

A01

F/TH/16/1109

PROPOSAL: Erection of 3-storey building containing 5No self-contained flats with associated parking and landscaping

LOCATION: Land On The East Side Of Leicester Avenue MARGATE Kent

WARD: Cliftonville East

AGENT: Mr Mike Hooper

APPLICANT: Chaucer Builders Ltd.

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

- 2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 883/01 D, 883/02 C, 883/03 B, 883/04 E, 883/05 F received 3 February 2017.

GROUND:

To secure the proper development of the area.

- 3 Prior to the first use of the car parking area to the rear of the development hereby approved, a 2 metre high acoustic fence shall be erected along the northern, southern and eastern boundary of the site where adjacent to the parking area as shown on drawing numbered 883/01 D received 3 February 2017. In addition, laurel hedging shall be provided at a maximum height of 2.5 metres along the rear boundary. The acoustic fencing and hedging shall thereafter be maintained.

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.

- 4 Prior to the first occupation of the flats hereby approved 1.8 metre high obscure glazed privacy screens shall be provided to the balcony side returns as shown on drawings numbered 883/04 E and 883/05 F received 3 February 2017. The privacy screening shall be thereafter maintained.

GROUND:

To safeguard the living conditions of the occupiers of adjacent properties, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

- 5 Prior to any works commencing on site (including vegetation clearance) a precautionary reptile mitigation strategy shall be submitted to Thanet District Council for approval. The strategy must be written by an experienced ecologist and provide details on the following:

- o vegetation clearance methodology
- o Time of year the works will be carried out
- o Details of where any reptiles will be translocated
- o Details of how the retained habitat will be managed

The works must be implemented as detailed within the precautionary mitigation strategy as approved.

GROUND:

In order to safeguard protected species that may be present.

- 6 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority

GROUND:

To ensure that the archaeological history of the site is recorded in accordance with the advice contained within National Planning Policy Framework.

- 7 Prior to the first occupation of the flats hereby approved the vehicle parking spaces shown on the approved plans shall be provided and thereafter retained.

GROUND:

In the interests of highway safety.

- 8 Prior to the first occupation of the flats hereby approved, the cycle parking facilities and external amenity areas to the rear, as shown on the approved plans shall be provided and thereafter maintained.

GROUND:

In the interests of highway safety.

- 9 Prior to the first occupation of the flats 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 (to include boundary treatment to a minimum height of 1 metre to be erected around the communal amenity areas to the rear)

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, D2 and SR5 of the Thanet Local Plan

- 10 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 the flats 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 Policies D1 and D2 of the Thanet Local Plan

- 11 Prior to the first occupation of the flats hereby approved the refuse storage facilities and clothes drying facilities as specified upon the approved drawing numbered 883/01 D and received 3 February 2017 shall be provided and 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.

- 12 Details of the design and materials to be used for the security gates, shown on the approved drawing numbered 883/04 E received 3 February 2017, shall be submitted to and approved in writing by the Local Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the permitted development and thereafter maintained.

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.

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations.

The applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk with regards to diverting the water main and combined sewer.

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.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, 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 taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

SITE, LOCATION AND DESCRIPTION

The site lies within the urban confines and is a non-previously developed plot of land situated between Nos 70 and 76 Leicester Avenue. The site fronts Leicester Avenue and has a common boundary to the rear with Nos 69 and 71 Gloucester Avenue. The site is located in a wholly residential area characterised by large dwelling set in large plots of land.

RELEVANT PLANNING HISTORY

There is no previous history.

PROPOSED DEVELOPMENT

The proposal is to erect a 3-storey building comprising 5no. self-contained flats; 1 x 1 bed and 1 x 2 bed flat at ground floor, 1 x 1 bed and 1 x 2 bed flat at first floor and 1 x 2 bed flat with a study on the second floor. The building is to be finished in brickwork and monocouche render, cement slate roof tiles and grey powder coated aluminium framed windows. Eight parking spaces are provided to the rear.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

H1- Housing
H4 - Windfall Sites
TR12 - Cycling
TR16 - Car Parking Provision
D1 - Design Principles
D2 - Landscaping
SR5 - Play space

NOTIFICATIONS

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

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

- Traffic concerns
- Parking disturbance
- The design would give thieves immediate, unobstructed access to the rear of the property, whereby it will be easy to steal any cycles stored there. There will be access to the rear gardens of the residents of Gloucester Avenue with the car park providing cover to scale the fence unobserved.
- Concerns of anti-social behaviour from the overcrowding, multiple balconies giving rise to noise nuisance, and parking disputes.
- Noise and light pollution from vehicles parking to the rear.
- The building is out of character for the area and should be one large house or two semi-detached houses.
- 8 parking spaces is insufficient and will increase on-road parking.
- Would there be any guarantees in place that the properties are for owner occupancy only and are not rented out.
- The building is higher than neighbouring buildings - dwarfing those on either side.
- Balconies are out of keeping with the area.
- Balconies to the rear would cause overlooking and noise disturbance to neighbouring dwellings.
- Mature trees have been cut down.
- Contrary to Draft Local Plan Housing Strategy which supports increase in family homes (non-flatted homes), affordable homes and safeguards and enhances the character and amenity of existing residential neighbourhoods.
- Departure from Policy D7.
- Overbearing in comparison to neighbouring properties.
- Residential amenities of neighbouring properties will be adversely impacted in relation to privacy and outlook, daylight and sunlight and safety and security through access to the rear gardens of adjoining properties.
- No security on the side passageways to prevent access to the rear of the property.

- Should be one large dwelling or two smaller dwellings to fit in with the character of the Avenue.
- The building extends beyond No.70 by approximately 1.3 metres and will restrict light into the kitchen window.
- Side window on north side of No.70 is to a reception room and not a garage and there would be loss of natural daylight to the room.
- The building and balcony will be substantially higher and further out than my property (No.70) will result in loss of daylight and sunlight to the kitchen and rear windows and create overshadowing to the patio from the first floor terrace.
- There is a covenant on the land protecting the characteristics of building on the site - a dwelling house being a house designed for use as a dwelling for a single family.

CONSULTATIONS

Environmental Health comment that for the parking areas the applicant needs to include 2 metre (or whatever the highest they can get) close boarded fencing all the way round that section (apart from the entrance obviously) and maintain it for the life of the development. This will protect against most noise from the cars and light from headlights. They could also consider foliage screening at the end of the garden area before the car park.

For the balcony areas on the 1st floors slow closers (or something like it) should be provided so that they can't bang and specific testing on impact noise via the building regulations to ensure when they are used there is no downward noise transfer to the bedroom below.

Biodiversity Officer, Kent County Council raise no objection subject to a precautionary mitigation strategy being submitted as a condition of planning permission.

Archaeological Officer comments that the area is generally of archaeological potential with prehistoric and Roman remains having been found on the coastal area. Roman cremations are recorded a couple of roads to the west. The site was formerly the girl's school playing fields and then avoided the post war development along the road so any archaeology present may be relatively intact. I would recommend that in any forthcoming consent provision is made for a programme of archaeological works.

Southern Water raise no objection but request Informatives be added to ensure the applicant contact them.

COMMENTS

This application is brought before the Planning Committee as the proposal represents a departure from Thanet Local Plan Policy H1 as the land is not previously developed.

The main issues raised by this proposal are the effect of the proposals upon the character and appearance of the surrounding area, the impact upon the living conditions of the occupiers of nearby residential properties and the effect upon Highway safety.

Principle

The development would represent development on non-previously developed land which would be contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing in Thanet and, on this basis, the National Planning Policy Framework (NPPF) requires that applications for housing should be considered in the context of the presumption in favour of sustainable development. In this case the site lies within the urban confines and forms part of an established residential street frontage with access to local amenities.

The plot does not provide a significant contribution to the amenity or character of the area, therefore the development of the site is not considered to be detrimental in principle and would be consistent with the principles of the NPPF, and subject to consideration of other material considerations such as impact on the character and appearance of an area, the living conditions of neighbours and impacts on the highway network, the proposal could in principle represent an acceptable departure from Policy H1 of the Thanet Local Plan.

Character and Appearance

National and Local Planning Policy requires all new development to provide a high quality design, that respects the character and appearance of the surrounding area within which it would be located.

The site does not fall within an area designated in the Thanet Local Plan as an area of High Townscape Value (Policy D7) and there are no policy objections restricting the development of flats in this location.

The proposal comprises 5 No. flats and has the appearance of a large dwelling. A central underpass (3.7m wide and 2.4m) high has been incorporated to allow occupants to reach the rear car parking area and communal amenity space. This access would be secured by metal gates. The building fronts the road, and is slightly further forward than the building line of adjacent properties and is a 3-storey building, with the third floor being within the roof space. Bay windows are provided on the front elevation, at ground level, with balconies at second floor. Flats 3 and 4 at first floor level have balconies to the rear.

Within Leicester Avenue there are a variety of architectural styles and on the corner of Leicester Avenue and Palm Bay Avenue is the large 3-storey block of flats, Goodwin Court and the 3-storey Leicester Court on the opposite corner. There are large buildings within Leicester Avenue with No.57 directly opposite being a substantial sized building. The proposed building would not therefore appear out of keeping with other buildings in this location.

The materials to be used comprise brickwork and monocouche render with windows and doors being grey powder coated aluminum, the roof to be fibre cement slate interlocking tiles. The guard rails to the front balconies are to be timber. Precise details of the materials to be used will be required prior to development to ensure the development sits well within the street.

The proposed development would infill a gap within the street scene which currently does not contribute to the setting of nearby properties, and this space is not an essential open space within the street scene, which has a clear pattern of street frontage development formed by large detached properties, with generally a few metres gap between properties (this does vary for each property). It is therefore considered that the loss of the space would not be detrimental to the character and appearance of the area and the development would complete the streetscene with development that would be in keeping with the character and appearance of the area. The proposal therefore accords with Thanet Local Plan policy D1.

Living Conditions

The proposed building comprises 5 flats; 1 x 1 bed and 1 x 2 bed flat at ground floor, 1 x 1 bed and 1 x 2 bed flat at first floor and 1 x 2 bed flat with a study on the second floor. The primary windows are shown to the front and rear of the building, with secondary oriel or bathroom windows contained within the side elevation facing the side elevation of No.76, which contains no windows or opening.

Within the proposed side elevation facing No.70 are 2No. secondary windows and 2No. oriel windows. No.70 has a single storey side extension directly on the boundary with the application site, which contains a side window. The applicant confirms that the window in this side elevation provides the sole source of natural daylight to a reception room. Whilst the proposed development would reduce the amount of light and outlook to this window, a 1.3 metre gap would be retained, and the neighbouring window is located on the boundary and therefore a realistic fallback position is that a 2 metre high fence could be erected alongside the window without the need for planning consent which could significantly erode the light and outlook to that window. Given this fallback position the impact of the development on this ground floor side window is considered on balance to be acceptable.

There are further windows within the northern side elevation of No.70 at first and second floor level but these do not directly face the windows contained within the proposed development so there would be no loss of privacy to these rooms. In terms of the impact on light and outlook the distance at first floor level from the proposed development is approximately 4 metres, and therefore given this distance, the orientation of the proposed building due north, and the secondary/non-habitable nature of the rooms served by these windows it is not considered that the impact on light and outlook to these windows would be unacceptable.

The balconies on the front elevation, at first floor, look onto the public highway and would not lead to loss of privacy or cause overlooking.

The balconies to the rear, serving Flats 3 and 4 include 1.8 metre high obscure glazed privacy screens to the balcony side returns. These balcony areas extend approximately 2.5 metres beyond the rear elevations of neighbouring dwellings (Nos 70 and 76) but together with the separation distance of over 1 metre either side and the addition of privacy screening there is unlikely to be significant overlooking or loss of privacy to neighbouring properties.

The distance from the rear elevation of the proposed dwelling and the rear boundary is approximately 35 metres and properties in Gloucester Avenue are a further 18 metres from

the rear boundary. The proposed development would not result in unacceptable overlooking or loss of privacy to neighbours in Gloucester Avenue.

The room sizes offer a reasonable standard of accommodation with good overall sizes for each flat. The ground floor flats have private amenity space with all flats having access to a communal area for clothes drying, bin storage and cycle storage.

Safety and security concerns have been raised by neighbours that anyone would have access to the rear gardens of adjoining properties through the rear car parking area. Following these concerns the applicant has added security gates in the gap to the front of the property making the rear more secure.

Local Plan policy SR5 requires new dwellings with two bedrooms or more to provide safe doorstep play space for young children. The rear amenity area will provide a safe play space and space for clothes drying, refuse storage and storage facilities.

The vehicle parking to the rear would result in traffic movements and potential noise disturbance to occupiers of the flats, particularly at ground floor, however the level of movements would be limited by the number of units in the property. Environmental Health request an acoustic fence be provided to minimise noise disturbance to neighbouring residential occupiers. Amended drawings show a 2 metre high acoustic fencing to the eastern boundary with Laurel hedging maintained at a 2.5 metre maximum height. Following feedback from Environmental Health the applicant further confirms that acoustic fencing would be provided to the 3 sides of the parking area and this can be conditioned.

The living conditions for future occupiers and surrounding neighbours accords with the aims of Thanet Local Plan policy D1 and SR5 and the NPPF.

Highway Safety

Concern has been expressed that the proposal would result in more vehicle parking on the highway, particularly during the summer months. Kent County Council Highway standards require one vehicle parking space per unit. Eight parking spaces have been provided within the site, which exceeds the minimum parking requirements, and is therefore considered to be acceptable.

The provision of vehicular gates along the access is not considered to be harmful to highway safety as they will be set back from the road by approximately 7.8 metres, which will allow for a vehicle to fully enter the site without overhanging the highway before the gates are opened.

Cycle storage is shown provided within the site which accords with Thanet Local Plan Policy TR12 and the vehicle parking accords with KCC Highway standards and the proposal is not therefore considered detrimental to highway safety and accords with the aims of Thanet Local Plan Policy TR16.

Biodiversity

The site is undeveloped and Kent County Council's Biodiversity Officer advised that there is some potential for the presence of protected species and advised that a scoping survey be carried out. As a result the applicant has undertaken an ecological assessment which has been reviewed by KCC who concluded that a precautionary mitigation approach should be implemented when clearing the area.

With regard to trees previously on the site that have recently been removed I can confirm that there are no protected trees within the site, however, there are several protected trees within the rear garden of the adjacent site, No.76 (TH/TPO/7(2005)). The nearest protected trees within the adjacent property is adjacent to the area marked out as communal seating area on the drawing and therefore unlikely to be adversely affected by this proposal.

Archaeology

The Kent County Archaeological Officer comments that the site has the potential for undisturbed archaeology and recommends the implementation of a programme of archaeological work in accordance with a written specification and timetable which is to be submitted to and approved by the Local Planning Authority. It is considered that the proposed safeguarding condition would be acceptable to address any archaeological concerns.

Other Matters

Residents have raised concerns regarding covenants on the site. Covenants are civil matters and are not considered within a planning application.

Conclusion

Whilst the site is non-previously developed land, it is within the urban confines, and there is a need for housing within Thanet. The proposed development would not result in any substantial harm to the character and appearance of the area or to the living conditions of neighbouring residential occupiers and is in line with Local Plan policies and the aims of the NPPF. It is therefore recommended that Members approve the proposal as an acceptable departure to Policy H1, subject to safeguarding planning conditions.

Case Officer

Rosemary Bullivant

TITLE:

F/TH/16/1109

Project

Land On The East Side Of Leicester Avenue MARGATE Kent

Scale:

