



CERTIFICATE OF LAWFUL DEVELOPMENT

 **6 North Foreland Road, Broadstairs, Kent, CT10 3NJ**

Prepared by Hume Planning Consultancy Ltd.

On Behalf of: Sunningdale House Developments "In Administration"

Our Reference: HPC1263

March 2024

1. Introduction

- 1.1 This is an application for a Lawful Development Certificate (CLD) for existing development for the erection of 5 No part 3-storey, part 4-storey buildings (including basement parking) to provide 34 No. 2-bed self-contained flats, with associated landscaping and access at 6 North Foreland Road, Broadstairs. The application is made under section 191 of the Town and Country Planning Act 1990 (as amended) for a CLD in respect of 'existing development'.
- 1.2 Planning permission was granted for the above named development under Thanet District Council reference F/TH/19/1465 on 17th December 2020. A copy of the decision is attached at Appendix 1.
- 1.3 It is acknowledged that the assessment of CLD applications hinges on the facts of the case and the interpretation of any planning law or judicial authority where relevant.
- 1.4 This statement sets out a chronology of the planning history relevant to the application site including the decision notice and conditions and where relevant makes reference to Thanet District Council's planning policies and other relevant guidance including the responses of statutory consultees.
- 1.5 The evidence demonstrates that the works undertaken in 2023 are sufficient to qualify as a commencement of development pursuant to permission F/TH/19/1465 and that there are no other impediments to the lawful completion of the approved development.

Appendix 1 Decision Letter LPA Ref F/TH/19/1465 dated 17th December 2020

2. Site Description and Context

- 2.1 North Foreland Road is situated in the residential area of North Foreland within the designated urban confines of Broadstairs. The site fronts the eastern side of North Foreland Road, close to the junction of Cliff Road. The 0.67ha site is rectangular in shape and formerly comprised a large single detached dwelling known as No. 6 North Foreland Manor. This property was demolished and it will be shown that an earlier consented scheme for 14 detached dwellings was previously part implemented under LPA reference F/TH/10/0121. At this time necessary archaeological investigation was completed in the south eastern portion of the site. The approved footprint of the development within the application site boundaries is shown at Appendix 2.

Appendix 2 Approved Site Layout

3. Relevant Planning History

- 3.1 In 2010 detailed planning permission (F/TH/10/0121), was granted for the erection of 14 no. two and three storey dwellings, with associated access, parking and landscaping, following the demolition of the existing dwellinghouse. A further application to seek an extension of time was granted under LPA ref. F/TH/12/0941. It is common ground with the LPA that this permission was partially implemented and therefore remains extant.

3.2 The planning permission which this CLD relates to is the erection of 34 self-contained flats which was granted planning permission on 17th December 2020 by Thanet District Council under LPA ref F/TH/19/1465. The decision notice is set out in full at Appendix 1.

4. Background

4.1 A full chronology of the key dates and events relevant to application ref F/TH/19/1465 is summarised below. The permission would have expired on the 17 December 2023. When this permission was granted in December 2020, the country was just emerging from the first “lock down” (March 2020-June 2020) before going in to the second “lockdown” between (January 2021 - July 2021).

4.2 As is well documented these lockdown periods had significant knock-on effects for the supply and cost of materials which delayed the original planned construction programme. During this period workforce shortages and the slow national recovery alongside rising interest rates were contributory factors leading to the applicant, Sunningdale, later going in to administration. The current application is submitted on behalf of the administrators Sunningdale House Developments Limited “in administration”.

4.3 The applicant has provided separate evidence to the LPA to demonstrate the physical commencement of works on site which occurred on the 12 December 2023 before the permission expired to lawfully implement the planning permission.

4.4 A Notification of Construction Document with photographic evidence to record the physical works that were undertaken at this time to implement the permission is attached at Appendix 3. These works focused on the construction of an internal access roadway in the approved position.

Appendix 3 Evidence of the Physical Construction of the Access and the commencement of the development.

4.5 The physical works of construction included:

- Laying of kerbs and sub-base materials for some 10m length of access road construction behind the front boundary wall
- Completion of sub-base materials stage.
- De-vegetation and clearance of the site.

4.6 The construction of the road sub-base for the 10m access road fits within the definition of a material operation. These physical works therefore represented the commencement of development of planning permission F/TH/19/1465.

5 Assessment of Relevant Conditions

- 5.1 A copy of the decision notice F/TH/19/1465 is set out in full at Appendix 1 to this Planning Statement. The permission was subject to 27 conditions. Of those, conditions 1, 3,4,5,8,9,17 and 26 are addressed as they stipulate certain requirements triggered by the commencement of development.

Condition 1 Timing

»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).

- 5.2 It has been evidenced that the physical commencement of the development occurred on December 13th and there is no dispute between the parties on this. Condition 1 required the development to commence by the 17 December 2023. This condition has therefore been fully complied with.

Conditions 3 and 4 Surface Water Drainage and Foul Discharge

- 5.3 Condition 3 states »No.development.shall.take.place.until.details.of.the.means.of.foul.drainage.have.been.submitted.to.and.agreed.in.writing.by.the.Local.Planning.Authority;.The.development.shall.be.carried.out.in.accordance.with.such.details.as.are.agreed.and.thereafter.maintained.;

GROUND To protect the district's groundwater, in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

- 5.4 It is very clear from the approved details that were considered during the planning application that the means by which the development would connect to the mains sewer in North Foreland Road has been accepted and represents the only possible strategy. Drainage routeways were identified in the approved report and plan prepared by GTA (attached at Appendix 4 of this Planning Statement. There are also informatives in the decision notice that agree the foul drainage strategy has to be based on a mains connection which will be secured by the approved drainage strategy. It is relevant that the ground for the imposition of this condition is to protect the district's groundwater, and this will clearly be achieved by the direct foul drainage connection. Confirmation that Southern Water as the utility provider had capacity and would allow the foul connection from the development to the sewer mains running in North Foreland Road is attached at Appendix 5. The LPA Officer's report also confirms acceptance of this part of the drainage strategy stating "The applicant has indicated that their intention is to connect to the mains sewer. Southern Water has advised that their initial investigations indicate that they

can provide foul sewage disposal to service the proposed development. The site currently drains surface water into an existing sewer along North Foreland Road”.

Appendix 4 Approved Drainage Layout

Appendix 5 Southern Water Consultation Letter

- 5.5 Surface Water Drainage Condition 4 states; “Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing) by the local planning authority. **The detailed drainage scheme shall be based upon the principles contained within the Surface Water Management Strategy report by Herrington Consulting (May 2020, Issue 2 Revision 1)**. The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 766 year storm) can be accommodated and disposed of without increase to flood risk on or offsite; The drainage scheme shall also demonstrate (with reference to published guidance) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; appropriate operational maintenance and access requirements for each drainage feature or SuDS component are adequately considered including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.”

GROUND To ensure 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.

- 5.6 KCC’s Drainage consultation response to the application which is set out in full at Appendix 6 accepts the detailed information supplied at this time and the Herrington report is specifically referenced in the condition. An extract from the LPA’s Officers report to Committee states “It would normally be required that any surface water would be drained within the site itself through infiltration, but the submitted report indicates that infiltration may not be possible on site due to the constraints of the site layout and the existing tree root systems, so this has been ruled out. KCC SUDs has advised that they have no objections to the continuation of discharge to the sewer, and welcome the substantial reduction in peak discharge rate entering the sewer to a maximum of 2 litres a second (100 year +40% storm event). Subject to safeguarding conditions requiring further details, the impact upon flood risk and the district’s water supply is considered to be acceptable, and in accordance with Policies CC02 and SE04 of the Thanet Local Plan”. This response demonstrates that the impact upon flood risk and the district’s water supply is considered to be acceptable which was the “ground” for the condition itself.

Appendix 6 KCC Drainage Consultation Response

- 5.7 The one area of additional information requested by KCC in this response and the reason for the condition being imposed was a requirement for further details showing the effect of the

basement car park on subterranean flow paths. This was addressed in the submission pack set out below for the condition discharge LPA ref. CON/TH/23/1637 which was submitted to TDC on 11th December 2023. As requested by TDC the applicant cannot secure the discharge of this condition until this certificate of lawful development application submission is determined. The desire to overcome this current “impasse” arising from TDC’s request for a CLD application is the reason for this submission.

5.8 The condition discharge application for both conditions 3 and 4 under LPA ref. CON/TH/23/1637 was submitted on 11th December 2023. As part of the discharge application for these conditions the submitted documents included:

- A drainage maintenance plan prepared by GTA Civils in December 2023
- A site levels plan prepared by Omega Geo in June 2020
- A wastewater plan prepared by GTA Civils utilising Southern Water plans
- A Borehole location and log prepared by Geo-Environmental in March 2020
- Masterplan prepared by Holloway Architects in August 2019
- Design Setting Document prepared by GTA Civils in December 2023
- Drainage Layout prepared by GTA Civils in December 2023
- Drainage Statement prepared by GTA Civils in December 2023

5.9 As highlighted above there has currently been no statutory consultee response to this submission.

Condition 5 Surface Water Drainage Testing of Outputs

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

GROUND To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF 6 If, during development, significant contamination is suspected or found to be present

- 5.11 The purpose of this condition is to ensure that the approved surface water drainage is fully carried out in line with the strategy agreed under condition 4. This condition cannot be a true condition precedent as it cannot be properly tested until the dwellings for each phase is in place. This “safeguarding test” condition is therefore linked to the phases of occupation of the development and will therefore be complied with within the stated timescales. The surface water drainage system verification will occur at a later stage of construction when the testing outcomes can be meaningfully tested.

Condition 8 Archaeology

- 5.12 This condition states; “No.development.shall.take.place.until.the.applicant?or.their.agents.or.successors.in.title?has.secured.the.implementation.of.
- (i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority.
 - (ii) following on from the evaluation any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

GROUND To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

- 5.13 Condition 8 (i) has been discharged under LPA ref. CON/23/0961, which was submitted on 14th July 2023 and approved on 5th September 2023. The application consisted of a written scheme of investigation which was prepared by Canterbury Archaeological Trust Ltd and dated July 2023. The decision letter approving condition 8 (i) is attached at Appendix 7.

Appendix 7 Decision Notice LPA ref. CON/23/0961

- 5.14 The condition discharge application for condition 8 (ii) under LPA ref. 23/1631 was submitted on 11th December 2023 and is pending determination. As part of the discharge of this condition, an archaeological evaluation report prepared by Canterbury Archaeological trust in December 2023 was submitted. Like the drainage condition we are advised that this condition cannot be discharged until the CLD is approved.

Condition 9 Construction Management Plan

- 5.15 This condition states; “Prior.to.the.commencement.of.any.development.on.site.details.to.include.the.following.shall.be.submitted.to.and.approved.by.the.Local.Planning.Authority.and.should.be.carried.out.in.accordance.with.the.approved.details;
- (a).Routing.of.construction.and.delivery.vehicles.to.–from.site
 - (b).Parking.and.turning.areas.for.construction.and.delivery.vehicles.and.site.personnel.
 - (c).Timing.of.deliveries.

- (d) Provision of wheel washing facilities.
- (e) Temporary traffic management signage.
- (f) Measures to control noise affecting nearby residents.
- (g) Dust control measures.
- (h) Access arrangements.

GROUND In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

5.16 The application for the discharge of condition 9 under LPA ref. 23/1632 was submitted on 11th December 2023 and is pending consideration. Feedback on the information submitted by the applicant was received from Kent Highways on the 4th January 2024. This response by KCC Highways focused on 3 perceived shortcomings;

- Photographic details of a highway condition survey on key routes to the site likely to be used by construction traffic. The purpose of this request was to compare the condition of the roads before and after construction. A record of the road conditions has therefore been submitted in line with this request.
- Details of where contractor parking would be accommodated within the site
- Added information on the wheel washing methods and their locations

5.17 All of this additional information is incorporated within a Construction Management Plan Addendum prepared by GTA Civils dated February 2024, a Road Construction Survey prepared by GTA Civils in February 2024 and Pre-Works Road and Access Condition Survey Report prepared by GTA Civils in February 2024 which are set out at Appendix 8 to this report.

Appendix 8 Construction Management Plan Addendum, Road Construction Survey and Pre-Works Road and Access Condition Survey Report prepared by GTA Civils in February 2024

5.18 The applicant is currently awaiting the clearance of these final matters of detail to reassure the statutory consultee before the condition can be fully satisfied. TDC has advised that this cannot take place until a CLD has been granted.

Condition 17 Electric Charging Points

5.19 Condition 17 states “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 of the Thanet Local Plan and the advice as contained within the NPPF

- 5.20 The condition discharge application for condition 17 under LPA ref. 23/1631 was submitted on 11th December 2023 and is pending final consideration. As part of the discharge application for this condition an electric vehicle charging location document was prepared by GTA Civils in December 2023, and in response to a consultee comment on 19th December 2023 a vehicle data sheet was submitted by the applicant to demonstrate the detailed specifications of the charging ports. TDC has stated that this condition cannot be discharged until the CLD is first approved.

Condition 21 Tree Protection Measures

- 5.21 Condition 21 states; "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 5838 using the following protective fence specification: Chestnut paling fence, 7.5m in height to BS 5838 part 1 securely mounted on 75mm x 75mm 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.

- 5.22 There is limited machinery on site at the current time and when construction of the access took place the road position was sufficiently separated from the nearest trees to be retained as shown on the approved plans. Before any further work commences the full tree protection measures outlined by condition 26 will be in place and these works will serve to safeguard the trees that were shown to be retained on the approved layout drawings as the condition intended. For this reason the works undertaken do not conflict with this condition.

6 Background

6.1 The following informatives are also relevant

INFORMATIVES

- 1) 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.
- 2) 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 SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 3) 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
- 4) It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-newdevelopments/new-developments/>
- 5) For the avoidance of doubt, the provision of contributions as set out in the S.106 agreement made on 16th December 2020 submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.
- 6) The site overlies sensitive aquifer and there are mains sewer provisions nearby, therefore all foul drainage must be directed to mains foul sewer.
- 7) Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used.

7. Planning Assessment

7.1 The NPPG notes that care should be taken when considering using pre-commencement conditions that prevent any development authorised by the planning permission from beginning until the condition has been complied with. As context the guidance states that “Such pre-commencement conditions should only be used where there is a clear justification which is

likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.”

- 7.2 It was the Hart Aggregates Judgement that held that development in contravention of a planning condition did not render the development as a whole unlawful. This judgement identified the distinction of a “condition precedent” that is considered to go to the “heart” of the permission.
- 7.3 In this case planning permission was secured for an apartment development. Since this time, the applicant has gone into administration. The administrator’s objective was to implement the permission so that a prospective purchaser would have the benefit of being able to complete the development without undue planning delays. It is also relevant that it has been previously accepted by TDC Planning Department that an earlier planning permission (LPA Ref F/TH/10/0121 for 14 dwellings), was also lawfully implemented.
- 7.4 In R v Flintshire County Council, ex parte Somerfield Stores Ltd (1998) it was held that a condition had in substance been complied with, but the written approval had not been secured by the time works commenced on site, concluding the requirement of the condition had been met in substance rather than form. Key case law has also established that conditions must be interpreted in the context of the permission as a whole with each case viewed on its individual merits and that it is important to understand what the condition is actually preventing i.e. whether the condition is said to prevent not merely some detail of the development but the commencement of any “commencement of work”.
- 7.5 This application submitted under Section 191 of the 1990 Act seeks to establish that the planning permission has lawfully commenced. The statutory framework covering “lawfulness” for lawful development certificates is set out in section 191(2) of the 1990 Act.
- 7.6 In the context of Section 191 (2) of the 1990 Act, this application therefore seeks to establish that no further planning permission is required for this development. Establishing when a permission has been lawfully commenced & implemented Section 56 (2) of the Town and Country Planning Act 1990 establishes that “development is taken to be begun on the earliest date on which a material operation is carried out”.
- 7.7 A material operation is defined in Section 56 (4) the 1990 Act and includes any works of construction, demolition, digging foundations, laying out or constructing a road and a material change in the use of the land. It is the case that when a permission has been commenced prior to its expiration, the permission remains extant until unless it is superseded by a subsequent permission or some other use.
- 7.8 The physical works to implement the permission access construction were undertaken by a contractor on the 12th December 2023 as evidenced in the attached photos and evidence at Appendix 3. There is no dispute between the parties that the physical works of construction qualify as the commencement of development. The focus for this application is whether these physical works on site were in contravention of a condition precedent.
- 7.9 This application has been submitted at the request of Thanet District Council who require the CLD permission to be secured before they are able to discharge the outstanding conditions. The applicant asserts that there is sufficient material before the LPA (much of which has been

subject to further detailed addendums) to satisfy the detailed consultee responses to establish that the development has lawfully commenced.

APPENDIX 1: Decision Notice Application Ref: 19/1465

Thanet District Council

Notification of Grant of Permission to Develop Land
Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
Order 2015



To: Sunningdale House Developments Ltd.
c/o: Hume Planning Consultancy Ltd
Innovation House
Discovery Park
Innovation Way
Sandwich
Kent
CT13 9ND

F/TH/19/1465

TAKE NOTICE that **THANET DISTRICT COUNCIL**, the District Planning Authority under the Town and Country Planning Acts, has **granted permission** for:

PROPOSAL: **Erection of 5No part 3-storey part 4-storey buildings (including basement parking) to provide 34No. 2-bed self contained flats, with associated landscaping and access.**

LOCATION: **6 North Foreland Road, BROADSTAIRS, Kent, CT10 3NJ,**

In coming to this decision regard has been had to the following policies:
Thanet Local Plan Policies:

- SP01 Spatial Strategy Housing**
- SP14 General Housing Provision**
- SP22 Housing Types**
- SP23 Affordable Housing**
- SP29 SAMM Plan**
- SP35 Quality Developments**
- SP41 Community Infrastructure**
- SP43 Safe and Sustainable Travel**
- SP45 Transport Infrastructure**
- H01 Housing Development**
- GI04 Amenity Space/Equipped Play**
- QD01 Sustainable Design**
- QD02 General Design Principles**
- QD03 Living Conditions**

QD04	Technical Standards
QD05	Accessible and Adaptable Accom
HE01	Archaeology
HE03	Local Heritage Assets
CC02	Surface Water Management
CC04	Renewable Energy
CC05	District Heating
SE04	Ground Water Protection
SE05	Air Quality
SE08	Light Pollution
TP02	Walking
TP03	Cycling
TP06	Car Parking

The application was processed having regards to the National Planning Policy Framework, which requires that where there are potential solutions to problems arising in relation to dealing with planning applications, the Council will work with applicants in a positive, creative and proactive manner to seek solutions to those problems.

The permission is SUBJECT TO the conditions specified hereunder:

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

GROUND

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

- 2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 200 Rev 03, 201 Rev 02, 203 Rev 03, 210 Rev 03, 211 Rev 03, 212 Rev 03, 220 Rev 02, 221 Rev 02, 222 Rev 03, 230 Rev 02, 231 Rev 02, 232 Rev 03, 300 Rev 03, 301 Rev 04, 302 Rev 03, 310 Rev 03, 311 Rev 03, 320 Rev 03, 321 Rev 03, 330 Rev 04, 331 Rev 04, 400 Rev 05, 401 Rev 04, 402 Rev 04, 403 Rev 04, 404 Rev 03, and 405 Rev 01, received 16 September 2020; highway plan numbered 47207/5501/002, received 30 October 2019; and landscaping plan numbered ExA_1941_101 Rev C, received 26 February 2020.

GROUND

To secure the proper development of the area.

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

GROUND

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

- 4 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Surface Water Management Strategy report by Herrington Consulting (May 2020, Issue 2 Revision 1). The submission shall also 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 without increase to flood risk on or off-site.

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

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

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

GROUND

To ensure 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.

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

GROUND

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

- 6 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.

- 7 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

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.

- 8 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- (i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority;
 - (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

GROUND

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

- 9 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Measures to control noise affecting nearby residents
 - (g) Dust control measures
 - (h) Access arrangements

GROUND

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

- 10 Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto the highway, as shown on the approved plan numbered 47207/5501/002 should be completed and made operational.

GROUND

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

- 11 Prior to the first occupation of the development hereby approved visibility splays of 43m x 2.4m x 43m shall be provided to the access on to Noth Foreland Road as shown on the approved plan no 47207/5501/002 with no obstructions over 1 metre above carriageway level within the splays, which shall thereafter be maintained.

GROUND

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

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

GROUND

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

- 13 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 201 Rev 02 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.

- 14 The area shown on the approved plan numbered 201 Rev 02 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

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

GROUND

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

- 16 Prior to the first occupation of the development hereby approved visibility splays of 2 metres by 2 metres behind the footway on both sides of the vehicular access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

GROUND

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

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

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

GROUND

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

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

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

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

GROUND

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

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

GROUND

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

- 21 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 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.

- 22 Prior to the first occupation of the development hereby permitted, the secure doorstep playspace as identified on plan numbered 200 Rev 03, shall be provided and thereafter maintained.

GROUND

In order to secure doorstep playspace in accordance with Policy GI04 of the Thanet Local Plan.

- 23 Prior to the installation of any external lighting, full details of the external lighting, including their fittings, illumination levels and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

GROUND

To ensure that light pollution is minimised in the interest of the visual and residential amenities of the area, in accordance with Policy SE08 of the Thanet Local Plan.

- 24 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.

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.

- 25 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.

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

GROUND

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

- 27 The refuse storage facilities as specified upon the approved drawing numbered 200 Rev 03 shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times.

GROUND

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

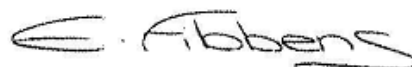
INFORMATIVES

- 1 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.
- 2 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 SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 3 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
- 4 It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>
- 5 For the avoidance of doubt, the provision of contributions as set out in the S.106 agreement made on 16th December 2020 submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.
- 6 The site overlies sensitive aquifer and there are mains sewer provisions nearby, therefore all foul drainage must be directed to mains foul sewer.
- 7 Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used.

Dated: 17 December 2020

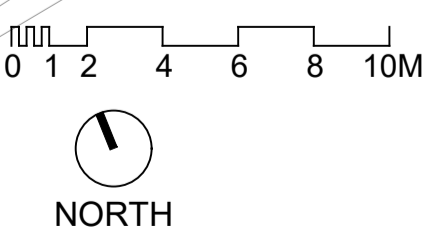
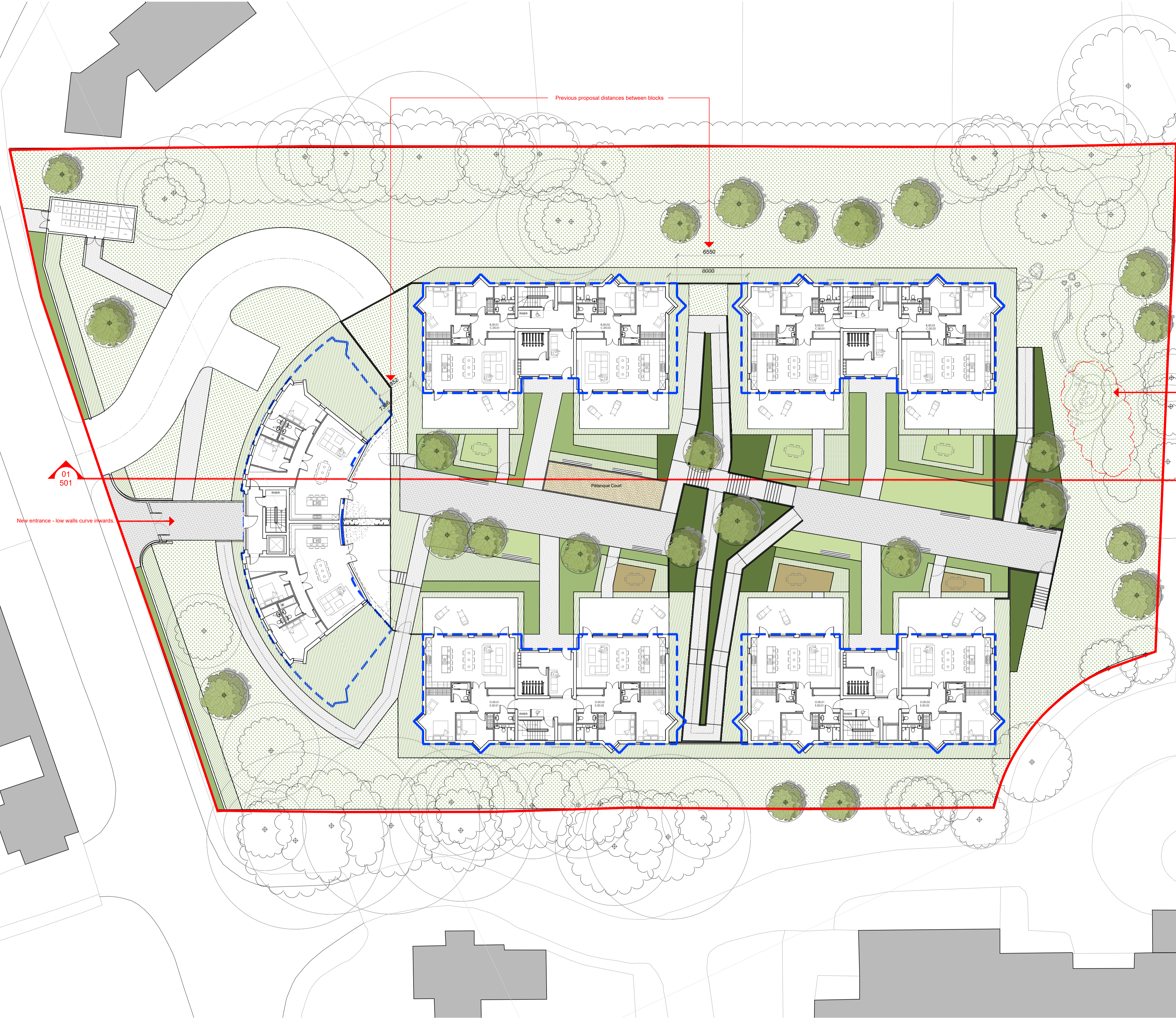
Thanet District Council
PO Box 9
Cecil Street
Margate
Kent CT9 1XZ

Signed



Emma Fibbens
Chartered Planner

APPENDIX 2: Approved Site Layout



NORTH FORELAND MANOR MASTERPLAN

©This drawing is the copyright of **guy holloway** architects and should not be copied, reproduced without written consent. All Rights Reserved.
All dimensions are to be checked on site prior to fabrication and the Architect should be notified of any discrepancy.
Do not scale from this drawing.

Revisions	
01	Submitted for planning
02	Resubmitted to planning following case officer comments
03	Further amendments following case officer comments

MH	09.09.19
MH	05.02.20
MH	16.04.20

Project | North Foreland Manor
N Foreland Road, Broadstairs
Client | Sunningdale House Developments

Title | MASTERPLAN
Status | PLANNING

Scale@A1 | 1:200 Date | 22.08.19 Drawn | PL Chkd | MH

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Project Number | 19.014
Drawing Number | 200
Revision | 03
Bim Number

APPENDIX 3: Evidence of Commencement

Notification of construction project

Created Date: 04/02/2024

About the location of the site

Address of the construction site	OPPOSITE 6, NORTH FORELAND ROAD, BROADSTAIRS, ENGLAND, CT10 3FA
In which local authority is the site address?	Thanet District Council

About the project

Description of project	Civil Engineering: CE - New Build - Road
Description of the construction work	Initial 10m of road construction
No of people on site	4
No of contractors on site	1
Start Date	12/12/2023
Time Allowed by Client (in weeks)	12
Duration (in weeks)	1

About those involved in the project

Name	West One Loans	Role	Client
Email	guy.murray@westoneloans.co.uk	Tel. Number	+44 0333 1234 556
Address	WEST ONE LOANS, EDWARD HYDE BUILDING, 38 CLARENDON ROAD, WATFORD, ENGLAND, WD17 1JW		

Name	Adderley Technical Consulting Limited	Role	Principal Designer
Email	adderleytechnical@gmail.com	Tel. Number	07711277144
Address	ACHIEVING CLARITY, UNIT 123, HARVEY DRIVE, WHITSTABLE, ENGLAND, CT5 3QY		

Name	West One Loans	Role	Principal
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			Contractor
Email	guy.murray@westoneloans.co.uk	Tel. Number	+44 (0)20 8736 2268
Address	WEST ONE LOANS, EDWARD HYDE BUILDING, 38 CLARENDON ROAD, WATFORD, ENGLAND, WD17 1JW		

Declaration details

Name	Lee Adderley
Declaration	I have been asked by the client to notify on their behalf, and they have confirmed they are aware of their duties
Date	04/02/2024
Confirmation Email	lee@adderleytechnical.com

Client Signature (Can be used for your own records, ONLY if required)

Declaration (as stated above)

Name:

Declaration Signature:

Date:



adderley
technical
consulting ltd

NORTH FORLAND MANOR

SITE START REPORT

INTRODUCTION

Adderley Technical Consulting Limited were tasked to prepare this report with the intention of evidencing construction works for planning. The site is located on North Foreland Road in Broadstairs, Kent. The report will discuss images pertaining to the initial road construction on the site. This should evidence a meaningful start on site and allow the site to successfully implement the planning permission. The current planning permission (F/TH/19/1465) is for 34 luxury apartments with associated parking and landscaping.



Figure 1 - Site Layout

SITE PHOTOGRAPH AND PROGRESS

All of the below works were undertaken on the 11th of December 2023 to 12th December 2023 and photographed during construction.



Figure 2 - Temporary kerbs and sub-base material

Figure 2 shows ~10m of road sub-base material with temporary kerbing marked out in readiness to be put in. The road make-up was to engineers details and conforms to planning permission F/TH/19/1465. The road will double up for haulage purposes across the site. The wall will be taken down imminently.



Figure 3 - Image showing the road width

Figure 3 shows the road has been constructed to 4.8m in width which is inline with planning designs in this location.



Figure 4 - Image showing the road length

On the 12th of December 2023 the first 10m of road was constructed showing a meaningful start of the construction on site.



Figure 5 - Image showing the stage the sub-base was constructed

Figure 5 highlights the stage where the sub-base was completed.



Figure 6 - Image showing sub-base aggregate.



Figure 7 - Image showing ground preparation



Figure 8 - Image showing de-veg exercise.



Figure 9 – Image showing the ground prior to de-veg.

Figures 6 – 9 show the stages of preparing the ground prior to construction. This includes a de-vegetation exercise and excavations.

CONCLUSION

This report has provided evidence to suggest that meaningful construction works have begun on site and will continue. A competent contractor has begun the site works by building the first 10m of road on the 12th of December 2023. Additionally, the road is in line with all current planning drawings.

 Recoverable Signature

x Lee Adderley

Lee Adderley

Managing Director

Signed by: 89d70b4a-56a1-40eb-9f47-fec8cd7302d8

APPENDIX 4: Approved Drainage Layout