

D07

F/TH/16/1645

PROPOSAL: Variation of condition 2 of planning permission F/TH/15/0142 for erection of 3-storey building containing 10no. self-contained flats following demolition of existing building, with formation of parking area to rear to allow for alterations to the layout and design, creation of additional balconies at second floor level to the rear and side elevations, alterations to windows and alterations to parking area.

LOCATION:

Cambay Lodge 91 Kingsgate Avenue BROADSTAIRS Kent
CT10 3LW

WARD: Kingsgate

AGENT: Mr Patrick Mills

APPLICANT: Mr John Palmer

RECOMMENDATION: Approve

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the 17th June 2018.

GROUND:

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

- 2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 22034A/200 Rev C, 22034C/100 Rev E and 22034C/101 Rev F, received 9 January 2017, drawings numbered 22034C/150 Rev C and 22034C/151 Rev C, received 10 January 2017, and drawing numbered 22034A/015, received 11 June 2015.

GROUND:

To secure the proper development of the area.

- 3 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, 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 prevent pollution and flooding in accordance with guidance within the National Planning Policy Framework.

- 4 Prior to the first occupation or use of the development, the area shown on the deposited plan for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety.

- 5 Prior to the first use of the car parking area to the rear of the development hereby approved, an acoustic fence shall be erected along the north-west boundary of the site and thereafter maintained, in accordance with specification and details to be submitted to and approved in writing by the Local Planning Authority. The details shall include a section through the car park and neighbouring property Clairville, showing the level of the carpark, the fence and the ground level of Clairville.

GROUND:

To ensure that the development does not cause an unacceptable impact on the neighbouring property in terms of noise and disturbance, in accordance with Thanet Local Plan Policy D1 and the National Planning Policy Framework.

- 6 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing number 22034C/200 Rev C received 1 December 2016 shall be provided and thereafter maintained.

GROUND:

In the interests of promoting increased cycling in accordance with Policy TR12 of the Thanet Local Plan.

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

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- the treatment proposed for all hard surfaced areas beyond the limits of the highway
- walls, fences, 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 D1 and D2 of the Thanet Local Plan.

- 8 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 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, unless the Local Planning Authority gives any written consent to any variation.

GROUND:

In the interests of the visual amenities of the area in accordance with Policy D1 and D2 of the Thanet Local Plan.

- 9 The refuse storage facilities as specified upon the approved drawing numbered 22034C/200 Rev C received 1 December 2016 shall be provided prior to the first occupation of the flats hereby approved and shall be kept available for that use at all times.

GROUND:

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

- 10 Prior to the commencement of the development hereby approved, samples of the brick and timber cladding to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

- 11 Prior to the first occupation of any of the residential units hereby approved, details of the obscure glazed screens at first and second floor level shown on drawings numbered 22034C/100 Rev E and 22034C/101 Rev F received 9 January 2017, including the height and level of obscurity, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained.

GROUND:

To protect the privacy of neighbouring property occupiers, in accordance with Thanet Local Plan Policy D1.

- 12 The first floor and second floor windows in the south-west and north-east facing side elevations of the building hereby approved shall be provided and maintained with obscure glass and be non-opening below 1.7metres above finished floor level.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties and to prevent overlooking in accordance with Policy D1 of the Thanet Local Plan.

- 13 Prior to the commencement of development hereby approved, precise details of glazed ballustrading to all of the balconies, including manufacturers details, type of glazing and design of hand rail, shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the details as approved.

GROUND:

In the interests of visual amenity, in accordance with Thanet Local Plan Policies D1 and D7.

- 14 Prior to the commencement of the development hereby approved a 1m2 sample of metal panelling to show the type, texture, fixing and colour, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the approved sample.

GROUND:

In the interests of the visual amenities of the area, in accordance with Thanet Local Plan Policy D1 and D7.

- 15 No external meter cupboards, vents, flues or extract grilles or overhead supply cables shall be installed on the principle elevation of the building hereby approved.

GROUND:

In the interests of visual amenity in accordance with Policy D1 and D7 of the Thanet Local Plan.

- 16 Prior to the first occupation of the development hereby permitted precise details of clothes drying facilities for each unit shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be fully implemented in accordance with the approved details and thereafter be maintained as specified.

GROUND:

To secure a satisfactory standard of development and in the interests of the visual amenities of the locality, in accordance with Policy D1 of the Thanet Local Plan.

- 17 Prior to the first occupation of any of the residential units hereby approved, the 1.8metre boundary wall shown on drawing numbered 22034A/015 received 11 June 2015, shall be erected and completed in accordance with the approved details.

GROUND:

To ensure that the development does not cause an unacceptable impact on the neighbouring property in terms of noise and disturbance, in accordance with Thanet Local Plan Policy D1 and the National Planning Policy Framework.

- 18 Prior to the first occupation of all first and second floor flats hereby permitted 1.8 metre high privacy screens shall be erected along the sides of all balconies. The screens shall be erected and maintained in accordance with the details as approved as shown on the submitted plans annotated with details of the materials and design

of the screening to be submitted to and approved in writing by the Local Planning Authority.

GROUND:

To protect the privacy of neighbouring property occupiers and to prevent overlooking, in accordance with Thanet Local Plan Policy D1.

INFORMATIVES

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

To arrange for bin storage for future occupiers of the site, please contact Waste and Recycling on 01843 577115, or visit our website: <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>

The applicant should refer to the provisions of the Control of Pollution Act 1974 and the associated British Standard 5228:2009 "Noise Control on Construction and Open Sites" when demolishing the existing building and constructing the development hereby approved.

The applicant is advised that the Deed of Variation for the Unilateral Undertaking is required to be satisfied in connection with this planning permission.

SITE, LOCATION AND DESCRIPTION

The site comprises a pitched-roof 2-3 storey property containing 7no.residential units. The site lies within an area of High Townscape Value (AHTV) which is characterised by large detached properties set within spacious plots. The site comprises previously developed land, with the new building replacing the existing, thereby not representing development on garden land. The site is within the urban confines, fronts the street, and therefore would be in accordance with the principles of the National Planning Policy Framework (NPPF) and Policy H1 of the Thanet Local Plan.

RELEVANT PLANNING HISTORY

F/TH/15/0142 - Erection of three storey building containing 10no. self-contained flats following demolition of existing building, with formation of parking area to rear. Granted 18.06.2015

PROPOSED DEVELOPMENT

The application proposal is to amend the previously approved permission for the erection of a three storey building containing 10no. self-contained flats (being a net increase of 3 units), following demolition of the existing building, with the formation of a parking area to the rear. The current proposal includes an enlarged balcony to the living room area of Flat 10, facing the front and side elevation at second floor, additional balconies to two bedrooms to the rear of Flats 9 and 10 at second floor, with installation of obscure glazed screens to the balconies.

The amendments do not propose to increase the number of units created. The amendments enlarge the internal living space by extending the side elevation of rooms at ground and first floor by approximately 1.2 metres. At second floor, which is set in further than ground and first floor, the enlarged rooms are towards the rear of the building but the enlargement remains set in from the lower floors.

The parking layout to the rear has been revised by relocating 4 spaces along the rear boundary, with the total number of spaces remaining as before, being a total of 15 spaces.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

H1 - Residential Development Sites
H4 - Windfall Sites
D1 - Design
D2 - Landscaping
SR5 - Play Space
TR12 - Cycle Parking
TR16 - Car Parking Provision

NOTIFICATIONS

Neighbour notification letters were sent to properties directly surrounding the site, a site notice was posted near the site and an advert placed in the newspaper.

Two letters of objection has been received raising the following concerns:

- loss of privacy from windows and balconies
- parking to the rear - requested clarification that the 1.8 metre boundary wall previously agreed is to be carried forward to the revised scheme.
- object to additional balconies because of increased noise nuisance
- larger building will intrude on the landscape in an area of high townscape value
- not enough parking spaces

A further letter has been received from a neighbour living opposite the site concerned that any damage caused to his property by lorries running over the grassed area will be rectified and made good. The neighbour has no problem with the development going ahead. A copy

of this letter has been forwarded to the applicant in order that they are aware of these concerns.

Broadstairs & St Peter's Town Council - Overdevelopment, out of keeping with pattern of development in Area of High Townscape Value.

CONSULTEES

KCC Floor and Water Management - No objection

KCC Highways and Transportation - No comment.

COMMENTS

This application is brought before the Planning Committee at the request of Councillor Bob Bayford to allow members to consider the over-development and adverse impact on the street scene.

The main considerations in assessing the variation application are the principle of development, the impact upon the character and appearance of the development on the Area of High Townscape Value, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

Principle

The site comprises previously developed land, with the new building replacing the existing, thereby not representing development on garden land. The site is within the urban confines, fronts the street, and therefore would be in accordance with the principles of the National Planning Policy Framework (NPPF) and Policy H1 of the Thanet Local Plan.

The principle of development has also been established through the granting of planning permission under reference F/TH/15/0142, which is an extant consent, and is therefore a material consideration in the determination of the application.

Character and Appearance

The submitted plans do not propose to increase the number of units created. The amendments are to increase the size of the internal living space and re-arrange the parking layout to the rear. The increase in the internal room sizes would result in the building extending approximately 1.2 metres nearer the boundary of the neighbouring property, No.93 at ground and first floor level. The front elevation of the property, when viewed from the street, would not appear significantly different from that previously approved. The main change in appearance would be the reduction in the space, at ground level, between the site and the adjacent property, No.93, resulting in a gap of approximately 3 metres at ground and first floor (previously 4 metres) and approximately 4.5 metres at second floor due to the extended balcony to the side (previously a gap of approximately 7.5 metres).

The gap provided between No.89 Kingsgate Avenue is maintained at approximately 5.2 metres at ground level and 8.4 metres at second floor.

At second floor level rooms have been re-positioned resulting in bedrooms to the rear within Flats 9 and 10, which extends the depth of the building at this point but does not project beyond the overall lower floor levels at first floor. These alterations would not be immediately visible from the street as they would be partially obscured by the modular form of the front part of the building.

The private terraced area for unit 10, at second floor, has been altered to continue the terraced area further along the side and this is shown to have privacy screening. There are other minor alterations to window arrangements to reflect the re-arrangement of internal rooms and the windows to the front elevation has been altered, fronting the highway, however, the overall design remains essentially the same as that previously approved.

The site lies within an area of high townscape value (AHTV), where the conservation or enhancement of the local character will be the primary planning aim. The previously approved scheme extends almost the full width of the plot and it was considered that the sense of openness created by development was maintained. The proposed amendments would result in the building reducing the gap between the neighbouring property, No.85, but it is considered the reduction is not significantly different from that previously approved, and would not reduce the sense of openness between properties to an unacceptable level.

The overall design of the building remains unchanged and I do not consider the amendments proposed significantly change the overall appearance of the building when compared to that previously approved.

The design is heavily dependent on the quality of materials to be used and this was conditioned in F/TH/15/0142 and would be conditioned again to ensure the satisfactory development of the area.

The impact upon the character and appearance of the area is therefore considered to be acceptable.

Living Conditions

The footprint of the building has been staggered away from neighbouring properties No.89 and No.93 when moving through the site. The amendments would result in the two storey elements of the building being a minimum of approximately 6 metres (previously 7 metres) from the nearest rear facing habitable room window of no.93. The amendments would continue to provide a similar separation distance and protrude past the rear building lines of neighbours, the building will not result in a significant sense of enclosure or have an overbearing impact on neighbours.

The side windows at first and second floor level were previously conditioned to be obscure glazed and non-opening below 1.7metres above the finished floor level of the rooms which they serve and these conditions are to remain in the present scheme to protect privacy.

The previous permission included a condition requiring details of balustrading to all balconies and this would be retained. Additional balconies have been added to two bedrooms to the rear (within Flats 9 and 10) and includes privacy screening to the sides; these rooms previously had full length glazed windows facing the rear. The increased terrace to be provided to unit 10 would include a 1.8 metre high frosted glass privacy screen running parallel to the flank wall of the adjoining neighbour. By virtue of its location, which is set back from the edge of the building, and the addition of permanent screening which would be conditioned, its use is unlikely to result in overlooking to neighbouring properties. The impact on the living conditions of neighbouring residential properties was considered acceptable in the previously approved scheme and it is considered the amendments to the scheme now under consideration would not be significantly different and subject to conditions retaining privacy screening and obscure glazed windows within the side elevations, any potential overlooking or loss of privacy issues would be overcome.

The previous consent included a condition relating to landscaping details and details of an acoustic fencing/wall along the rear boundary at a minimum of 1.8metres in height above the ground level of the car park, with details and section provided prior to the use of the rear area for parking. I consider the revised layout would provide a more usable amenity area for the future occupants of the building and is considered acceptable.

The bin storage is shown to the rear of the building with the collection point closer to the front of the property as previously approved. This is to avoid the unsightly appearance of a large number of bins to the front of the property, which would detract from the character and appearance of the area.

The proposed amendments would maintain adequate outlook and natural light, with communal amenity space provided to the rear, and would represent acceptable residential development in accordance with Policies D1 and SR5 of the Local Plan.

Transportation

The amendments maintain the previous level of parking (15 spaces) however the layout has been revised, relocating spaces along the rear boundary. This amendment would result in additional spaces adjacent to the boundary, with 4 spaces to the rear of the building. This is not materially different from the previous scheme and would have no adverse highway impact.

Cycle storage is provided to the rear as previously approved and will be conditioned to be retained. The development will not result in severe harm to the highways network nor a significant harm to on-street parking availability to Kingsgate Avenue.

The proposed landscaping scheme would provide soft landscaping areas which would minimise surface water runoff from the development, with the sloping land level meaning that no run off to the highway should occur from the development. This remains the same as previously approved.

Special Protection Area

The site lies within close proximity to a European designated site. A unilateral undertaking under Section 106 of the Town & Country Planning Act 1990 was entered into with regards to the previously approved scheme.

It has been agreed that a scheme of wardening of the Special Protection Area (SPA) be funded by financial contributions borne from development proposals. Under the previously approved scheme the applicant proposed to mitigate the impact of their development following the principles agreed with Natural England and are offered to secure a contribution of £184 per applicable unit towards the 'wardening' scheme. Since the 2015 approval was granted a new tariff applies. This would increase the amount of contribution required and a Deed of Variation for the Section 106 agreement is required to reflect the revised tariff.

Thanet District Council - Strategic Access Management and Monitoring Plan - Main Report sets out the tariff that is to be applied to new housing; 1 bed flat = £229, 2 bed flat = £362, 3 bed flat = £480. (p3). This development includes 2 x 3 bedroom flats and 8 x 2 bedroom flats.

The applicant has agreed to provide a Deed of Variation, reflecting the revised tariff, for the contribution towards the cost of mitigation measures relating to the Special Protection Area.

This mitigation approach is considered appropriate to offset the impact of this development on bird populations and therefore complies with the requirement of the Habitats Regulations.

Conclusion

The proposed amendments are not considered significantly different from the previously approved scheme and is not considered to be harmful to the character and appearance of the locality as an Area of High Townscape Value, and in the absence of any material harm, and having regard for the National Planning Policy Framework, and the extant permission for the erection of a building on this site, it is considered that it would be unreasonable to refuse permission in this instance and, as such, it is recommended that Members defer the application for approval subject to the receipt of a Deed of Variation.

Case Officer

Rosemary Bullivant

TITLE:

F/TH/16/1645

Project

Cambay Lodge 91 Kingsgate Avenue BROADSTAIRS Kent CT10 3LW

Scale:

