

**A01**

**F/TH/23/0677**

**PROPOSAL:** Change of use from former student accommodation in connection with former Canterbury Christchurch University Broadstairs campus (Sui Generis), to proposed workers accommodation in association with Thanet Earth (Sui Generis).

**LOCATION:** Northwood Court Millennium Way Broadstairs Kent CT10 2LA

**WARD:** St Peters

**AGENT:** Mr Grant Fixter

**APPLICANT:** Mr Wayne Hodgson

**RECOMMENDATION:** Approve

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 development hereby approved shall be carried out in accordance with the submitted drawings numbered 12831-0002-05, 12831-0003-02 and 12831-0004-02.

**GROUND;**

To secure the proper development of the area.

3 The accommodation hereby approved shall only be occupied by registered employees of Thanet Earth and at no time shall they be let, sold or otherwise used as separate and/or private units of residential accommodation. A register of occupants and their role at Thanet Earth shall be kept at made available for the inspection of the Local Planning Authority at all times.

**GROUND:**

To ensure that a permanent residential use is not commenced.

4 The occupation of the warden flat shall be limited to a person solely or mainly employed by Thanet Earth, and to any resident dependants and at no time shall it be let, sold or otherwise used as a separate and/or private unit of residential accommodation.

**GROUND:**

To ensure that a permanent residential use is not commenced.

5 Prior to the first occupation of the development hereby approved, full details of ecological enhancements to be provided within the site together with a timetable for their provision shall be submitted to, and approved in writing by, the Local Planning Authority. These enhancements shall be provided in accordance with the proposed timetable and thereafter permanently retained.

**GROUND:**

To make a positive contribution to biodiversity, in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the National Planning Policy Framework.

6 The development hereby approved shall be carried out in accordance with the submitted travel plan, with details of the route for coaches and additional cycle parking submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the building. The additional cycle parking shall be provided prior to the first occupation of the building for Thanet Earth workers and thereafter retained and coaches should use the approved route unless otherwise agreed in writing with the Local Planning Authority.

**GROUND:**

In the interests of highway safety and to promote cycling as an alternative form of transport in accordance with policies TP01, TP03 and SP43 of the Local Plan and the guidance contained in the National Planning Policy Framework.

**INFORMATIVES**

Details for the proposed ecological enhancements shall include habitat boxes for bats and breeding birds. Boxes for breeding birds will be targeted at S41 priority species<sup>3</sup>/ red/amber listed species<sup>4</sup>. Any boxes included for wildlife will be Woodstone/woodcrete boxes to ensure durability.

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

**SITE, LOCATION AND DESCRIPTION**

Northwood Court is an existing 3 storey u shaped building which houses 85 ensuite bedrooms arranged in a series of flats, a warden flat, a laundry room with bike, bin and smoking shelters. Four car parking spaces are provided within the gated complex with a further fifteen car parking spaces allocated to the building, but outside of the gated complex. Whilst now vacant, it provided accommodation for students in connection with Canterbury Christchurch University.

Access is achieved via that existing off Millennium Way, which is a shared access with a further building to the west of the site. Internal access roads branch off to serve each building.

The site is bound by mature hedgerows and trees to the north, east and south boundaries, with mature planting, fencing and the shared access to the west.

Millennium Way is to the north of the site, beyond which is the Kent Innovation Centre. East of the site is Northwood Road, beyond which are residential dwellings. To the south is a further building formerly associated with the University and an area of overgrown vegetation and trees. West of the site is a car parts shop which shares the access off Millennium Way.

### RELEVANT PLANNING HISTORY

F/TH/02/1014 - Erection of a detached 3 storey building to provide 85 units of student accommodation and 1 warden flat, together with 19 no. parking spaces and covered bicycle park. Approved 5th December 2002

### PROPOSED DEVELOPMENT

Permission is sought for the change of use from former student accommodation serving the former Canterbury Christchurch Broadstairs campus, to workers accommodation in association with Thanet Earth.

It is proposed that the accommodation would house up to 84 workers with 2 wardens - a day and night shift manager. No external or internal changes are proposed to the building and it is proposed that workers would be transported to and from the Thanet Earth site by coach. Communal cycles will be provided to be used by workers accommodated at the site.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan**

SP01 - Spatial Strategy - Housing  
SP04 - Economic Growth  
SP09 - Westwood  
SP12 - Broadstairs  
SP13 - Housing Provision  
SP14 - General Housing Policy  
SP22 - Type and Size of Dwelling  
SP23 - Affordable Housing  
SP35 - Quality Development  
SP37 - Climate Change  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible Locations  
SP45 - Transport Infrastructure  
E01 - Retention of Existing Employment sites  
H01 - Housing Development

H019 - Houses in Multiple Occupation  
H021 - Residential Use of Empty Property  
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  
SE05 - Groundwater Protection  
SE05 - Air Quality  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

### **Broadstairs and St Peters Neighbourhood Plan**

BSP9 - Design in Broadstairs and St Peters  
BSP11 - Retention of Employment Space

### NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice displayed close to the application site.

One representation has been received neither objecting or supporting the application, but stating that it is a HMO application with an incorrect description.

**Broadstairs Town Council:** No objection.

**Broadstairs Society:** The Society has no adverse comments to make on this planning application although it must express some misgivings about the use of former student accommodation to house workers from Thanet Earth. The Society hopes that the people living near will not take against the workers nor that there will be any untoward behaviour arising from neighbour/worker interaction

### CONSULTATIONS

**Southern Water:** Southern Water records show that there are water distribution mains within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised

- The 12-inch water distribution mains requires a clearance of 6 metres on either side of the water distribution mains to protect it from construction works and to allow for future access for maintenance.

- No new excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water distribution mains without consent from Southern Water.

- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water distribution mains.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

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.

**KCC Biodiversity:** No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development, as described, has limited potential to result in ecological impacts. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

However, where noisy and disturbing works are required to alter the fabric of the building and could affect the roof or other external features of the building, a preliminary bat roost assessment/further bat surveys could be needed to inform mitigation/compensation requirements. Roosting bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Where such works form part of the planning permission, bat survey information would be required prior to determination of the planning application. However, it is our current understanding that no such works are necessary and so no ecological survey information is required at this time.

Additionally, the applicant should be reminded that, under the Wildlife and Countryside Act 1981 (as amended), 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.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season<sup>2</sup> (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

If planning permission is granted, we advise that the condition below is attached.

#### Biodiversity and Enhancements

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2021, biodiversity should be maintained and enhanced through the planning system. If planning permission is granted, we advise the following condition is attached:

Prior to occupation, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. Details will include habitat boxes for bats and breeding birds. Boxes for breeding birds will be targeted at S41 priority species<sup>3</sup>/ red/amber listed species<sup>4</sup>. Any boxes included for wildlife will be Woodstone/woodcrete boxes to ensure durability. The approved measures will be implemented and retained thereafter.

#### Thanet and Canterbury SAMMP

It is our understanding that there will be no net increase in 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). As such, there may be no requirement for proposals to contribute to the Thanet Coast and Sandwich Bay Strategic Access Management and Monitoring Plan (SAMMP).

However, Thanet District Council will need to review proposals and compare them to the site's previous use, to ensure that the change in use does not change impacts to the nearby statutory designated sites. If the change in use triggers additional recreational impacts, there may be a need to ensure that adequate means are in place to secure mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, if the application requires a contribution to the Thanet Coast and Sandwich Bay SAMMP, there would be a need for an appropriate assessment to be carried out as part of this application.

**KCC Highways:** Final Comment - Further to previous comments, the applicant has agreed to provide additional cycling storage facilities for 29 cycle spaces. A routing strategy has also been suggested to avoid Manston Court Road for the daily coaches between the site and Thanet Earth.

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

Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

Submission and approval of a routing strategy for coaches between Northwood Court and Thanet Earth, avoiding Manston Court Road, to be utilised thereafter.

Informatives:

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken 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 the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Initial Comment - The proposal seeks a change of use from a former student accommodation to accommodation for workers in association with Thanet Earth. The application seeks to provide 86 rooms, accommodating 84 workers and 2 wardens.

The site is bound by Northwood Road and Millennium Way, with access via a shared access via Millennium Way. The site currently benefits from 15 parking spaces and 4 disabled spaces, which forms part of the red line boundary.

Workers are proposed to be transported to and from Thanet Earth by a 53 seat coach, resulting in two pick up and drop offs in the AM and PM peak periods. It is outlined that pick

up and drop offs will take place via Millennium Way kerbside, where the coach will utilise the existing turning head on Millennium Way. Tracking has been submitted, illustrating that a coach is able to enter and exit in a forward gear. The splitter island at Millennium Way ensures that all vehicles will travel northwards towards the A256. It is assumed that coaches would route along Manston Court Road, where the road narrows in sections. The routing should be ensured to be able to accommodate a coach of a sufficient size.

The application form indicates 20 cycle parking spaces, whereas the Design & Access Statement outlines 12 spaces are proposed. Kent Parking Standards (SPG4) outlines 1 cycle space per unit for flats and one space per 5 units for sheltered accommodation.

I suggest sufficient sheltered and secured cycle parking is provided for 1 space per 3 units initially, with the possibility for expansion.

In line with the above I shall be grateful for further details in relation to the following:  
Routing of the coaches to and from the site and Thanet Earth, to ensure the public highway is sufficiently wide enough to accommodate a large coach.  
Additional cycle parking in the ratio of 1 space per 3 units, equating to 29 spaces.

**TDC Planning Policy:** Just for context, our primary concern regarding the whole of Thanet Reach is the viability of the undeveloped remainder of the site. Going forward this is arguably Thanet's only real alternative to Manston Business Park for the location of new businesses.

It is considered that the tests in Policy E01 have been met.  
However it is also considered that this application is a departure to Policy E01. It is acknowledged that it is currently a non employment use however the original application contained a condition that the use must be capable of conversion back to employment use. It is unfortunate that didn't happen and therefore it is considered a case that should be discussed by Members.

In my opinion, considering we now have a building that is incapable of conversion and that the intended use is supporting an existing Local Business it is considered an exceptional and best fit alternative in the circumstances.

## COMMENTS

This application is brought before Members as a departure from the Local Plan.

### **Principle**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Policy SP01 of the Local Plan (Spatial Strategy - Housing) states that the primary focus for new housing development in Thanet is the urban area. Policy H01 (Housing Development)



states that permission for new housing development will be granted on sites allocated for this purpose and on non allocated sites within the confines of the urban area and villages.

### **Loss of Employment Land**

The site lies partially within the Thanet Reach employment site. Policy E01 of the Thanet Local Plan states that the site should be retained as an employment site, supporting uses B1, B2 and B8 (or equivalent), which are storage, office, industrial uses.

The policy states that proposals for alternative uses on the site will only be permitted where:

- (i) It has been demonstrated that the site is no longer suitable or viable for employment purposes following an active and exhaustive marketing process for a minimum of 12 months;
- (ii) The proposal would not undermine economic growth and employment opportunities in the area;
- (iii) The proposal would not result in a significant, or harmful reduction in the supply of land available for employment purposes for the remainder of the plan period, having regard to the type of employment land proposed for reuse and its location;
- (iv) The proposal would not prejudice the ongoing operation of remaining businesses nearby;
- and
- (v) The proposal would result in a good standard of amenity for existing and future occupants.

Policy BSP11 of the Broadstairs and St Peters neighbourhood plan outlines that the redevelopment of land identified for employment use will only be supported where:

- a) The applicant can demonstrate that the site/premises is no longer capable of meeting employment needs; or
- b) Development of the site for other appropriate uses will facilitate the relocation of an existing business to a more suitable site or where there is no reasonable prospect of the site being used for employment uses ; or
- c) Unacceptable environmental problems are associated with the current use of the site and the proposal will remove them; or
- d) Relocation of the employer will make better use of existing or planned infrastructure

A planning statement has been submitted with the application, along with further supporting statements and information needed, to attempt to address the policy criteria justification for an alternative use on the site.

Planning permission was granted for this building in 2002 (F/TH/02/1014) as a detached building to provide student accommodation as an ancillary unit to Canterbury Christchurch University Campus (CCUC). At the time of the decision, the site was allocated under Policy BC4 of the 1998 Local Plan and designated for employment and business related development comprising Use Classes B1 (business): B8 (storage and distribution) and A2 (financial and professional services). It was considered as a departure to this policy by Council, on the basis that the proposed use as student accommodation was not necessarily fundamentally irreversible. The report to Planning Committee in November 2002 stated "The design of the building, reflects that of the existing units within Thanet Reach, and would

enable the use of the proposed building to change to one falling within the Use Classes identified within the policy without significant alteration." The planning permission granted included specific conditions in relation to the departure, that the premises should only be used for student accommodation, or for uses falling within Classes B1 (Business), B8 (Storage and Distribution) or A2 (Financial and Professional Services) of Part B to the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any Statutory Instrument revoking and re-enacting that Order, and that the student accommodation should only be occupied by students of the university (and similar for the warden flat being occupied by an employee of the University only).

The site also forms part of the wider former Christchurch University site which is allocated as an employment site within the Local Plan.

In September 2018 CCUC closed. Information submitted with the application states that that marketing occurred after October 2018, with the application included with other buildings on the campus estate, with Savills and Terence Painter Estate Agents instructed prior to the sale of the building in May 2022. It is stated that only 5 viewings occurred in this 4 year period and no information has been provided about how the property was marketed during this period. Following purchase by Nelson College in May 2022, the building was re-marketed after being identified as surplus to requirements, with 9 viewings, all of which were not for potential E(g), B2 or B8 uses. 8 of the viewings since May 2022 were for some form of residential accommodation, none of which were for open market dwellings. No offers were made on the basis of the land being reused or redeveloped for an employment use in line with the employment allocation policy (an equivalent B1 or B8 use), however there is no evidence that the property was marketed on the basis of the allocation either as a building or as employment land.

The applicant has submitted evidence that marketing has occurred for a period in excess of 12 months, however from the lack of information provided about how this marketing occurred and on what basis, it has not been demonstrated that it is not suitable or viable for an employment purpose on the basis of criteria one. Notwithstanding this, it is clear that the presence of the building on the site, its form and layout and established previous use as student accommodation linked to adjacent uses for over 15 years creates a different situation to the majority of employment allocations in the district.

Criteria two and three of Policy E01 permit alternative uses where the proposal would not undermine economic growth and employment opportunities in the area, and will not result in a significant or harmful reduction in the supply of land available for employment purposes. Within the planning statement submitted with the application the applicant makes reference to the Council's Employment Land Review and the over supply of employment land within the district, and the previous permitted use under the 2002 permission.

As outlined in the report to members on the site to the south of this application (F/TH/22/0953) in December 2022, as part of the Employment Land Update and Economic Needs Assessment July 2018 the southern part of Thanet Reach was de-allocated as it was concluded that the site did not contribute positively to the employment land review. That site has since been allocated for residential use. The application site now forms part of a much smaller employment allocation to the southern side of Millenium Way, includes a garage

workshop, and then the building approved for demolition under (F/TH/22/0953). In that case, the Council's Strategic Planning team objected to the loss of the employment land (0.37ha) on the basis that incremental losses across the district of allocated sites add up to harm given the loss of sites to higher value uses over time, leading to a lack of sustainable urban sites.

For this application, strategic planning commented that all the criteria of the policy were met, however given the history of the site/previous permission this should be treated as a departure to Policy E01. This has been clarified by Strategic Planning that whatever the justification for this particular proposal, the application nevertheless represents the loss of employment land on a site allocated for retention through the Local Plan period. While this loss may be seen as minor, it could contribute to a cumulative significant loss (particularly in conjunction with other sites in this location) which would result in a "harmful reduction in the supply of land available for employment purposes".

Noting the above, any proposal that resulted in the loss of employment land would not normally be looked upon favourably, however in this instance there are proposal specific characteristics that require consideration to be given to the merits of the proposed alternative use of the site.

A detailed Planning, Design and Access Statement has been submitted to explain and support the proposal to convert the existing building into workers accommodation for Thanet Earth. It states that the accommodation would house up to 84 workers with 2 wardens - a day and night shift manager. No external or internal changes are proposed to the building and it is proposed that workers would be transported to and from the Thanet Earth site by coach. The main benefits stated by the applicant for the proposed use is to provide security for an established employer in the district of worker accommodation, with a lack of accommodation in association with the business cited as currently impacting upon the productivity and efficiency of the business.

The Thanet Earth site is cited to be the UK's largest single production site growing salad crops under glass, currently employing around 700 staff at peak time in a mixture of skilled and unskilled roles employed over the whole site, including the packhouse and glasshouses. The facility operates all year round, not just seasonally, supplying British supermarkets.

Weight is given the particular need for accommodation to support this existing employer in the district, contributing to national food security and the local economy. In addition the proposed development would bring a vacant building back into an active use and whilst worker accommodation is not an employment use in its own right, it is considered that it would support an established and successful business in Thanet by allowing them to attract and retain a number of employees that would potentially otherwise not be able to find alternative accommodation within the district.

The fourth criteria requires that the proposal would not prejudice the ongoing operation of remaining businesses nearby. This is reinforced by paragraph 187 of the National Planning Policy Framework (NPPF), which states that planning decisions should ensure that new development can be integrated effectively with existing businesses. The proposed use would be located adjacent to a working garage, which existed adjacent to the building when it was

in operation as student accommodation. Therefore this relationship has previously been considered acceptable in previous decision making, and it is not considered that the type of accommodation (Thanet Earth workers using the building rather than students) would create a different relationship between residential occupants and the business to prejudice the operation of the garage. The proposal would therefore not conflict with this criteria, nor paragraph 187 of the National Planning Policy Framework.

The final criteria is that the proposal would result in a good standard of amenity for existing and future occupants. A full analysis of the impact is provided within the living conditions section of this report, but the layout as proposed would reuse the existing arrangement of rooms based around 17 collections of rooms sharing a communal kitchen/living area with all bedrooms served by an ensuite with shower. The standard of amenity for existing and future residents will be considered below.

Whilst the proposal will result in the loss of a site allocated within the local plan for employment use falling within the equivalent of a B1 or B8 use class, the policy permits alternative uses if a number of criteria are proven to be met. The analysis above proves that the majority of the criteria can be met, with the concern being the impact on Council's employment land supply and the extent of specific marketing. However, given the specific re-use of the current building proposed for workers accommodation, with an intrinsic link to support economic growth at the Thanet Earth site, there will be economic benefits accrued from the proposal to support this existing employer.

On balance, given the points raised above, the proposed change to worker accommodation for Thanet Earth is considered to represent an acceptable departure to Policy E01 of the Thanet Local Plan, whilst also addressing the criteria stated within Policy BSP11 of the Broadstairs Neighbourhood Plan.

### **Proposed use of the building**

It is considered that the accommodation of workers with warden support on the site is similar in nature and character to the original permitted use for this building. Although it is recognised that students accommodated within the building would have attended the adjoining educational facility, the proposed occupants will be workers for a particular local Thanet employer housed together on site who will travel to work together via coach. They will be accommodated on site for the length of their contracts and like students would not be expected to have the building and site as their full time residence. As such, there would be no change of use of the building to a c3 full residential use as flats.

Due to the layout of the building, with 19 sets of 5 bedrooms with access to a shared kitchen/living room, the use of the building is similar to a collection of houses in multiple occupation (HMO). However, the applicant states that the proposed use is sui generis and separate from HMO use, given the specific connection to Thanet Earth. It is acknowledged that this creates a difference in impact to an HMO facility of 19 units, with workers transported to and from the Thanet Earth site in Birchington by a 53 seat coach (two pickups and two drop offs a day in the seasonal peak). Therefore due to the specific nature of the proposal, it is not considered that the HMO policy H019 is directly applicable in this instance, however the operation of the site will still have to conform to requirements of the Housing Act

2004, meaning an HMO licence may still be required for the premise under the separate legislation.

### **Character and Appearance**

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Policy QD02 outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme. These principles are also outlined by Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan.

The applicants are not proposing to make alterations to the exterior or interior of the building and, as such, it is considered that the appearance of the building and its curtilage will retain its current appearance. It is noted that the applicants are proposing to provide additional secure cycle parking on the site (a total of 29 spaces), but cycle parking is not considered to be an uncommon feature on sites such as these. It is, however, considered appropriate that details of the proposed cycle provision is secured via a planning condition.

Given the above, it is not considered that, subject to safeguarding conditions, that there would be any adverse impact on the character or appearance of the site from the proposed development.

### **Living Conditions**

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 127 states that decisions should ensure development creates, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 (Living Conditions) states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes

drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass. Policy QD04, requires all new residential development to meet the Nationally Described Space Standards and also a water efficiency standard.

As stated above, Northwood Court was built as flatted student accommodation with groups of ensuite bedrooms (normally 5 or 6) with shared open plan kitchen/living accommodation arranged as flats with ancillary warden accommodation. It is noted that the applicants are not proposing to alter this layout.

Given that the accommodation was built in 2002, it appears somewhat dated internally and pre-dated the requirement to meet the Nationally Described Space Standards. From a site visit, it was noted that the rooms on the whole, were of an adequate size for a single person with the communal kitchen and living areas being a good size. All rooms have natural light and ventilation, with ensuite facilities. Given that the accommodation is not self contained meaning that the NDSS is not directly applicable, and following a site visit, it is considered that they would provide a decent standard of accommodation for future workers. The warden unit, as a one bedroom self contained unit, would meet the required size standard under Policy QD04.

As stated above, it is accepted that occupiers of the site may experience some noise from other uses in the surrounding area, but it is recognised that the site is not within a wholly residential area and it is not considered that the noise/disturbance experience would be excessive.

There are laundry facilities within the building and a small area for clothes drying within the small on site amenity space within the site. Bin storage is provided to serve the number of people that would be housed within the building and it to be collected by a private waste contractor.

Given the above, it is considered that the standard of accommodation that would be provided for future occupiers would be acceptable on the basis that it would be for short periods of time rather than permanent residential accommodation for those occupiers.

It falls also to assess the impact of the proposed development on the residential amenities of surrounding occupiers. Whilst it is noted that the building has been vacant for a number of years, its lawful use is for student accommodation which would have some levels of noise and active use associated with it. The nearest residential dwellings are across the road. It is considered that the occupation of the building by the same number of residents (workers instead of students) would not be likely to generate significant levels of noise and disturbance above that associated with the use of the site as student accommodation. The comings and goings from the site would also be reduced by virtue of the scheduled coach trips to the Thanet Earth site, which would occur from the opposite side of the building to the nearest residential properties.

Therefore the proposal is considered to accord with Policy QD03 of the Thanet Local Plan.

## **Highways**

Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 112). These aims are reflected in the Council's Local Plan policies.

The site has 15 parking spaces in the north western extent of the site, 4 disabled parking spaces and bike storage for 12 cycles within the internal courtyard of the building. The applicants advise that the workers housed on the site would be transferred to the Thanet Earth site to work via coaches and it is likely that 2 coach movements would be required each way if all of the 84 rooms are utilised. This would operate to pick up workers from Millenium Way, then turn using the existing internal road network in Millenium Way to exit onto Northwood Road in a forward gear.

The application is accompanied by a transport statement and a travel plan, which highlights the sustainable location of the application site and its proximity to services, facilities and public transport links and that a cycle share scheme would be promoted to workers accommodated on the site.

KCC Highways have reviewed the application and sought confirmation of the proposed route for the coaches to be confirmed to ensure that the route could accommodate coaches and also raised concern that the amount of cycle parking proposed (20 spaces) was an underprovision and 29 spaces should be secured.

The applicants advised that they could provide a route from the application site and Thanet Earth along roads that could safely accommodate coaches and that 29 cycle spaces could be accommodated on site.

KCC Highways raise no objection on the basis of this additional information and request that the proposed coach route and the provision and permanent retention of 29 secure and covered cycle parking spaces within the site are secured via planning conditions. No concerns are raised to the use of the highway in the immediate vicinity of the site by the coaches.

It is considered that the site is generally sustainably located and is within walking distance of a number of services and facilities as well as public transport links. Given the specific use of the building proposed, it is considered that subject to conditions requiring the full implementation of the travel plan including provision of employment transport and cycle

scheme, that the lack of car parking for the number of occupants in the building would be acceptable. The 29 cycle spaces required could be accommodated within the site and the submission of a routing strategy for the coach route between the application site and Thanet Earth is considered appropriate to ensure that the route avoids roads which are too narrow to accommodate coaches or have other similar issues.

Therefore it is considered that with safeguarding conditions, the proposed development would not have an adverse impact on highway safety or parking in the local area.

## **Biodiversity**

The NPPF states at paragraph 175 that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF then states at paragraph 180 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets.

KCC Biodiversity have reviewed the application and advise that they accept that given that the proposal is for a change of use of the existing building from student accommodation and warden accommodation to accommodation for Thanet Earth workers with warden accommodation with no internal or external changes to the building that no ecological information is required. They do, however, note that habitats are present on and around the site that provide opportunities for breeding birds and that it is considered appropriate that the applicants attention are drawn to the fact that it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. They also request a condition is imposed on any grant of planning permission to secure biodiversity enhancements within the application site.

As stated above, no works are proposed to the exterior or interior of the building to facilitate the use and, it is therefore, agreed that no ecological information is necessary to support the application. It is noted that, whilst the majority of the site is occupied by the building and associated structures and hard surfacing, there are some areas of amenity space around the building which are landscaped including some trees. As such, it is considered appropriate to add the breeding bird informative to any grant of permission and seek ecological improvements to the site, albeit on the basis that these are likely to be limited in scale and nature given the constraints of the site.

Given the above, it is not considered that the proposed development would have any adverse impact on ecology and would therefore be in accordance with national and local policy.

## **Other Matters**



Thanet District Council has produced 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. 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 recreational activities) and to comply with the Habitat Regulations a financial contribution is required to contribute to the district wide mitigation strategy. It falls to consider whether this proposal would necessitate a need for a SPA contribution.

It is noted that this application would see the site occupied in the same manner as the proposed use of the original student accommodation building with seasonal employees housed in the original student rooms and a shift manager occupying the warden flats. As with the students who would have attended lectures and other study sessions, it is noted that workers would be taken to Thanet Earth to work. Whilst it is acknowledged that they will have free time and holidays, it is considered that there is unlikely to be additional recreational pressure from the proposed use of the site as seasonal worker accommodation than that which would have been likely from its use for the student accommodation. As such, it is considered that there is no requirement for an SPA contribution in this instance and the development would not result in a significant effect on the designated sites.

## **Conclusion**

Permission is sought for the change of use from former student accommodation serving the former Canterbury Christchurch Broadstairs campus, to workers accommodation in association with Thanet Earth. Accommodating up to 84 workers with 2 wardens - a day and night shift manager.

Whilst the proposal will result in the loss of a site allocated within the local plan for employment use falling within the equivalent of a B1 or B8 use class, the policy permits alternative uses if a number of criteria are proven to be met. The analysis above proves that the majority of the criteria can be met, with the concern being the impact on Council's employment land supply and the extent of specific marketing. However, given the specific re-use of the current building proposed for workers accommodation, with an intrinsic link to support economic growth at the Thanet Earth site, there will be economic benefits accrued from the proposal to support this existing employer.

It is considered that the site is generally sustainably located and is within walking distance of a number of services and facilities as well as public transport links. Given the specific use of the building proposed, it is considered that with the full implementation of the travel plan including provision of employment transport and cycle scheme, that there would be no adverse impact from the proposal on highway safety or parking in the area.

On balance, given the points raised above, the proposed change to worker accommodation for Thanet Earth is considered to represent an acceptable departure to Policy E01 of the Thanet Local Plan, whilst also addressing the criteria stated within Policy BSP11 of the Broadstairs Neighbourhood Plan. It is not considered to result in an adverse impact on living

conditions, highways, or ecology subject to the imposition of safeguarding conditions and, as such, it is recommended that Members approve the application.

**Case Officer**

Annabel Hemmings

TITLE:

F/TH/23/0677

Project

Northwood Court Millennium Way Broadstairs Kent CT10 2LA

