

D08

F/TH/23/1343

PROPOSAL: Erection of 8No three storey 3-bed semi detached dwellings and 4No three storey 4-bed terraced dwellings, together with associated access, parking and landscaping

LOCATION: Garage Blocks At Tomlin Drive MARGATE Kent

WARD: Dane Valley

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 required financial contributions as set out above to the Planning Department and 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 1130 Rev P07, 1131 Rev P07, 1132 Rev P07, 1133 Rev P07, 1134 Rev P07, 1135 Rev P07, 2080 Rev P06, 2081 Rev P04, 2085 Rev P06, 2086 Rev P06, 3040 Rev P06, 3043 Rev P06 and 3044 Rev P06 received 09 October 2023, 221510-PEV-TD-00-DG-C-0700 Rev P02, 221510-PEV-TD-00-DG-C-0510 Rev P04, 221510-PEV-TD-00-DG-C-1121 Rev P02, 221510-PEV-TD-00-DG-C-1120 Rev P02 received 11 October 2023, DPLC/TOM/LD001, DPLC/TOM/LD002, DPLC/TOM/LD003, DPLC/TOM/LD004 received 18 October 2023, DPLC/TOM/LD005/A received 08 December 2023, 1045 Rev P15, 1046 Rev P11 and 1047 Rev P09 received 03 January 2024.

GROUND;

To secure the proper development of the area.

3 The development hereby permitted shall be completed in accordance with the submitted landscaping plans DPLC/TOM/LD001, DPLC/TOM/LD002, DPLC/TOM/LD003, DPLC/TOM/LD004 received 18 October 2023 and DPLC/TOM/LD005/A received 08 December 2023

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

4 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

5 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.

6 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.

7 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.

8 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.

9 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.

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

GROUND

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

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

GROUND

To ensure that the 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.

12 The development hereby permitted shall be completed in accordance with the recommendations of the protected and details contained in section 6 of the Lloydbore Ecological Impact Assessment report (March 2023) received 11 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.

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

GROUND

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

14 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for that phase, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report

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

GROUND

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

15 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.

16 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.

17 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

18 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1045 Rev P15 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.

19 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 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.)
- (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.

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

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.

21 All dwellings hereby approved shall only be occupied to individuals or families who have been nominated by the Council, in accordance with its published allocations policy at the time.

GROUND

To meet the exception criteria that omits the need to provide 25% first homes on development sites exclusively for affordable housing, in accordance with the Council's First

Homes Interim Policy Statement (April 2022), Policy SP23 of the Thanet Local Plan, and the NPPF.

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.

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 to requisition water infrastructure is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based at Atkins Ltd, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tel 01962 858688) or 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 red line of the site includes an area between William Avenue, Tomlin Drive and Broadley Road and currently comprises fifteen three storey blocks of flats containing 42 flats with associated parking, landscaping and amenity areas. The existing flats are constructed from a mixture of red and yellow brick with rendered panels and low pitched roofs. To the north and west of the site is a mixture of similar three storey flat blocks and two storey detached, semi-detached and terraced dwellings with pitched roofs.

The south eastern boundary of the site is shared with open agricultural fields and a small area of woodland towards the northern end of this boundary.

RELEVANT PLANNING HISTORY

F/TH/05/1090 - Erection of pitched roofs to existing three-storey blocks. Granted 13 October 2005

F/TH/04/1321 - Erection of pitched roofs to replace the existing flat roofs. Granted 02 December 2004.

PROPOSED DEVELOPMENT

The proposed development is the erection of 8 three storey three bed semi detached dwellings and 4 three storey four bed terraced dwellings, together with associated access, parking and landscaping.

The dwellings would be located on former garage blocks, clothes drying areas and amenity areas along the south eastern boundary of the site. Three of the pairs of semi-detached dwellings (Blocks A, B and C) would be located in the southern part of the site between the four existing blocks of flats. The four terraced dwellings would be located at the end of the large parking area towards the centre of the site (Block D) and the remaining pair of semi-detached dwellings (Block E) would be located on a triangular grassed area in the north eastern corner of the site.

The dwellings would be constructed from buff brickwork, brown roof tiles, UPVC doors and windows and white rendered bay windows.

The garages that were on the site have previously been demolished and the existing parking courts would be rearranged to provide parking for both existing and the new dwellings.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

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

One letter of support has been received. This letter queried if designated parking spaces would be provided for blue badge holders.

CONSULTATIONS

Environment Agency - We have reviewed the below documents and have the following comments:

o Phase II Geo-Environmental Report Provided by Ecologia (Ref: EES23.024.1, dated 24th August 2023)

It is noted that only drainage plans for Land at Tomlin Drive have been provided and as such these conditions only relate to the phase of development associated with Land at Tomlin Drive and that further documentation is required in regard to the other potential phases of development.

Environment Agency position

We have no objection to the proposed development, subject to the following conditions being included on any permission granted.

Without these conditions we would object in line with Paragraph 174 of the National Planning Policy Framework (NPPF).

Condition: Unsuspected Contamination

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

Condition: Surface Water Drainage

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

Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Condition: Piling

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

Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Informative(s)

Surface Water Drainage

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system entering after the pollution prevention measures. Appropriate pollution control methods such as trapped gullies and interceptors should be used for drainage from access roads and car parking areas to prevent

hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Foul Drainage

It is understood that foul drainage is to be discharged via mains sewer. This is acceptable in principle, however we would wish to be consulted further should these proposals change.

Piling

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Waste on Site -

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- o excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - o treated materials can be transferred between sites as part of a hub and cluster project
 - o some naturally occurring clean material can be transferred directly between sites
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to:
- o the position statement on the Definition of Waste: Development Industry Code of Practice
 - o The waste management page on GOV.UK

Waste to be taken off-site -

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- o Duty of Care Regulations 1991
- o Hazardous Waste (England and Wales) Regulations 2005
- o Environmental Permitting (England and Wales) Regulations 2016

o The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

KCC Biodiversity - We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided.

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 6 of the Lloydbore Ecological Impact Assessment report (March 2023).

Ecological Enhancement

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 7 of the Lloydbore Ecological Impact Assessment report (March 2023) and include integrated and/or wall-mounted habitat 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 Flood and Water Management - The LLFA understand from the report that surface water runoff from the existing development is conveyed to a number of on site soakaways. The drainage proposal to serve the future development is for a continuation of this method for managing surface water flows from impermeable surfaces.

To support the continuation of utilising soakaways, preliminary ground investigations have been undertaken that includes infiltration testing. The results from the testing as contained within table 1 show that from the three locations undertaken that the rates obtained are favourable. We do note however that no locations have been provided of the tests in respect to the proposed soakaway locations and that the tests undertaken were not to the depths of the features designed. In consideration of this, the LLFA would view that further testing would be necessary as part of any detailed design stage. This is to ensure that the locations proposed are suitable.

In addition to the further soakaway testing, the LLFA are aware from the report that the soakaways would be designed to ensure they half drain within 24 hours for a corresponding 10 year rainfall event (Section 5.1). The LLFA would request that the half drain time be extended to include the 30 year return period.

In view of the above, we would request that a pre-commencement (excluding demolition works) detailed design condition is attached to any planning permission. This is to facilitate the undertaking of further testing at the soakaway locations and for full network design and simulations to be created. The wording to this condition and our verification report condition can be found below:

Condition:

No development except for demolition/ site clearance shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can

be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance): that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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

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

Reason:

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

Condition:

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

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework.

KCC Highways - Updated comments received 13 December 2023

Further to my previous response, the applicant has submitted some additional information and plans. They have confirmed there are 42 existing properties within the area that is to be redeveloped.

The applicant states within the Transport Statement (point 5.2.1) that 26 car parking spaces would remain to serve the existing 42 properties on Tomlin Drive, however I can only count 24 spaces on the submitted plans. 22 spaces are to be provided for the 12 new dwellings.

I note the justification for a reduced parking allocation for the site, which demonstrates that the average car ownership for affordable housing is less than for private dwellings and I am content to accept this. The Census 2011 data shows that car ownership for a 3 bedroom house is 0.9 cars is per dwelling, on this basis 8 spaces would be required for the 8 three bedroom properties, and a maximum of 8 spaces for the four bedroom properties (2 vehicles per property). In addition 3 visitor parking spaces would be required to serve the 12 new properties. This makes a total requirement of 19 spaces required and the applicant is proposing 22 spaces.

A parking beat survey was conducted on two weekday nights, one at 4.45am on Thursday 23rd February and the second at 1.00am on the Friday 24th February. This showed that a maximum of 26 cars were parked in the existing parking areas serving the current flats on Tomlin Drive.

As such I am content to accept the parking provision as proposed, and that a potential overspill of one or two vehicles onto the existing highway in this location would not be of detriment to highway safety.

There are other outstanding matters that need to be addressed as follows :

1. Electric Vehicle charging points will be required to serve the new properties. As the parking spaces are to remain unallocated, we normally require 10% active / 90% passive provision. However given the proposed parking layout, this would result in some area's potentially not having EV charging provision in relation to the proposed properties. Given the proposed layout I would look for 4 EV charging spaces to be provided, one for each area where parking has been allocated for the new properties.

2. The drawings demonstrating tracking for refuse vehicles has no scale bar, and unfortunately I am unable to use the scaling facility on Thanet District Councils website.

3. I have been sent a drawing demonstrating pedestrian visibility splays for the three proposed pedestrian accesses onto Broadley Road. The applicant has stated that a mesh fence would used, however at certain angles this too obstructs visibility, I would prefer a low height fence to be provided. In addition the pedestrian access closest to Block E at the northwestern part of the site - the visibility splay passes over the fence line for the rear garden here. This will need to be amended.

Other matters for consideration

4. At present there are Street Lighting columns within the site area proposed for redevelopment that are owned by Kent County Council (KCC). The applicant has stated that Thanet District Council (TDC) will take over ownership of these lighting columns. As such there will be due process to transfer ownership of these assets from KCC to TDC, and I would require a suitably worded condition to ensure this process takes place prior to occupation of the site, should the LPA be minded to approve this application

5. Should planning approval be granted for this site, a robust Construction Management Plan would be required. Having conferred with the KCC District Operations Manager, he would

wish to see all construction traffic using Broadley Road to access the site, so that existing residents are disrupted as little as possible. In addition we would require a pre-commencement highway condition survey to be conducted, to ensure any highway defects resulting from construction traffic can be addressed. We would also require a Temporary Traffic Regulation Order to be implemented on Broadley Road for the construction period. This process can take from 3 months to implemented. All of these points can be addressed as part of the Construction Management Plan, however I wanted to bring these to the attention of the applicant.

Initial comments received 08 November 2023

The proposals are for 8 x 3 bedroom and 4 x 4 bedroom affordable houses to be constructed on land currently used as garages or unutilised green space for existing dwellings on Tomlin Drive.

As part of the development 26 parking spaces are proposed to serve the existing dwellings, along with 22 parking spaces to serve the 12 new dwellings.

A Transport Statement has been submitted and having reviewed this and other documents that have been submitted I have the following comments to make:

I would concur with the trip generation figures, and these are robust as they are based on privately owned dwellings as opposed to affordable housing. These show there would be 1 arrival and 4 departures in the morning peak and 3 arrivals and 1 departure in the evening peak. This would not be classed as having a severe impact on the local highway network and as such is not a reason to object to this application.

To ensure I can accurately assess the proposed new parking allocation, proposed site layout and the parking beat survey that has been conducted to support this application, I do require confirmation of the number of existing dwellings currently served by the existing parking layout. I note that currently there are 45 parking spaces serving these dwellings, and this will be reduced by 19 to 26 spaces. The planning statement states that 37 predominantly redundant garages are to be demolished, some of which has already taken place.

No scale bar has been provided on the drawings demonstrating the tracking - unfortunately I am unable to use the scaling facility on the TDC website.

Lighting - I note some lighting columns will need to be removed, however it is noted that there have been discussions between Kent County Council (KCC) and Thanet District Council (TDC) with regards to TDC potentially taking over control and ownership of these lighting columns, as they are currently sited on private land. Can the applicant please confirm whether a decision has been made on this aspect, as further details and plans may be required should KCC be expected to retain ownership and maintenance of these lighting columns (which KCC are not obliged to as they are on private land).

I note three pedestrian access points are proposed from the site onto Broadley Road, which runs adjacent to the site. I have no objections to this, however I do have concerns with the height of the proposed fence here that will border the site and Broadley Road. At 1.4m this

would obstruct visibility for any pedestrian exiting onto Broadley Road, and this path is often used by cyclists. As such pedestrian visibility splays of 1m x 20m should be provided with no obstruction over 0.6m within these splays. This will enable any pedestrians to view any pedestrians/cyclists using Broadley Road before stepping out on this path, and vice versa.

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.

Natural England - DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], North Kent Special Protection Area (SPA). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the

European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

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

Southern Water - Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

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

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.

TDC Environmental Health - 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 are negligible and construction impacts are medium risk and so will require mitigation measures as specified in Appendix D of the report. It is noted that EV charging has been proposed. The new development is served by 22 parking spaces and in accordance with Policy SE05 Air Quality 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 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 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 a Phase 2 intrusive land Contamination Assessment which finds that remediation scheme is required. The following conditions are recommended:

Condition - Remediation Scheme

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

Condition - Verification Report

Prior to occupation of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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.

Condition - Piling

If piling foundation methodology is to be undertaken, a Piling Risk Assessment from a suitably qualified person must be submitted prior to commencing construction activities on site.

Condition - Unexploded ordinance

The recommendations on page 6 of the Detailed UXO Risk Assessment dated 20 February 2023 by Fellows shall be undertaken.

ANALYSIS

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.

Within the Interim Policy Statement a list is provided for when first time homes are not required to be provided, which includes 'developments exclusively for affordable housing, entry-level exception sites, or rural exception sites'. As this site would be exclusively for affordable housing, there would not be a requirement for first time homes, however, there will need to be a condition that will secure the provision of the 100% affordable housing, as without this the application would not comply with the Interim Policy Statement. On the basis that this condition is applied, which is considered reasonable given that the Council will be providing the affordable housing using grant money that is solely allocated for this purpose, greater weight can be applied to the social benefits of the proposal from the provision of this increased level of affordable housing above the policy requirement.

This development comprises 12 dwellings split into four 4 bedroom units and eight 3 bedroom units. All of the dwellings would be affordable housing, built to M4(2) standards and contribute to the Council's housing need register. The SHMA indicates that the greatest need for affordable housing is for one and two bedroom properties. As this development only provides three and four bedroom houses this proposal would not comply with the mix of housing set out within the SHMA, however this must be balanced against the benefits of this development, the general need for housing in the district and that this scheme would provide 12 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 area to the south east of the site is designated as open countryside under policy SP24, Green Wedge under policy SP25 and the St Peters Undulating Chalk Farmland Landscape

Character Area by policy SP26 of the Thanet Local Plan. The south eastern boundary of the site along Broadley Road also forms the boundary with the Broadstairs Neighbourhood Plan Area.

The proposed dwellings would all have a similar design and would be arranged over three storeys with the second floor partially located within the roof. The buff brickwork would be arranged with a stretcher bond and recessed panels with projecting headers. The doors and windows would be floor length and constructed from grey UPVC. Composite infill panels would be used around the buildings and solar panels would be located on the roof. The four terraced dwellings would have white brickwork to the bay windows on the ground floor front elevation. The proposed dwellings would measure 11.3 and 11.1m in height. The site drops in level from north east to south west, however the proposed dwellings will appear taller than the existing flat blocks. The submitted site sections indicate that, adjacent to the closest blocks, the proposed dwellings would exceed the height of the existing flats by between 0.1m and 2.2m. The proposed dwellings would have a different appearance to the existing flat blocks on the site and would exceed them in height, however given the variation in properties in the immediate vicinity, the variation in land levels and that space would be retained on the boundary with the open countryside they are not considered to result in significant harm to the character and appearance of the area.

Views from the open countryside towards the new dwellings would be available from Broadley Road and the footpaths to the south and east of the site, however it is considered that the dwellings would not significantly alter the urban edge and would be viewed against the existing development. This development is therefore not considered to result in any significant harm to the character and appearance of the adjacent countryside or green wedge.

There are some small trees located on the site close to the boundary with Broadley Road. Following concerns raised by Officer's regarding the loss of existing trees on the site the applicant has confirmed that the two existing trees close to proposed block A and existing block 208, would be retained.

The large parking court at the centre of the site would be reconfigured in front of block D and additional parking areas would be provided in front of blocks A and B. New bin stores would be erected across the site and new landscaping would be formed to replace sites of the former garages and clothes drying areas.

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

The proposed dwellings 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 the surrounding roads, the variation in properties in the immediate vicinity, and whilst there would be views across the open countryside, they are not considered to result in significant harm to 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.

The existing flat blocks appear to have habitable room windows in all elevations. At the closest point there would be a separation distance of 9.4m from block A, 4m from block B, 4.8m from block C, 4.8m from block D and 8m from block E to the closest existing building.

Block A is set at an angle in the site to face between the two closest blocks and there would be a separation distance of 9.4m to the existing block to the west and north. Whilst these dwellings would be prominent in views from windows in the southern and eastern elevations of these closest blocks, given the separation distance, the dwellings are not considered to result in a significant loss of light and outlook to warrant refusal of the application.

Blocks B and C would be located in spaces between the existing flats and due to their position in the site would have a limited overlap with the closest existing flats. These blocks are therefore not considered to result in any significant loss of light or sense of enclosure to the existing neighbouring dwellings.

Block D would be set 8m from the corner of the closest existing flats to the north east and 10.4m from the existing flats to the west. Similar to block A, these dwellings would be prominent in views from the windows in the eastern elevation of the blocks to the west, however given the separation distance, the dwellings are not considered to result in a significant loss of light and outlook to warrant refusal of the application.

Block E would be set 8m from the closest point of the flats to the north, however there would be 10m to the main elevation of this existing block that would face these dwellings. There would be a separation distance of 19m to the closest existing. Similarly to the other blocks, these dwellings would alter the outlook from the existing properties, however given the distance, any loss of light and outlook is not considered to be significant enough to warrant refusal of the application.

Habitable room windows are proposed in the front and rear elevations of the proposed dwellings, the ground floor left elevation of blocks A, B C and the ground floor right elevation of block E. With the exception of the front bay windows, no side facing windows are proposed in block D.

The front elevations of blocks A, B and C would face through the spaces between the existing flat blocks. There would be a separation distance of 39m from the front elevation of block D to the closest existing dwelling and 19m from the front elevation of block E to the closest existing dwelling. The rear elevations of all dwellings would face towards the

agricultural fields to the south east of the site and are therefore not considered to result in any significant overlooking. The proposed ground floor side windows, due to their height and location, are not considered to result in any significant overlooking. The proposed first floor side windows would all serve bathrooms or toilets and as these are not considered to be habitable rooms, would not result in any significant overlooking. Given the arrangement of the proposed dwellings and their openings, they are not considered to result in any significant overlooking to the existing neighbouring dwellings.

The use of the proposed buildings as dwellings is not considered to result in a significant increase in noise and disturbance to the existing property occupiers.

The proposed dwellings would all exceed the floor space standards set out in policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light, outlook and ventilation. Private amenity spaces would be provided at the side and rear of each dwelling. These spaces would be considered suitable doorstep playspace and would provide space for, refuse and cycle storage and clothes drying. The proposed dwellings are, therefore, considered to provide an acceptable standard of accommodation for the future occupants.

Transportation

The site is considered to be positioned in a sustainable location and cycle storage would be provided within the curtilage of each new dwelling. Access to each dwelling would be from footpaths and parking areas formed at the end of existing access roads.

The submitted documents indicate that there are currently 45 parking spaces on the site serving the existing 42 dwellings, however many of these appear to be sited in the location of the 16 garages that were previously located on the site. A total of 46 spaces would be provided on the site following the development including two disabled parking bays. On street parking along Tomlin Drive, William Avenue, Dane Valley Road and the surrounding streets is unrestricted and there appears to be capacity for additional parking in these areas that would not result in harm to highway safety.

The application is supported by a transport assessment that includes a survey of the existing parking. This survey identified capacity on the existing site and surrounding roads for additional parking. This report also outlines that census data indicates that affordable housing occupiers generally have a lower level of car ownership. This report concludes that the proposed development would provide sufficient parking for the existing and proposed dwellings and would not result in a significant increase in traffic. KCC Highways have reviewed his assessment and agree with the conclusions that the proposed parking is sufficient to avoid harm to highway safety.

The applicant's agent has confirmed that the fencing proposed to the Broadley Road boundary of the site would be mesh fencing and an amended plan has been submitted altering the boundary of plot 12 to ensure that adequate visibility can be obtained onto Broadley Road. There is currently a variety of boundary treatments along Broadley Road and the amended arrangement is considered sufficient to allow visibility for pedestrians using these accesses.

An updated vehicular tracking plan has been submitted demonstrating that a 13m long refuse lorry can enter and exit the site in a forward direction.

A total of 12 electric vehicle charging points are shown on the proposed plan, exceeding the 4 requested by KCC. Details of these charging points would be secured by condition.

KCC Highways have raised concerns about the ownership and maintenance of the lampposts on the site. The planning agent has confirmed that the lampposts on the site are TDC's responsibility. Any transfer of ownership would be a separate matter that falls outside of the planning process.

Given the number of existing dwellings on the site a construction management plan is considered reasonable and necessary in this instance to minimise disruption to existing residents.

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 on site parking and the capacity in the unrestricted parking in the surrounding area, this development is not considered to result in any significant harm to highway safety or parking amenity of residents in the area.

Biodiversity

The site comprises areas of hard standing and managed gardens around the existing flat blocks on the site.

An ecological impact assessment has been submitted with the application and this report concludes that the site is of low ecological importance and now additional measures are required above the inclusion of native species within any soft landscaping, and the provision of boxes for nesting birds and shelter for insects that are proposed.

KCC Biodiversity have reviewed the application and agree with the conclusions of the report and raise no objection to the development, subject to conditions requiring the development to be completed in accordance with the Ecological Impact Assessment, and details of the proposed ecological enhancements to be submitted to the Council.

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 and Drainage

The site is located within Flood Zone 1 and is therefore at a low risk of flooding. A flood risk assessment has been carried out as this is a major application and has been submitted alongside a Drainage Design Strategy.

KCC Flood and Water Management have reviewed the proposed drainage strategy and have indicated that there appears to be capacity within the existing soakaways on the site for any additional surface water. Whilst some further clarification is required, they have raised no objection to the proposed development subject to the submission of a detailed

sustainable surface water drainage scheme prior to the commencement of development and a verification report demonstrating that the drainage system constructed is consistent with that which was approved.

Given the location of the site and subject to the conditions requiring details of the surface water drainage scheme, this development is not considered to result in any significant increased risk of flooding and would provide adequate drainage.

Contamination

The site has been in residential use since the 1970's 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 has submitted a Geo-Environmental Assessment Report with the application. This report concludes that there is a low to moderate risk and has recommended that a remediation strategy is provided and a piling methodology is provided if piled foundations are proposed.

The Environment Agency have reviewed the application and have raised no objections subject to conditions requiring any unsuspected contamination to be suitably remediated and piling and drainage of surface water to the ground to only be used when agreed with the local planning authority.

The Council's Environmental Health Department have also reviewed the application and raised no objection in terms of contamination subject to conditions. These conditions include the submission of a detailed remediation scheme and remediation report, any unsuspected contamination to be suitably remediated, submission of a piling foundation methodology if piling is proposed and for the recommendations of the unexploded ordnance risk assessment to be carried out.

Given the existing and previous uses of the site and subject to the recommended conditions, this development is not considered to present any significant risk to health.

Air Quality

An air quality assessment has been submitted with the application and identified the construction phase, changes in traffic pollution and suitability of the location for residential development as key factors in terms of air quality. The report concludes that there is a medium risk of dust nuisance that can be mitigated through appropriate measures, the additional road traffic is not considered to be significant and the area is considered suitable for residential development. The Council's Environmental Health Department have reviewed the assessment and have raised no objection to the development in terms of air quality subject to conditions requiring details of the proposed electric vehicle charging points and a Construction Environmental Management Plan to be submitted and approved. Given the proposed use and location, and subject to the recommended conditions, this development is not considered to result in any significant harm to air quality.

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 £5,512 SAMM contribution and therefore it is considered that the impacts of the development upon the Special Protection Area would be mitigated.

KCC has requested financial contributions towards secondary education, special education, adult education, adult social care, libraries, children's services, and waste, which totals £106,574.76.

Thanet District Council are the applicants for the site, with the sole purpose of providing affordable rent housing to meet the needs of residents who are currently on the housing register. The development is being funded by the Council through 56% borrowing, 40% capital receipts, and 4% brownfield grant. The development is not for profit, and will be provided at cost to the Local Authority, with no financial return for at least 11 years, which is the forecast breakeven year. Following this point any revenue generated will go back into the Housing Revenue Account to support future developments. The Council's Finance Manager has confirmed that the payment of any KCC contributions will result in additional borrowing being necessary, which would put pressure on the Housing Revenue Account revenue business plan, which is likely to either stall or require the scaling back of the housing proposed for delivery; however, upon further reflection the applicant has advised that it would be possible to commit to the smaller contribution amounts, which includes everything except the secondary education contrition for both building and land. The secondary education contribution totals £95,011.56, and the applicant has advised that payment of this contribution is likely to take the breakeven year close to 30 years, which is the point at which the scheme becomes unviable due to the financial risk to the Council. The applicant has also advised that the scheme has not yet been out to tender, and there is the possibility that the development costs in reality exceed the provisional figures used, which could again impact upon the payback period.

Government advice is that, where a development does not comply with planning policy for reasons of non-viability, the local planning authority is entitled to take a view on whether there are benefits from the scheme that justify flexibility. Policy SP41 of the Thanet Local

Plan requires the provision of contributions towards the provision of new, improved, upgraded or replacement infrastructure and facilities 'where appropriate'.

The proposal will provide 100% affordable housing, for which there is a significant need, and which is set out as a priority within the Council's Corporate Objectives. The applicant has committed to all of the financial contributions other than the secondary school construction, which will make this not for profit development scheme unviable for the Council. Furthermore, the housing will be delivered within a short timescale, with the delivery expected by 2026.

On balance, given the benefits of the scheme, and the viability justification provided, the financial contributions offered are considered to be acceptable and in accordance with Policy SP41 of the Thanet Local Plan.

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.

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 dwellings would be of a different character to the existing properties and there would be some reduction in amenity spaces around the site. There would also be some change to the outlook from the existing properties due to the erection of the dwellings nearby and the scheme would not provide the required parking set out in KCC guidance. The harm to the living conditions of the existing property occupiers and the character and appearance of the area is not considered to be significant and the proposed dwellings would provide an acceptable standard of accommodation for the future occupants. This development would also provide some public realm improvements through the removal of public areas that are

subject to anti-social behaviour and it has been demonstrated that there is capacity within the site and the surrounding roads for parking without harm to highway safety.

This development would result in a net increase of 12 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/23/1343

Project

Garage Blocks At Tomlin Drive MARGATE Kent

