

**D02**

**F/TH/23/1341**

**PROPOSAL:** Erection of 9No self contained flats, comprising of 4No 1-bed and 5No 2-bed, following demolition of existing garages together with associated access, landscaping and parking

**LOCATION:** Garage Block Rear Of 161 To 213 Clements Road RAMSGATE Kent

**WARD:** Northwood

**AGENT:** Mr R Lemon

**APPLICANT:** Thanet District Council SHP

**RECOMMENDATION:** Defer & Delegate

Defer and delegate the application for approval subject to the transfer of the financial contributions towards the SAMM project and the following safeguarding conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 1100 Rev P07, 1101 Rev P07, 1102 Rev P07, 1104 Rev P07, 2050 Rev P06, 2051 Rev P06, 2052 Rev P06, 2053 Rev P06,, 3010 Rev P06 received 07 October 2023, 3011 Rev P06, 3012, Rev P06 and 3013 Rev P06 received 11 October 2023 and, 1015 Rev P09, 1016 Rev P14, DPLC/CLE/LD001/B received, 08 December 2023.

**GROUND;**

To secure the proper development of the area.

3 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries 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.

4 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

#### **GROUND**

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

5 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.

6 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 of the Thanet Local Plan and the advice as contained within the NPPF

7 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1016 Rev P14 shall be provided and thereafter maintained.

#### **GROUND**

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

8 The area shown on the approved plan numbered 1016 Rev P14 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

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

#### **GROUND**

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

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

#### **GROUND**

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

12 Prior to the first occupation of the development hereby permitted, the communal garden as shown on the approved plan numbered 1016 Rev P14 shall be provided and thereafter maintained.

#### **GROUND**

In order to provide suitable amenity space in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

13 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 (Including mitigation measures set out in Appendix D of the Air Quality Assessment provided within the ES and IAQM Guidance dust from demolition and construction 2014.)
- (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.

14 The development hereby permitted shall be completed in accordance with the Geo-Environmental Assessment Report received 23 October 2023.

**GROUND**

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

15 Prior to the first occupation of the development hereby approved details of the proposed ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority.

**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 NPPF.

16 The development hereby permitted shall be completed in accordance with the recommendations of the protected and details contained in section 5 of the Lloydbore Ecological Impact Assessment report (September 2023) received 07 October 2023.

**GROUND**

In order to safeguard protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and advice as contained within the NPPF.

17 The development hereby permitted shall be completed in accordance with the submitted landscaping plan DPLC/CLE/LD001/B received 08 December 2023 and thereafter maintained.

**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

18 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

#### **GROUND**

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

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

#### **GROUND**

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

#### **INFORMATIVES**

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

Thanet District Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and

businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

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.

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/>

No foul or contaminated drainage shall be discharged from the site into either groundwater or any surface waters, whether direct or via soakaways, shall be approved.

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

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

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.

## SITE, LOCATION AND DESCRIPTION

The site is located to the rear of 161 To 213 Clements Road and currently comprises a car park, a hard surfaced clothes drying area and a grassed amenity area. The clothes drying area is enclosed by fencing and single storey storage buildings. The site is enclosed by three, three storey blocks of flats. One is positioned parallel to Clements Road and the other two are located perpendicular to the road. These existing blocks have openings in the front and rear elevations and the two blocks to the south have external access platforms facing onto the site.

On the south western side of Clements Road are rows of two storey pitched roofed terraced dwellings. The rear boundary of the site is shared with the green wedge and playing fields for the Royal Harbour academy.

The red line of the site includes two existing parking areas to the north and south of the area where the proposed flats would be located. These parking areas are accessed directly from Clements Road.

## RELEVANT PLANNING HISTORY

There is no planning history for the site.

## PROPOSED DEVELOPMENT

The proposed development is the erection of a building comprising nine self contained flats, (4 one bed and 5 two bed), following demolition of storage buildings. The building would have three storeys with three flats on each level and be constructed with a flat roof enclosed by a parapet wall.

The building would be constructed from buff brickwork and grey UPVC doors and windows. Solar panels would be located on the flat roof behind the parapet wall.

The existing access to the site would be used for the new development and the parking on the site would be rearranged. The existing concrete drying space, some of the grassed amenity area and 22 of the existing 30 stores would be removed. A new community garden would be formed in the centre of the site in front of the new building and the existing footpaths around the site would be altered to provide access to the existing and proposed dwellings. Additional parking spaces would be provided in the parking areas to the north and south of the site to serve both new and existing residents.

Nine electric vehicle charging points would be provided on the site and a new bin and bike store would be erected in the northern corner of the site.

## DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing  
SP13 - Housing Provision

SP14 - General Housing Policy  
SP22 - Size and Type of Dwellings  
SP23 - Affordable Housing  
SP26 - Landscape Character Areas  
SP27 - Green Infrastructure  
SP29 - Strategic Access Management and Monitoring Plan  
SP30 - Biodiversity and Geodiversity Assets  
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds  
SP35 - Quality Development  
SP37 - Climate Change  
SP41 - Community Infrastructure  
SP43 - Safe and Sustainable Transport  
SP44 - Accessible Locations  
HO1 - Housing Development  
HE01 - Archaeology  
GI04 - Amenity Space/Equipped Play  
GI06 - Landscaping and Green Infrastructure  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
SE04 - Groundwater Protection Zone  
SE05 - Air Quality  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

Three letters of objection have been received raising the following concerns:

Lack of clothes drying facilities  
Loss of parking spaces  
Increase in anti-social behaviour  
Impact upon property value  
Overlooking  
Proximity to existing dwellings  
Loss of storage buildings  
Increase in litter and fly tipping  
Highway safety  
Development is for profit  
Loss of trees  
Need for flats  
Increase in crime/anti social behaviour

## CONSULTATIONS



**Environment Agency** - No comment

**KCC Biodiversity** - We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided. We do however note that it is a shame that the features of most ecological value (the trees to the north of the site) are to be removed as part of proposals.

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) 2023, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise the conditions below are included.

Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

Ecological Mitigation

Suggested condition wording:

From commencement of works (including site clearance), all protected and priority species mitigation will be carried out in accordance with the details contained in section 5 of the Lloydbore Ecological Impact Assessment report (September 2023).

Ecological Enhancement

The submitted soft landscaping plan provides a measure of compensation for the vegetation lost as part of proposals. The submitted ecological impact assessment provides further recommendations for ecological enhancements at the site.

Suggested condition wording:

Within three months of commencement, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. Details will be based on the measures contained in section 6 of the Lloydbore Ecological Impact Assessment report (September 2023) and include integrated and/or wall-mounted bird, bat and hedgehog boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

Thanet and Canterbury SAMMP

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. This would be in line with the Thanet District Council Appropriate Assessment for the site.

**KCC Highways** - The proposal seeks to provide 9 new affordable dwellings within an existing parking court, which results in a reconfiguration of the existing parking.

10 parking spaces are proposed for the 9 dwellings. To ascertain the car ownership 2011 Census data has been analysed to ascertain that affordable housing has a lower car ownership than outlined in IGN3 parking standards. This equates to approximately 1 car per dwelling.

The existing residential blocks at Clements Road contain seven small parking courtyards. The largest, indicated as court 'D' is where the proposed dwelling are to be located. Of the 17 available spaces in this location, the parking beat survey indicates that there were 5 spaces available.

The parking courts are generally occupied, with some availability in courts A-D. There are no parking restrictions along Clements Road, where it is evident that there is some on street parking available.

Tracking has been submitted for a refuse freighter which should measure 13 metres in length, in line with Thanet Waste and Recycling requirements.

Tracking for a fire tender has been submitted which is acceptable.

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

Provision and permanent retention of 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 of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

**KCC Public Rights of Way** - No comment

**Kent Fire and Rescue Service** - Fire Service emergency access to the site appears satisfactory, however the flats will be subject to a full building regulations consultation on receipt of plans. Fire Service access and facility provisions under requirement B5 will form part of that consultation.

**Kent Police** - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend the applicant follows SBD 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. The points below identify my recommendations for the layout and design of this scheme;

1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site and the any parking areas/ courts to the rear of the. These areas must be well lit and covered by natural surveillance from neighbouring properties.
2. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line. I note on the plan that side access gates are shown, is it essential only residents can gain access to this space.
3. We generally advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting - the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
4. 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.
5. 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."

6. 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.
7. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2021 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.
8. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2021 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.
9. Bedroom windows on the ground floor require a defensive treatment, such as prickly planting/ knee railings, to deflect loitering, especially second bedrooms often used by children.
10. 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.
11. 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.
12. 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 solid secure anchors within the cycle storage area and sheds of dwellings.
13. Mail delivery to meet SBD TS009 is 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.
14. CCTV is advised for all communal entry points and to cover the mail delivery area.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

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

**TDC Arboricultural Consultant** - A tree survey submitted with the application describes trees on and immediately adjacent to the site but as far as I can see there is no formal Arb Implication Assessment, no plan showing proposed development in relation to root protection areas (rpa's) and no list of proposed tree removals.

Comparing the tree survey and proposed site plan, it appears at least six individual trees or groups of trees would be lost to the proposed development. The proposed site and

landscaping plans suggest three trees may be retained, but as there are no keys on the plans re. tree symbols, and the trees shown are not numbered, I cannot tell exactly what is to be retained or felled.

Of those to be removed, T1 appears to be a significant individual loss (to parking, plus stores likely within rpa) and I suggest seeking adjustments to the layout to allow for retention. The others likely to be removed may not be individually significant but collectively contribute to the setting of the site. Although not prominent in the street scene from the public realm, they are visible from Clements Road and are important boundary features for the many residents of the adjacent flats. They are an important landscape and boundary feature in views from the Royal Harbour Academy and its access road, and are part of an extensive and continuous linear group of trees and shrubs around the Academy's playing fields. There is value in its continuity, both visually and as a likely wildlife corridor.

With respect to the proposed new planting shown on the Landscape Detail plan, the species mix for the new native hedgerow along the boundary is perfectly acceptable, as are the species of replacement trees. In time, if successfully established, they could replace the landscape and other benefits lost through the removal of existing trees, but it will take time. The judgement is whether that temporary loss (perhaps 10-15 years before new planting is of a size to visually fill the gap) is acceptable.

TDC Environmental Health - Thank you for consulting Environmental Health on this application for which we offer the following comment in relation to: air quality and contaminated land.

#### Air Quality

The application has been supported by an air quality assessment which has been reviewed. The report has used appropriate methodology and baseline monitoring to consider operational and construction related air quality impacts. Operational Impacts associated with the development are negligible and construction impacts will require mitigation measures as specified in Appendix D of the report. The proposal includes installation of 2 EV charge points. The following conditions are recommended:

#### Condition: EV Charging

Prior to the occupation 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 active electric vehicle charging points shall be provided prior to the first occupation of the respective units that they serve and thereafter maintained.

#### Condition - Construction Environmental Management Plan

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the mitigation measures set out in Appendix D of the Air Quality Assessment provided within the ES and IAQM Guidance dust from demolition and construction 2014.

## Contaminated Land

The application has been supported by Phase 2 land Contamination Assessment which includes intrusive investigation and soil sampling across the development site, the assessment methodology and conclusions are accepted.

### Condition - Unsuspected Contamination

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

Southern Water - Southern Water requires a formal application for a connection to the public 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.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

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.

## COMMENTS

This application is brought before members as the application has been made by Thanet District Council.

### **Principle**

Policy SP01 for the Thanet Local Plan states that; "The primary focus for new housing development in Thanet is the urban area."

Policy HO1 of the Thanet Local Plan states permission for new housing development will be granted on non-allocated sites within the confines of the urban area subject to meeting other relevant Local Plan policies.

The principle of development is therefore considered to be acceptable and the benefits of providing new housing to the district will be weighed against the impacts of the development.

## **Housing Mix**

Policy SP22 states that proposals for housing development will be expected to provide an appropriate mix of sizes having regard to the Strategic Housing Market Assessment (SHMA) recommendations as may be reviewed or superseded.

The Council will encourage proposals for residential development to incorporate a higher ratio of houses to flats (as recommended in the SHMA as may be reviewed or superseded). Proposals for developments incorporating a higher proportion of flats will need specific justification.

Policy SP23 states that "Residential development schemes for more than 10 dwelling units, including mixed use developments incorporating residential and developments with a combined gross floor Thanet Local Plan Adopted July 2020 60 area of more than 1,000 square metres shall be required to provide 30% of the dwellings as affordable housing.

The affordable housing shall be provided in proportions set out in the Strategic Housing Market Assessment or successive documents.

The above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable."

Policy QD05 states that accessibility provision in new developments as required by Building Regulations Part M4 shall be provided as follows:

1) 10% of new build developments will be expected to be built in compliance with building regulation part M4(2) accessible and adaptable dwellings;

The above requirements will only be reduced if it would make the proposed development unviable or site specific factors prevent their inclusion.

Eight of the dwellings on the site would be M4(2) accessible and adaptable dwellings and the other would be M4(3) wheelchair user dwelling. This development would, therefore, comply with the aims of this policy.

This development comprises nine flats split into four 1 bedroom units and five 2 bedroom units. All of the dwellings would be affordable housing and contribute to the Council's housing need register. This indicates that the greatest need is for one and two bedroom units. The SHMA indicates that the greatest need for affordable housing is for one and two bedroom properties, however these should be provided as a greater proportion of houses than flats due to previous completions incorporating a higher number of flats. This proposal would therefore not comply with the mix of housing set out within the SHMA as it is wholly for flats, however this must be balanced against the benefits of this development, the general need for housing in the district, the required properties identified on the housing need register and that this scheme would provide nine affordable dwellings.

## **Character and Appearance**

The NPPF states that planning 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 and appropriate landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; and provide a high standard of amenity for existing and future users (Paragraph 130).

Policy QD02 of the Thanet Local Plan provides general principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. In this regard development must relate to the surrounding development, form and layout and strengthen links to the adjacent areas.

Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design.

The existing blocks of flats surrounding the site are three storeys in height with pitched roofs. The submitted plans indicate that the parapet wall enclosing the flat roof of the proposed flats would extend above the ridge of the existing flat blocks by between 0.6m and 1m.

The existing blocks of flats are constructed from red and yellow brick with brown concrete roof tiles, UPVC doors, windows and panels, sections of tile hanging and concrete external access platforms with black metal railings. The building would be constructed in buff brickwork with recessed panels, soldier courses, stretcher bonds and projecting headers. The doors and windows around the building would be floor length in design with panelled sections. The proposed materials would share some similarities with the existing buildings, including the use of floor length windows, panelled sections and the brickwork is considered to be appropriate for the mix of brickwork visible in the area.

The solar panels proposed on the roof would be set at a low angle and would, therefore, have limited visibility from the public realm.

Surfacing around the site would include black asphalt to the main access road, buff and grey coloured asphalt to the parking and turning areas, footpaths and bin stores and buff concrete flag paving to the communal garden. Given the existing grey concrete and tarmac, these materials would be considered appropriate for the area.

The initial submission proposed that four trees and the existing soft landscaping at the rear of the site would be removed. The submitted arboricultural report indicates that T1, a Sycamore located opposite the entrance to the site is category B and the other trees on the site are category C. The Council's Arboricultural Consultant considers that T1 would represent a significant individual loss and the other trees may not be individually significant, but contribute collectively to the setting of the site. Following concerns raised by Officer's the applicant has confirmed that given the existing hard standing close to T1 and the proposed arrangement this tree could be retained subject to a 30% crown reduction and that an additional small tree would also be retained adjacent to the access to Newlands Bungalow. Given the visibility of T1 and the existing character of the site the retention of these trees is considered to be an improvement to the scheme.



The proposed block of flats would have a different appearance to the existing flat blocks on the site and would exceed them in height, however given the set back from the boundary with Clements Road, the variation in properties in the immediate vicinity, and that there are no highly prominent views from public space across the open countryside, they are not considered to result in significant harm to the character and appearance of the area. The proposed landscaping is considered to provide an acceptable arrangement and the retention of the most prominent tree (T1) is considered to be an improvement to the original submission. It is therefore considered that the amended development would comply with policy QD02 of the Thanet Local Plan and the National Planning Policy Framework in terms of the impact upon the character and appearance of the area.

### **Living Conditions**

In terms of the living conditions of adjacent neighbours, Policy QD03 requires all new development to be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions through overlooking, overshadowing, loss of natural light or a sense of enclosure. In terms of the living conditions for the future occupiers of the proposed residential units, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04. Paragraph 130 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users.

At the closest point there would be a separation of 8.8m to the closest existing block to the west, 18.7m to the block to the south west and 17m to the block to the south. Given the orientation of the windows in the block to the west, facing south east and the separation to the other blocks, this development is not considered to result in any significant loss of light or sense of enclosure to the neighbouring properties.

The doors and windows in the front and south eastern side elevations would face directly towards two of the existing blocks. These existing blocks have external access platforms, doors, high level bathroom windows and kitchen windows facing towards the site. Given the separation distances outlined above the the arrangement of the neighbouring openings, the proposed development is not considered to result in a significant increase in overlooking to these neighbouring properties.

The existing block to the north west of the site has living room and bedroom windows in the elevation facing the site, however due to the position of the proposed block, at the rear of the site, the proposed windows would not face directly towards this existing building. Windows in the north western side elevation would face towards the side elevation and along the external access platform of the block containing numbers 239-261 Clements Road, however as these are communal spaces, these windows are not considered to result in any significant overlooking.

The proposed rear windows and doors would face towards the playing fields at the rear of the site and are not considered to result in any significant overlooking.

Noise and disturbance during construction is considered to be temporary in nature and would be covered by other legislation. Whilst there would be an increase in the number of

dwellings on the site, given the existing number of dwellings in the area, the use of the building as flats is not considered to result in any significant increase in noise and disturbance to the neighbouring properties.

The proposed flats would all meet the floor space standards set out within policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light, outlook and ventilation.

A communal garden would be provided at the front of the proposed flats for use by the existing and proposed residents and some grassed areas would remain adjacent to the existing blocks of flats. This proposal would result in a reduction in the amenity space and clothes drying areas.

Given the arrangement and location of the proposed building it is not considered to result in any significant harm to the living conditions of the existing residents in terms of light, outlook, overlooking and noise and disturbance and the development would provide an acceptable standard of accommodation for the future occupants. There would be a reduction in amenity space, clothes drying areas and areas of soft landscaping on the site, however it is considered that sufficient amenity space and areas for clothes drying would remain around the site. The impact of the development upon existing and future residents in terms of living conditions is considered to be acceptable and comply with the aims of policies GI04, QD02 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

## **Transportation**

The current plans indicate that there are a total of 33 parking spaces within the red line, 17 parking spaces in the area immediately surrounding the proposed block of flats and 8 spaces in each of the parking areas to the north and south of the site. A total of 15 spaces would be provided in the area immediately surrounding the proposed flats following the proposed development and four additional spaces would be provided in each of the parking areas to the north and south of the site. This would give a total of 39 spaces within the red line and an overall increase of 6 spaces on the site.

12 secure bike storage spaces would be provided in the northern corner of the site on an area of existing hardstanding.

Kent Fire and Rescue have raised no objection to the access arrangements proposed. KCC Highways have reviewed the application and given the information that has been submitted indicating that affordable housing generally has a lower level of car ownership than in the adopted parking standards, have raised no objection, subject to conditions requiring the permanent retention of the car and cycle parking spaces and the submission of a construction management plan.

The proposed development would not provide the number of parking spaces set out within KCC guidance, however given the evidence submitted regarding parking demand, the proposed parking and the capacity in the area, this development is not considered to result in any significant harm to highway safety.

## **Biodiversity**

The site primarily comprises areas of hardstanding and managed grass. Some trees are located at the rear of the site. Whilst the rear boundary is shared with an area designated as green wedge and open countryside, this area forms managed playing fields for the nearby school.

An ecological impact assessment has been submitted with this application and has identified that foraging bats, nesting birds and hedgehogs were identified on the site.

KCC Biodiversity have reviewed the application and have indicated that sufficient ecological information has been provided with the application. Roosting bats were not identified on the site. KCC have requested that details of ecological enhancements for the site are secured by condition.

Given the existing arrangement of the site and subject to the recommended conditions, this development is not considered to result in any significant harm to biodiversity in the area.

## **Flooding, Drainage and Contamination**

The site is located within Flood Zone 1 and is therefore at a low risk of flooding. The site is located within the Groundwater Protection Zone as defined by policy SE04 of the Thanet Local Plan. This policy states; "Proposals for development within the Groundwater Source Protection Zones identified on the Policies Map will only be permitted if there is no risk of contamination to groundwater sources. If a risk is identified, development will only be permitted if adequate mitigation measures can be implemented. Proposals which involve the use of piled foundations on contaminated sites must demonstrate that they will not cause disturbance of any ground so as to cause turbidity in water supply and/or create pathways enabling contaminated materials to reach the groundwater.

Proposals for Sustainable Drainage systems involving infiltration must be assessed and discussed with the Environment Agency to determine their suitability in terms of the impact of any drainage into the groundwater aquifer."

The submitted documents indicate that foul drainage would be discharged to existing sewers and soakaways would be used for surface water.

The site has been in residential use since 1955 and before this was recorded as open land. These previous uses are unlikely to result in any significant contamination of the site. The applicant has taken a precautionary approach in terms of assessing contamination of the site and submitted a Phase 2 Land Contamination Assessment which includes intrusive investigation and soil sampling across the development site. This report concludes that there is a low risk of contamination on the site. This report has been reviewed by the Council's Environmental Health Department who accept the conclusions of the report and raise no objection subject to a condition requiring any unsuspected contamination of the site to be suitably remediated.

Given the proposed drainage arrangements, the use of the site and subject to the required condition, this development is not considered to represent any significant risk of flooding or harm to protected groundwater and human health.

### **Financial Contributions**

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

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

The applicant has agreed to provide the required £2408 SAMM contribution. As the applicant is the Council, a unilateral undertaking to secure this contribution cannot be submitted, but the contribution can be transferred to the planning department from the housing department prior to the issuing of any planning permission. Subject to this financial contribution being secured, the impact upon the Special Protection Area will have been appropriately mitigated, with the application complying with the habitat regulations. An appropriate assessment has been carried out on this basis.

### **Other Matters**

The proposed development would be conditioned to ensure that the new dwelling meets the water and energy efficiency standards set out within policies QD01 and QD04 of the Thanet Local Plan.

The use of the property for residential development is not considered to result in any significant increase in anti-social behaviour in the area.

Kent Police have provided comments giving a number of suggestions to design out crime in the development. This development would provide additional surveillance to the amenity spaces and communal parking area. Defensible space and planting is proposed around the building and the applicant has indicated that they have considered secure by design principles in the layout of the site. An informative would be added advising the applicant to consider the use of doors, windows, gates, postboxes and entry systems that meet secure by design standards. Full details of the landscaping and any proposed lighting for the site would be secured by condition.

Kent Fire and Rescue have confirmed that fire safety would be considered through the building regulations application.

The impact of the development upon property values is not a material planning consideration.

Bin storage would be provided on the site for the existing and proposed dwellings and the use of the building as residential accommodation is not considered to result in a significant increase in litter and fly tipping.

Concern has been raised regarding the need for the development and that it is only for profit. As set out above this is an application by Thanet Council for dwellings that would all be allocated to people on the Council's housing register. There is a general need for housing in the district and the housing register sets provides evidence of the size of the dwellings required. Developers profit is not a material planning consideration, however as also set out above funding is available for the proposed dwellings only.

Concern has been raised regarding the loss of the existing clothes drying areas and storage buildings on the site. These existing features could be removed without the need for planning permission. Communal amenity space would remain around the site that could be utilised for clothes drying and eight stores would be retained as part of the proposed plan.

## **Conclusion**

The Council cannot currently demonstrate a five year housing land supply. In the absence of a five year housing land supply paragraph 11 of the Framework is triggered and there is a presumption in favour of sustainable development. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

The proposed flats would be different in character to the existing flats and this proposal would result in the loss of three existing trees on the site along with some existing soft landscaping and a reduction in the existing amenity areas. However the proposed arrangement is considered to provide adequate amenity areas and parking for both the existing and proposed residents and it has been confirmed that the largest and most prominent tree on the site would be retained.

This development would result in a net increase of 9 dwellings in a sustainable location and all of these dwellings would contribute to the district's affordable housing supply. Therefore given the limited harm to the character and appearance of the area, the living conditions of the existing neighbouring property occupiers and highway safety, any adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits of the proposed development when assessed against the Thanet Local Plan and the National Planning Policy Framework.

It is therefore recommended that members defer and delegate the application for approval subject to the transfer of the financial contributions as set out above to the Planning Department and safeguarding conditions.

**Case Officer**  
Duncan Fitt

TITLE:

F/TH/23/1341

Project

Garage Block Rear Of 161 To 213 Clements Road RAMSGATE Kent

