of many of the properties within Harold Road. Many of the openings form balconettes, which are similar characteristics to the balconies viewed on the Eastern Esplanade development to the north, the modern flat block to the south, along with a few of the traditional buildings within Harold Road. Materials have been used to break up the perceived height of the development, with metal cladding used on the top floor of two of the blocks, which provides a mansard roof appearance, and gives the impression of a staggered roof line. Overall the design is considered to be in keeping with the varied streetscene, and accommodate particular features that are sympathetic to the local character of the area. In addition the palette of external materials will represent the vernacular of the area, assisting in assimilating the development into the streetscene.

In terms of the flats layout, the development follows the front building line of the semi-detached building nos. 14-16, but is setback behind the building line of the Eastern Esplanade development, with a setback from the pavement of approximately 5m. Within this frontage space are 5no. parking spaces, but the remainder of the space will accommodate soft landscaping, which will help to soften the development when viewed from the street, and will be a visual improvement to the existing situation which has the whole site hard surfaced.

Within the north western corner of the site the neighbouring tree is being retained, and 4m wide soft landscaping provided, which reduces to 2.1m wide, before increasing in width as it reaches the rear of the building to create the communal amenity space to serve the flats. Two mature trees exist in the north eastern corner of the site. These will be retained as they will be located within the proposed communal amenity space.

A further communal amenity area is proposed to the rear of the southern building. The communal amenity areas combined create a space of approximately 21m by 8m, which provides a good soft landscaped setting to the building.

Beyond the amenity space a large parking area is proposed. Within this space there is some soft landscaping to the corners, where there is scope for potential new tree planting. No details of the hard surfacing has been provided, although the drainage strategy proposes that these areas will have permeable paving, which is encouraged. The proposal is considered to provide a good overall layout, with frontage development onto Harold Road, sufficient amenity space to serve the future occupiers of the development and provide a spacious soft landscaped setting to the building, and then parking located at the furthest rear point where it will have least visual impact from the street.

The proposed houses are located to the rear of properties in Norfolk Road. They will form an isolated development that does not interact with the flat development, however their design and materials means that visually they are likely to be viewed as part of the flat scheme forming an overall comprehensive development. The houses are separately accessed from Norfolk Road utilising an existing access, and will front onto the access road, with parking provision located opposite the units. The proposed dwellings are 3-storey in height, but

consist of 2-storey dwellings to eaves level with accommodation at roof level, and are therefore more modest in height and scale than the flat block. The dwellings have pitched roofs, which is characteristic of buildings within Norfolk Road. A simple design approach has been used with casement windows, and small flat roof dormers within the roofspace. A mix of yellow and red brick has been used along with grey concrete roof tiles. Whilst the proposed dwellings represent backland development, backland development is characteristic of the local pattern of development, which has resulted from the significant distances that exist between the frontage buildings in both Norfolk and Harold Road, leading to many examples of infill development (with commercial buildings covering the whole of the proposed footprint of the dwellings currently). Given the surrounding pattern of development, alongside the comprehensive form of development being achieved through this scheme, the layout of the proposed dwellings is considered to be acceptable.

The site lies adjacent to two conservation areas, Clifftop Conservation Area to the north, and Norfolk Road Conservation Area to the east. The Conservation Officer has advised that whilst there will be some level of harm caused to the perceived setting and appearance of the nearby conservation environment through the loss of space, she does not believe this to be a substantial level of harm given the amendments that have been made to mitigate the overall harm. She advises that whilst the proposed scheme is greater in height than the existing buildings, it is not of a scale to negatively impact the perceivable street scene, with the footprint of the new scheme following the line of the street rather than being so set back like it is currently. It is agreed that whilst the development would result in a change to the visual appearance of the environment that, following the amendments, the development would not negatively impact on the setting or significance of the neighbouring Conservation areas.

Concern has been raised regarding safety, and the Kent Police comment has been mentioned. Within the final comment from the Police they recommend that all boundary treatment is a minimum of 1.8m high, lighting is included, windows are orientated to provide natural surveillance of the parking area, and refuse stores/cycle stores are locked. These comments are all addressed through safeguarding conditions requiring details of the lighting, boundary treatment, refuse storage etc, and the building has been orientated so that main habitable room windows will all overlook the parking court. As such the concerns regarding safety are considered to have been addressed.

Overall, given the substantial amendments that have been made to the proposal, the scale, layout, height and design of the proposed development are now considered to be in keeping with the character and appearance of the area, and provide an enhancement to the visual amenities of the area. The impact upon the setting of the conservation area is also viewed as acceptable. Given the need for housing within the district, and the benefits from an increased level of residential units on the site, it is considered that the social and economic benefits of the housing would significantly outweigh any environmental harm associated with the scale of the development. As such, the proposal is considered to comply with Policies QD02 and HE02 of the Thanet Local Plan, and paragraph 130 of the NPPF.

Living Conditions

- ***Neighbouring Occupiers***

The main neighbouring properties affected are those to the south of the development in Harold Road, and those that back onto the development in Norfolk Road.

When considering light and outlook, Barber Court to the south is located 2.6m from the main frontage of the proposed development, and 4.4m from the rear section of the proposed development. The development extends beyond the rear elevation of the neighbouring development by approximately 5.4m, however, given the distance of this rear element from the neighbouring property, no part of the development would fall within the 45 degree line from the nearest habitable room window within the rear of Barber Court. For all other neighbours the distance to the proposed development, including the proposed dwellings, is significant, so there will be no unacceptable impact upon neighbouring light or outlook.

In considering overlooking, there are no side facing windows within the proposed southern elevation, so the impact from the flats on the privacy of the occupiers of Barber Court is considered to be acceptable. There is a minimum distance of 44m between the rear elevation of the flats and the neighbouring properties in Norfolk Road, so even though some shallow balconies to the rear are proposed, the distance is significant enough to prevent any significant loss of privacy for the neighbouring occupiers in Norfolk Road. To the north of the proposed flat block is Darwin Court, an existing flat block. Whilst side windows are proposed within the northern elevation of the flat development, these will overlook the parking area associated with Darwin Court, and have no private amenity space. Within the closest side elevation of Darwin Court there are no windows. The closest side windows within Darwin Court are setback at a minimum distance of 20m to the proposed side elevation of the development. Some rear windows within the proposed development will face towards the communal amenity space serving Darwin Court, but there is tree screening in between that is being retained, there is a distance of at least 9m, and the communal amenity space is not a private space, as it is currently overlooked by occupiers of Darwin Court and properties within Norfolk Road. As such, the impact upon the privacy of occupiers within Darwin Court is considered to be acceptable.

Concern has been raised by properties in Norfolk Road that the 3no. proposed dwellings will overlook and cause noise and disturbance concerns from the use of the access. In terms of overlooking, the proposed dwellings will be constructed at a ground level approximately one metre lower than the land level of Norfolk Road, with a distance of 24m between the front elevation of the proposed dwellings and the rear elevation of nos. 20-22 Norfolk Road. The proposed dwellings are classed as 3-storey as they have accommodation at roof level, however the buildings are only 2-storey to eaves level, and will therefore have a lower eaves level than the properties in Norfolk Road due to the reduced ground level. It is acknowledged that the dormer window at roof level may give the perception of overlooking, which does not exist at the moment from the existing garage use. As a result amended plans have been submitted removing the dormer window and replacing it with a velux window that will reduce any loss of privacy. Given the distance, the reduced ground level and this design amendment, the impact upon the privacy of the properties in Norfolk Road is considered to be acceptable.

In terms of the noise and disturbance concerns, the access is an existing access serving a commercial use. Consideration therefore needs to be given as to whether the proposal will

result in a significant increase in noise and disturbance when compared to the existing use. Although neighbouring occupiers have commented that the access is limited in its use, the use of the access could be significantly increased if an alternative commercial use were to take over the site or alternative usage by the current operator were to change. The access is used for vehicles related to servicing, repairs and MOTs, and the submitted transport statement has confirmed that the number of trips linked to the proposed use is likely to be less than the number of trips generated by the existing use, and on this basis the general use of the access during the day is likely to be less than that from the existing use. Whilst there may be a slight increase in noise and disturbance during unsociable hours, this access will only serve 3no. units, and therefore it is not considered that the additional noise and disturbance from vehicles accessing these three units will result in a significant impact on the living conditions of adjacent residents.

Whilst there may be some noise and disturbance resulting from the proposed car parking area to the centre of the site, it is intended that a boundary treatment of minimum height 1.8m is erected around the parking area. The parking area lies adjacent to the proposed dwellings, the communal garden associated with Darwin Court, and the rear gardens to properties in Norfolk Road. There is a distance of approximately 12m at the closest point between the neighbouring properties in Norfolk Road and the parking spaces, and there is a rear alleyway located between the rear gardens and the parking spaces. Consideration again needs to be given to how much of an increase in noise and disturbance there would be from the proposed use of this parking area when compared to the existing service/MOT garage and parking court area. Given the existing use it is not considered that a significant increase in noise and disturbance will occur from vehicles, so this impact is considered to be acceptable.

Concern has been raised by neighbouring residents regarding the ground level changes across the site and the resulting boundary treatment heights. A condition has been attached requesting a land level plan to be submitted, along with any intended retaining walls within the site, and details of all boundary treatment, to make sure that the boundary treatment is of an adequate height to reduce any harm to neighbouring amenity.

Overall, given the amended plans and the resulting distance to neighbouring properties, the impact to neighbouring amenity is considered to be acceptable, and in accordance with Policy QD03 of the Thanet Local Plan, and paragraph 130 of the NPPF.

A comment has been received from the current residential occupier within the site, and their concerns regarding the loss of their accommodation. Whilst the loss of the existing residential use is unfortunate, it is being replaced with a larger number of units which will optimise the use of the site, and therefore this needs to be given great weight in the decision making process.

- ***Future Occupiers***

The proposed development complies with the nationally described space standards as set out within Policy QD04 of the Thanet Local Plan, with the minimum 2-bed flat size being 67sqm, exceeding the 61sqm requirement; and the minimum 3-bed flat size being 92sqm,

exceeding the 86sqm requirement. The houses are 118sqm, which exceeds the 112sqm requirement.

In terms of accessible units, 10% of the units will be built in compliance with building regulation part M4(2) accessible and adaptable units, with at least four of the ground floor units complying with this requirement. As such the proposal will comply with Policy QD05 of the Thanet Local Plan.

Each dwelling is provided with doorstep playspace of approximately 11.5m deep by 5.4m wide. A communal doorstep playspace has been provided to serve the flats measuring approximately 21m by 8m, which is considered to be of an adequate size. The proposal therefore complies with Policies GI04 and QD03 of the Thanet Local Plan in terms of doorstep playspace.

The flats and dwelling have each been provided with a refuse storage area and a cycle storage area. Clothes drying will be possible within the private/communal amenity space.

The impact upon the future occupiers of the development is therefore considered to be acceptable, and in accordance with Policy QD03 of the Thanet Local Plan, and paragraph 130 of the NPPF.

Transportation

The application, as amended, includes the creation of a new access point into the development from Harold Road, and the use of the existing access onto Norfolk Road. The proposal provides a large parking court behind the proposed flat block that accommodates 33no. parking spaces. A further 5no. parking spaces are proposed to the front of the development that are accessed directly from Harold Road. The proposed dwellings accessed from Norfolk Road are provided with 6no. parking spaces.

A transport statement has been submitted with the application, which considers the trip generation of the existing commercial use, and compares this to the trip generation expected through the proposed development. The existing trip generation is determined as 26 vehicle trips in the morning peak hour, and up to 20 vehicle trips in the evening peak hour, resulting in a total of 223 vehicle trips expected across a 12 hour day.

The proposed trip generation based upon the original 39no. flat units are expected as 83 vehicle trips across a 12 hour day. This is now even less with the drop in the number of the self-contained flats to 34.

The proposed dwellings have an expected trip generation of 14 vehicle trips across a 12 hour day, but this is from a separate access within Norfolk Road. In total the number of trips likely to be generated by both the flats and houses are 11 vehicle trips in the morning peak hour and 11 vehicle trips in the evening peak hour, with a total of 97 vehicle trips generated across a 12 hour day.

The transport statement concludes that overall the proposal will result in a reduction of 16 vehicle trips in the morning peak and 10 vehicle trips in the evening peak, with a total reduction of 126 vehicle trips across a 12 hour day could be expected.

KCC Highways have been consulted and advised that they agree with the conclusion that this residential development would likely generate fewer trips on the local road network than the existing commercial use of the site, and consequently they do not object to the principle of the development as it not result in 'severe' residual impacts on the local highway network as per paragraph 109 of the NPPF.

KCC Highways further advise that the form of the proposed accesses to the site are considered acceptable, subject to adequate pedestrian visibility splays of 2m by 2m to each access/parking space being achieved, which has been confirmed through the subsequent transport note.

KCC had previously advised that the number of visitor parking spaces proposed fell below current standards. Seven visitor parking spaces are now proposed, which given the reduction in unit numbers KCC now consider to be acceptable.

Concern was raised by KCC regarding the size of the cycle store. The submitted transport note has addressed this by confirming that the proposed cycle shelter will be double stacked, and able to accommodate the necessary 34no. Bikes. For the houses the bike store is located within each garden area associated with the unit. A safeguarding condition is proposed requiring details of the double stack design, and securing the provision of the cycle store prior to occupation. Cycle provision is therefore considered to be acceptable in accordance with Policy TP03 of the Thanet Local Plan and CV5 of the CDPD.

Electric vehicle charging is proposed, waste and recycling are satisfied with the location of the refuse store, which is easily accessible.

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

Ecology

A Preliminary Ecological Appraisal and Bat Emergence Survey has been submitted with the application. The appraisal concluded that the site does not provide suitable habitat for badgers, great crested newts, reptiles, or dormouse.

Suitable bird nesting habitat is present in the form of existing trees and scrub. It also identified that there are potential roosting features for bats present within the site, with both trees and the office building present.

Bat emergence surveys have been carried out. No bats were recorded emerging from the buildings, but bats were recorded passing the site. The results of the bat surveys indicate that roosting bats are likely to be absent from the buildings, with minimal bat activity within and around the site. The two mature trees within the site that could offer roosting

opportunities for bats are being retained. The report therefore does not recommend any further work is carried out.

The appraisal report recommends ecological enhancements in the form of bird box installations, new tree planting, and ornamental planting.

KCC Biodiversity has been consulted and advise that they are satisfied with the conclusions of the report, and that no further surveys are required. KCC advise that the ecological report has concluded that bats are unlikely to be roosting within the buildings, and the mature trees are to be retained (it is possible they contain suitable features for roosting bats as they were not fully examined properly during the survey). As the trees are to be retained KCC are satisfied that no updated assessments are required, but any external lighting should not be directed at the trees.

Subject to safeguarding conditions requiring the submission of details of external lighting and ecological enhancements, along with the retention of trees on the site, the impact upon biodiversity is considered to be acceptable and in accordance with the Thanet Local Plan and the NPPF.

Drainage

A surface and foul water drainage strategy has been submitted with the application. All foul drainage is proposed to discharge under gravity via a new private foul drainage system, which will connect to the existing foul sewer in Harold Road via one new manhole connection and in Norfolk Road via one new manhole connection.

Southern Water has been consulted, who advise that they can provide foul sewage disposal to service the proposed development.

Southern Water have further confirmed that they can facilitate a water supply to service the proposed development.

In terms of the surface water drainage, surface water currently discharges to the ground via a soakaway. The proposed development will increase surface water flow rates. In order to reduce off site runoff it is proposed to use permeable paving for the parking spaces and soakaways for the roof and access roof runoff, which the report concludes will ensure that the site mimics the existing conditions.

KCC SUDs have been consulted, who advise that they have previously requested that infiltration testing be carried out at this stage to demonstrate that sufficient rates can be achieved. The applicant has confirmed that undertaking ground investigations (including infiltration testing) would be difficult as the site is currently occupied and in use. KCC advise that whilst they would usually pursue the need for infiltration testing to be undertaken now, they accept that this is not practical in the current setting, and therefore they are agreeable for testing to be carried out at detailed design via a pre-commencement condition.

Subject to safeguarding conditions the impact upon flood risk and groundwater protection is considered to be acceptable, and in accordance with Policy CC02 of the Thanet Local Plan, and the NPPF.

Air Quality

As the number of vehicle movements are not increasing above that of the existing site, an air quality assessment or mitigation assessment is not required, as confirmed by Environmental Health. Standard mitigation in the form of electric vehicle charging is required, with one electric vehicle charging point per allocated space, and one electric vehicle charging point per ten unallocated spaces. Some electric vehicle charging points have been shown on the plan, showing the applicant's commitment to provide these, however it is not clear if the spaces are allocated or unallocated, plus electric vehicle charging points have not been shown for the dwellings, which will have allocated parking. As such a condition requiring details of the electric vehicle charging points to be submitted has been attached.

Subject to this safeguarding condition the impact upon air quality is considered to be acceptable and in accordance with Policies SE05 and SP14 of the Thanet Local Plan.

Contamination

A Phase I desk-study has been submitted with the application, which confirms that there is a potential for contamination to be present on the site which could lead to risks to identified receptors.

A risk assessment table has been produced that confirms that some of the risks attributable to viable pollutant linkages were considered to be low and very low, whilst others were noted to be moderate and moderate/low. The risk ratings identified in the assessment are suggested to not be prohibitive for development.

The report recommends that a Phase 2 Site Investigation is undertaken that considers the condition of shallow groundwater and the contaminative status of shallow soils. The report also advises that a suitable asbestos survey should be undertaken prior to the start of any site refurbishment/demolition works.

The EA raises no objections, and considers the application to have a low environmental risk.

The TDC Contaminated Land Officer has been consulted, who advises that a condition requiring the carrying out of a phase 2 site investigation is applied, which should include an asbestos survey.

Subject to this safeguarding condition remedial measures are considered achievable to reduce any impact upon human health, in accordance with Policy SE03 of the Thanet Local Plan.

Size and Type of Dwellings

The proposal is for the erection of 34no. flats, including 26no. 2-bed and 8no. 3-bed. One bed flats are not allowed in this location as the site falls within the Cliftonville Renewal Area. In addition 3no. 4-bed houses are proposed. The proposal as amended, which has increased the number of 3-bed units proposed, provides a good range in the size and type of

units in order to achieve a development that is well-incorporated into the community. The proposal is therefore considered to comply with Policy SP22 of the Thanet Local Plan.

Affordable Housing

Policy SP23 of the Thanet Local Plan requires that for developments exceeding 10no. dwellings, 30% affordable housing be provided on site. The proposal is for 37no. units, which would require the provision of 11no. affordable units.

The applicant has raised viability concerns with the provision of any affordable housing on site, which is set out within the viability section of this report. As a result no affordable housing is proposed through this development.

The Housing Strategy Officer has been consulted and has advised that on the grounds that the scheme does not provide any affordable housing, it is not compliant with Policy SP23, and therefore they object to the proposal.

Policy SP23 states that 'the above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable'. As such it is possible to comply with the policy if a submitted viability assessment demonstrates that the provision of affordable housing on the site is not a viable option.

Subject to the viability justification being accepted, the development would comply with Policy SP23 of the Thanet Local Plan. The viability justification is set out within the viability section of this report.

Financial Contributions and Obligations

Policy SP41 of the Thanet Local Plan requires that development only be permitted when provision is made to ensure the delivery of relevant and sufficient community and utility infrastructure; including, where appropriate, a contribution towards the provision of new, improved, upgraded or replacement infrastructure and facilities.

The following contributions have been requested:

- A contribution of £15,542.97 towards special education in the form of Foreland Fields School expansion,
- A contribution of £59,524.00 towards secondary education in the form of additional secondary places within a school expansion project within the District,
- A contribution of £17,377.85 towards secondary education land acquisition costs,
- A contribution of £607.54 towards community learning in the form of additional resources, equipment and classes at Margate Adult Education Centre,
- A contribution of £2,423.50 towards youth service in the form of additional equipment and resources for the youth service in Thanet including early prevention and outreach provision,
- A contribution of £2,051.65 towards library bookstock in the form of additional resources, equipment, and bookstock at Margate Library,
- A contribution of £5,434.56 towards social care in the form of specialist care accommodation, assistive technology systems and equipment to adapt homes,

adapting community facilities, sensory facilities and changing places within the District.

- A contribution of £2,015.39 towards waste improvements at Thanet District HWRC to increase capacity,
- A contribution towards equipped play provision is required under Policy GI04 of the Thanet Local Plan. The nearest park to the application site is the Viking Ship play area. There is a need for new or replacement play equipment at this park, and therefore a financial contribution of £32,375 is sought.
- A contribution has been requested by the CCG of £30,564 towards the refurbishment, reconfiguration and/or extension of The Limes Medical Centre and /or Northdown Surgery and/or towards new general practice premises development in the area

The applicant has raised viability concerns with the development and has submitted a viability appraisal that demonstrates what contributions are achievable and what contributions they are unable to agree to. This is set out within the viability section of this report

Viability Appraisal

Decisions on planning applications must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Paragraph 57 of the National Planning Policy Framework outlines that it is up to an applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage, and the weight to be given to a viability assessment is a matter for the decision maker having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

Assessing viability requires a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market, and should be based on current costs and values. A site is viable if the value generated by its development, the Gross Development Value (GDV), exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. The accepted methodology for assessing this is the residual land value method. This calculates the estimated GDV from the development, subtracts the development cost (including the developer's profit at an agreed level) and compares this residual land value against a Benchmark Land Value (BLV). The BLV is established on the basis of the existing use value of the land plus a premium for the landowner, with the premium required to provide a reasonable return to induce a landowner to sell the site for development or develop the site whilst reflecting the implications of site-specific infrastructure costs.

A viability appraisal was submitted for the original scheme. The viability appraisal concluded that no affordable housing provision or financial contributions were achievable. As part of the report two different assumptions were considered, one for 10no. dwellings, the notional dwelling allocation for the site, and one for the proposed number of units, which was originally 42no. Units, including 38no. 2-bed flats, 1no. 3-bed flat, and 3no. 4-bed houses. The report was reviewed independently by the Council's appointed consultants Dixon Searle

Partnership (DSP), who have commented that when using a 17.5% GDV profit input, the housing scheme produced a residual land value of £583,739, and when the benchmark land value was amended, in accordance with their recommendations, the housing scheme produced a deficit of -£347,961, equivalent to an actual profit of 7.8% GDV. This level of profit falls significantly below the profit range of 15%-20% indicated as appropriate within the NPPF. On this basis the consultants who have independently reviewed the viability appraisal for the housing scheme agree that a housing scheme option for 10no. units on the site does not appear a viable proposition.

Whilst this review was taking place, negotiation was also taking place on the design and layout of the scheme to address a number of concerns regarding the bulk, height and design of the development, along with the size of the accommodation, which we considered should include larger units.

An amended scheme has been submitted for 37no. units (a reduction of five units) including 26no. 2-bed flats, 8no. 3-bed flats, and 3no. 4-bed houses. An amended viability appraisal has been submitted to accompany the amended plans, which again offers no affordable housing provision or financial contributions. This report has again been reviewed independently by consultants.

The previously submitted Benchmark Land Value (BLV) of £1,016,400 was based on an Existing Use Value (EUV) of £847,000 and a landowner's premium of 20%. The revised viability now adopts a 15% landowner's premium on EUV and a revised BLV of £974,050.

Dixon Searle considered a landowners premium of 10% to be more reasonable, and therefore the scheme has been tested with a BLV of £931,700, and agent's fees have been reduced from 1.5% to 1%.

When looking at the gross development value the values proposed for the flats have been considered reasonable, but the values proposed for the houses appear to be understated, and therefore these values have been increased for the purposes of testing viability by DSP.

Within this revised viability the build costs have been reduced based upon Building Cost Information Service (BCIS) construction data relocated to Thanet, and an allowance for warranty insurance, which was considered unnecessary, has been removed.

The level of profit has been included as a fixed input of 17.5%. Although the consultants have suggested that the profit level could be anywhere between 15% and 20% as set out within the NPPF, Thanet District Council have taken a consistent approach when dealing with viability of allowing a 17.5% profit level given the lower value of sites within Thanet. As such this profit level is accepted, and this approach has been confirmed to be reasonable within the Shottendane Road planning appeal decision recently received by the Council

The proposed viability appraisal shows a residual land value of £662,837 and when comparing it to the assumed BLV of £974,050 results in a deficit of -£311,213, which produces an actual profit of 14% GDV. The consultants have tested a return of 15% and 17.5% within their trial appraisals, and carried out sensitivity testing using their

recommended amendments to the benchmark land value, houses values, cost assumptions, and profit levels.

When using an input 17.5% GDV profit level, the proposed scheme produces a residual value of £1,093,180 and when compared to DSP's revised BLV of £931,700, produces a surplus of £161,480. As such the consultants have recommended that the proposed development can achieve a level of contributions that could contribute towards necessary infrastructure.

The applicant has responded by disagreeing with some of the amendments that the consultants have made, considering that these amendments overstate the profitability of the scheme; however, in order to move forward the applicant has proposed a financial contribution of £125,000 towards affordable housing and other S106 contributions (excluding the SPA contribution), although they have advised that in their view this will bring the development below a 15% developer return.

This offer has been sent to the consultants for their view. They've advised that whilst there is a small remaining gap between surplus/offer positions, in their experience assumptions can fluctuate and therefore a balanced approach is needed. Overall, and weighing it all up, the consultant's view is that the Council could consider the latest offer, a substantial positive movement from the original nil offer, to be acceptable.

On this basis the offer of £125,000 is considered acceptable in this instance, on top of the SPA contribution of £13,302. The Council does not have a priority order when considering developer obligations, and therefore a practical view has been taken when considering the contribution requirements for this site to ensure that the impact of the development is sufficiently mitigated.

Concerns have been raised by residents regarding the impact upon schools and healthcare, and therefore it is determined necessary for the CCG contribution of £30,564 to be included, along with the SEN contribution of £15,542.97. Whilst the secondary education contribution is also important, there is currently no set project for this contribution and therefore when considering priorities it is considered that this contribution should be lower on the list. The waste contribution of £2,015.39 can be secured, and this means that a contribution of £76,877.64 remains that can be secured towards affordable housing provision in the district.

In officers' view this achieves an appropriate balance to ensure that the development has been adequately mitigated within the viability limitations available whilst providing the development of a brownfield site for housing within the urban confines.

On the basis that the viability of the scheme has been adequately tested, the proposal is considered to comply with Policies SP23, SP41 and QD01 of the Thanet Local Plan.

Special Protection Area

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 within close proximity of 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 for the C3 units to contribute to the district wide mitigation strategy, as agreed by Natural England.

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £320 per 2-bed unit, £424 per 3-bed units, and £530 per 4-bed (plus) unit, resulting in a total of £13,302 for this development. This mitigation means that the Council has accorded with the Habitat Regulations and an appropriate assessment has been undertaken. The applicant has agreed to this contribution, which has been secured through the submitted legal agreement. An acceptable appropriate assessment has been carried out on this basis.

Heads of Terms

Following the viability review the following financial contributions are secured:

- SPA contribution of £13,302,
- A contribution of £76,877.64 towards affordable housing provision,
- A contribution of £30,564 towards the refurbishment, reconfiguration and/or extension of The Limes Medical Centre and /or Northdown Surgery and/or towards new general practice premises development in the area
- A contribution of £15,542.97 towards special education in the form of Foreland Fields School expansion,
- A contribution of £2,015.39 towards waste improvements at Thanet District HWRC to increase capacity.

Conclusion

The proposed development is on a site that is located within the urban area, is previously developed land, and is allocated for housing under Policy HO1 of the Thanet Local Plan. Whilst the number of units proposed exceeds the notional dwelling unit capacity within the local plan, the policy clearly states that a development proposal is not required to be restricted to this notional number, and if an increased number of units can be achieved on the site without causing any material harm, then the principle of the development could be accepted. The NPPF requires that planning decisions 'optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development' (paragraph 130).

Following extensive negotiation, the number of units on the site have significantly reduced from 42 to 37, whilst the open space has increased, along with unit sizes. The height of the development has also been reduced so that the proposal does not exceed 4-storey in height, in keeping with the scale of surrounding development. The proposed development achieves an acceptable design that does not detract from the street scene or the character and appearance of the area, and is considered to not harm the setting of the adjacent conservation areas. The impact upon neighbouring amenity and highway safety is considered to be acceptable, along with the impact upon the Cliftonville Renewal Area, and

all other material considerations have been addressed without any significant concerns being raised.

The Council are unable to demonstrate a 5 year supply of housing, and therefore there is a presumption in favour of development unless demonstrable harm can be identified. The development will achieve improved social and economic benefits from the increased level of housing provision on the site, which is given significant weight in the determination of the application against paragraph 11 of the NPPF. This needs to be weighed against the reduced affordable housing provision and financial contributions proposed to be secured, but weight needs to be given to the fact that a full viability assessment has been carried out and these contributions have been accepted as reasonable following an independent assessment. Whilst there are some local concerns regarding the size of the development, there will be limited impact upon neighbouring amenity and the impact upon the character and appearance of the area has been considered acceptable, and potentially viewed as an enhancement to the existing site, which offers some environmental benefits from removing the current industrial buildings from the site. The impact on the SPA will be sufficiently mitigated by securing the contribution towards the SAMM, whilst safeguarding conditions will be required for detailed matters of and to secure an acceptable standard of design, landscaping and parking.

It is therefore recommended that members defer and delegate the application for approval subject to the submission of a signed legal agreement securing the financial contributions as set out within the Heads of Terms section of this report, within 6 months of the decision, along with safeguarding conditions.

Case Officer

Emma Fibbens

Annex 1 – Applicant response to DSP viability review

Annex 2 – Final DSP report

TITLE: F/TH/21/0688

Project 2 - 12 Harold Road MARGATE Kent

Scale:

