

Date: 11 November 2019  
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## PLANNING COMMITTEE

**20 NOVEMBER 2019**

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 20 November 2019** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Tomlinson (Chairman); Councillors: Coleman-Cooke (Vice-Chairman), Albon, J Bayford, Dennis, Duckworth, Garner, Hart, Hopkinson, Huxley, Keen, Stevens, Taylor and Towing

## A G E N D A

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)  
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 10)  
To approve the Minutes of the Planning Committee meeting held on 16 October 2019, copy attached.
4. **SITE VISITS**
- 4a **FH/TH/19/0879 - 19 NOTTINGHAM ROAD, BIRCHINGTON** (Pages 11 - 18)
5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 19 - 22)  
To consider the report of the Director of Community Services, copy attached for Members of the Committee.

***Note: Copies of correspondence relating to applications received will be available for members' perusal in the Members' Room from 5.00pm on the Friday before the meeting until the date of the meeting.***

Item  
No

Subject

**For Approval**

5a **A01 - F/TH/19/1061 - 4 GUY CLOSE, BROADSTAIRS** (Pages 23 - 30)

**For Refusal**

5b **R02 - F/TH/19/1198 - FLAMINGO ARCADE, 17 MARINE TERRACE, MARGATE** (Pages 31 - 38)

5c **R03 - FH/TH/19/0812 - 26 NORTH FORELAND ROAD, BROADSTAIRS** (Pages 39 - 50)

**For Deferral**

5d **D04 - F/TH/19/0813 - LAND FORMERLY USED AS CLUB UNION, CONVALESCENT HOME READING STREET, BROADSTAIRS** (Pages 51 - 102)

5e **D05 - F/TH/19/1004 - LAND ADJACENT 18 TO 20 THE RETREAT, RAMSGATE** (Pages 103 - 112)

5f **D06 - F/TH/19/0738 - 58 NORTHDOWN ROAD, BROADSTAIRS** (Pages 113 - 120)



Please scan this barcode for an electronic copy of this agenda.

## **THANET DISTRICT COUNCIL DECLARATIONS OF INTEREST**

### **Do I have a Disclosable Pecuniary Interest and if so what action should I take?**

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.
4. **Complete the declaration of interest form and submit it to Democratic Services.**

### **Do I have a significant interest and if so what action should I take?**

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.
4. **Complete the declaration of interest form and submit it to Democratic Services.**

## **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

## **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

# Public Document Pack Agenda Item 3

## Planning Committee

### Minutes of the meeting held on 16 October 2019 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Michael Tomlinson (Chairman); Councillors Albon, J Bayford, Dennis, Duckworth, Garner, Hart, Hopkinson, Huxley, Keen, Stevens, Taylor and Towing

**In**

**Attendance:** Councillors Kup, Pugh, D Saunders and M Saunders

#### 502. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Coleman-Cooke.

#### 503. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 504. MINUTES OF PREVIOUS MEETING

Councillor Albon proposed, Councillor Stevens seconded and Members AGREED that the minutes of the Planning Committee held on 18 September 2019 be approved and signed by the Chairman.

#### 505. SCHEDULE OF PLANNING APPLICATIONS

#### 506. A01 - F/TH/19/1037 - ST LAWRENCE COLLEGE COLLEGE ROAD, RAMSGATE

PROPOSAL: Erection of sports pavilion

It was proposed by the Chairman and seconded by Councillor Albon:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED 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 SK01-01, SK01-02, SK01-03, 001, 003, 004, 005, and 006, received 05 August 2019; and the drawing numbered 007, received 03 October 2019.

GROUND;

To secure the proper development of the area.

3 The proposed sport pavilion building hereby permitted shall be made available for use by public community sports groups in addition to the existing school use, in accordance with a community use plan, to be submitted prior to the first use, and approved in writing by the Local Planning Authority. The community use plan shall include, but not be limited to, details of availability of use for the community, terms of use, and management arrangements. The management and the operation of the building shall comply with the community use plan as approved.

GROUND:

To support the need for a sports related community building of this scale and location within the green wedge, in accordance with Policy CC5 of the Thanet Local Plan.

4 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 DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

5 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.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Provision of wheel washing facilities
- (d) Temporary traffic management / signage
- (e) Measures to control noise affecting nearby residents

Development shall be carried out in accordance with the approved details.

GROUND;

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

6 There shall be no movement of materials or plant to or from the site outside of the hours of 09.30 to 14.30 Monday to Friday.

GROUND:

In the interests of highway safety during peak school drop off/collection times, in accordance with paragraph 110 of the NPPF.

7 The use of the sports pavilion building hereby approved shall not be used other than between the hours of 0900 and 2230 on any day.

GROUND;

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

8 Prior to the first use of the development hereby permitted, the native tree and shrub planting, and installation of bat and bird boxes, as located on the approved plan numbered 007, received 3<sup>rd</sup> October 2019, shall be provided and thereafter maintained. 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 in accordance with Policies D1 and D2 of the Thanet Local Plan

9 The foul drainage to the development hereby permitted shall be provided in accordance with the drainage plan submitted 28th August 2019.

GROUND;

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

10 The aluminium frames of the windows and doors to be inserted within the building hereby permitted shall be coloured green, as confirmed by the applicant in correspondence received 04 October 2019.

GROUND:

To limit the visual impact upon the green wedge, in accordance with Policy CC5 of the Thanet Local Plan.”

Further to debate, the motion was declared CARRIED.

(a) **A02 - TPO/TH/19/1130 - Land Opposite 24 Old Hall Drive, Ramsgate**

PROPOSAL: R/TPO/1(1968) - 10no. Lime - Crown raise by 2m, 10no. Lime - Remove epicormic growth up to height of 2.5m and 1no. Lime - Remove damaged branch

It was proposed by the Chairman, seconded by Councillor Albon and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 This approval is only valid for a period of 24 months from the date hereof. Failure to carry out any or all of the approved work within this period will make it necessary to submit a fresh application.

GROUND;

In accordance with Part 4 Regulation 17 of Town and Country Planning (Tree Preservation) (England) Regulation 2012.

2 All work should be to the latest arboricultural standards, including British Standard BS 5837:2012.

GROUND;

In accordance with Part 4 Regulation 17 of Town and Country Planning (Tree Preservation) (England) Regulation 2012.”

**507. A03 - FH/TH/19/0879 - 19 NOTTINGHAM ROAD, BIRCHINGTON**

PROPOSAL: Part retrospective application for the erection of a gable roof extension and side extension with flat roof dormer to rear following demolition of existing garage

It was proposed by the Chairman and seconded by Councillor Albon:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 19-002/004 Rev C and 19-002/005 Rev B and dated 17 September 2019.

**GROUND;**

To secure the proper development of the area.

2 The external materials and external finishes of the side extension hereby approved shall be off-white coloured render and the cladding to the dormer extension shall be grey Cedral weatherboarding, as confirmed by the Agent in correspondence received 19 September 2019.

**GROUND:**

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

Following debate, the motion was withdrawn by the Chairman and Councillor Albon.

It was proposed by Councillor Taylor and seconded by Councillor J Bayford:

“THAT Members conduct a SITE VISIT in order to assess the situation.”

Upon the motion being put to the vote, it was declared CARRIED.

**508. R04 - OL/TH/19/0523 - HUCKLEBERRY FARM DOWN BARTON ROAD, ST NICHOLAS AT WADE**

PROPOSAL: Outline application for the erection of 1No. single dwelling with all matters reserved

Speaking in favour of the application was Mr Evans.

Speaking as ward councillor was Councillor Pugh.

It was proposed by the Chairman and seconded by Councillor Albon:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be REFUSED for the following reasons:

1 The proposed dwelling, by virtue of its location, form and character, would impact upon long distance views, and detract from the open and undeveloped rural character of the area, severely detrimental to the appearance of the Landscape Character Area, whilst failing to protect the intrinsic character and beauty of the countryside, contrary to Thanet Local Plan Policies CC1, CC2 and D1, and paragraphs 127, 130 and 170 of the National Planning Policy Framework.

2 The site is outside the built up area boundary, and located on land that has no footpath connections with the village, and as such the proposed development is considered to represent an unsustainable form of development within the countryside, which fails to secure safe pedestrian access for future occupiers, contrary to Policy D1 of the Thanet Local Plan and Paragraphs 109 and 110 of the National Planning Policy Framework.

3 The proposed development will result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraph 177 of the NPPF and the Habitats Directive.

4 The proposed use of a sewerage treatment plant to serve the proposed development, given the sites location within the Groundwater Protection Zone and the proximity of the application site to the main sewer network, would result in an unacceptable risk of contamination of groundwater sources, contrary to Policy EP13 of the Thanet Local Plan and paragraph 170 of the National Planning Policy Framework.”

Further to debate, the motion was put to the vote and declared LOST.

Then, it was proposed by Councillor Stevens and seconded by Councillor Hart:

“To defer to officers for approval subject to the receipt of legal agreement securing the appropriate mitigation towards the Strategic Access Management and Monitoring Plan, and safeguarding conditions to include a condition requiring details of the foul drainage to be agreed with the local authority prior to the commencement of development, on the grounds that the development would not result in significant landscape harm and would

constitute sustainable development in accordance with the National Planning Policy Framework.”

Upon being put to the vote, the motion was declared CARRIED.

**509. R05 - FH/TH/19/1079 - 7A QUEENS GARDENS, BROADSTAIRS**

PROPOSAL: Installation of replacement front door and timber windows with UPVC windows on ground, first and second floors

Speaking in favour was Mr Brown.

Speaking as ward councillor was Councillor D Saunders.

It was proposed by the Chairman and seconded by Councillor Albon:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be REFUSED for the following reason:

1 The development, by virtue of the materials proposed, its appearance, and the overall design would detract detrimentally from the character and appearance of the host building, and would fail to respect or enhance the special character and appearance of the Broadstairs Conservation Area. The harm caused has not been demonstrated to be outweighed by any public benefit and as a result the development would be contrary to the aims of saved policy D1 of the Thanet Local Plan and the aims of paragraphs 127, 130, 196, 197 and 200 of the National Planning Policy Framework.”

Following debate, the motion was put to the vote and declared LOST.

Then, it was proposed by Councillor Albon and seconded by Councillor Garner:

“To approve the application subject to safeguarding conditions to include the submission of precise manufacturers details of the windows to be installed on the ground that the level of harm to the Conservation area is outweighed by the public benefits, including ensuring the consistency of appearance of materials in Queens Gardens.”

Upon being put to the vote, the motion was declared CARRIED.

Meeting concluded : 9.15 pm

**A03**

**FH/TH/19/0879**

**PROPOSAL:** Part retrospective application for the erection of a gable roof extension and side extension with flat roof dormer to rear following demolition of existing garage

**LOCATION:**

19 Nottingham Road BIRCHINGTON Kent CT7 0EH

**WARD:** Birchington South

**AGENT:** Mr Simon Moat

**APPLICANT:** Mr Harrison

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 19-002/004 Rev C and 19-002/005 Rev B and dated 17 September 2019.

**GROUND;**

To secure the proper development of the area.

2 The external materials and external finishes of the side extension hereby approved shall be off-white coloured render and the cladding to the dormer extension shall be grey Cedral weatherboarding, as confirmed by the Agent in correspondence received 19 September 2019.

**GROUND:**

In the interests of visual amenity 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

SITE, LOCATION AND DESCRIPTION

The area is predominantly characterised by single storey dwellings and chalet bungalows with groups of properties sharing similar design characteristics. Nos 17 and 19 form a pair of semi-detached bungalows that are symmetrical in appearance. The application site is

located at the eastern end of Nottingham Road and is the last property in the street before the open agricultural fields beyond.

## PROPOSED DEVELOPMENT

The application seeks planning permission for the erection of a gabled roof extension over the existing side extension (which was constructed under permitted development following the demolition of the garage) with a flat roof dormer to the rear. Development has commenced on site with the enlarged roof extended above the single storey flat roofed side extension. A flat roofed dormer within the rear roof slope has been erected and has been substantially completed. The enlargement of the roof and dormer extension would include two windows, providing two additional bedrooms, with three rooflights within the front roof slope, providing light to an en-suite, dressing room and additional light for Bedroom 2. The external surfaces of the dormer are to be clad with grey Cedral weatherboarding and the end gable and extension is to be finished with off-white render.

During the application amended plans were requested due to inaccuracies within the plans when compared to the development as built. Neighbours have been re-notified of the correct plans.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan (2006)**

D1 - Design Principles

## NOTIFICATIONS

Neighbours have been notified and a site notice posted and six representations have been received raising the following concerns:

- \* The plans do not match what has been built - the dormer is very large and level with the roof ridge and appears to be flush against the adjoining property's roof. It also appears to meet the lower edge of the roof.
- \* Overlooking
- \* Out of keeping with surrounding bungalows
- \* Works have already started
- \* Direct overlooking into rooms and gardens opposite and sideways and takes away existing privacy.
- \* Gardens are small and currently private and not overlooked
- \* It will devalue homes
- \* Out of keeping with the character of surrounding properties
- \* Poor quality design
- \* Loss of outlook
- \* Loss of property value
- \* Loss of privacy
- \* Is an eye-sore
- \* It would set a precedent for others

Following re-consultation on amended drawings showing re-positioning of windows and addition of weatherboard cladding one representation has been received raising the following concern:

\* The amended plans do not address the loss of privacy due to windows overlooking into several private gardens.

**Birchington Parish Council:** No objection.

## COMMENTS

This application is reported to Planning Committee at the request of Councillor George Kup to allow Members to assess the impact of the development on neighbouring privacy.

### **Character and Appearance**

The area is predominantly characterised by single storey dwellings and chalet bungalows with groups of properties sharing similar design characteristics. The application site is one of a pair of semi-detached bungalows that are symmetrical in appearance. A single storey flat roof extension has been built to the side of the property under permitted development. The forward projection of the side extension would result in the widening of the front elevation, which will be finished in off-white render. The proposal is then to extend the roof over this side extension creating a gable end rather than a hipped roof (with roof tiles to match the main dwelling), and the insertion of 3no. Velux windows within the front roof slope.

Thanet Local Plan policy D1 seeks to support development that respects or enhances the character or appearance of the surrounding area, particularly in scale, massing and rhythm. This policy is further supported by paragraph 127 of the NPPF which states that decisions should ensure that development will function well and add to the overall quality of the area, and paragraph 130 which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The pair of dwellings are highly visible within the street and the front elevation is symmetrical in appearance with its adjoining neighbour including the front projection detailing and the use of matching bricks. The result of bringing the extension forward with a flat roof element, together with the widening of the roof and the application of render, would to some degree unbalance the symmetry of the pair of properties. However, as the application site is located at the far end of the road the addition of a side extension, together with the enlarged roof, would not in itself unduly disrupt the pattern and rhythm of the street when viewed from Nottingham Road.

To the rear of the property it is proposed to erect a flat roofed dormer extension which would extend from the ridge of the property and would occupy almost the entire width of the

existing rear roof slope and across to the extended roof. Two windows would be added, serving two bedrooms.

The rear elevation of the property is not immediately visible from Nottingham Road, but being retrospective, views of the rear dormer and roof extension were possible through gaps between existing development in King Edward Road, and the enlarged roof and dormer are also clearly visible from neighbouring gardens.

The dormer is very large and dominates the rear roofslope of the bungalow. The Council would normally expect dormer extensions to be set down from the ridge and up from the eaves and sit comfortably within the roofslope in order to respect the main dwelling. At the time of my visit, other than the chalet bungalow properties opposite, there were no other visible dormer extensions within the street.

The original proposal included two large windows, with the proposed dormer to be finished with off-white render. The amended proposal shows two smaller windows, with the external surfaces finished with grey Cedral weatherboarding. The dormer is large and, in its unfinished state, the eye is drawn to its dominant appearance, however, with a grey weatherboarded finish the dormer is likely to appear less pronounced when viewed from the public realm, as the dormer would blend into the roof of the building, resulting in less visual harm.

Thanet Local Plan policy D1 and paragraphs 127 and 130 supports development that respects or enhances the character or appearance of the surrounding area and adds to the overall quality of the area. In this instance the development would have limited visual impact on the streetscene when viewed from Nottingham Road, and glimpses of the development from the rear (between the existing dwellings in King Edward Road), would be fleeting and from a distance of over 42 metres. On balance, the development is not considered to significantly detract from the visual amenities of the locality, or be severely detrimental to the character or appearance of the surrounding area. The proposal therefore accords with the aims of Thanet Local Plan Policy D1 and the NPPF.

### **Living Conditions**

The ground floor side extension and gable end roof enlargement would extend towards the open fields to the east and would therefore have little impact upon neighbouring residential occupiers. The rooflights within the front roofslope would face the public highway where there is existing mutual overlooking.

The rear dormer would introduce two additional windows that would face neighbouring gardens within Nottingham Road and King Edward Road to the rear where currently there are no windows at first floor level.

Thanet Local Plan D1 outlines that new development should be compatible with neighbouring buildings and spaces, and should not lead to unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light, or sense of enclosure.

The rear gardens of properties in Nottingham Road are fairly small. The adjoining property has a particularly small garden with a depth of less than 8 metres. The dormer as built extends to the boundary of No.17 and when standing in the adjoining neighbouring rear garden the dormer is clearly visible. However, the dormer would not result in a significant loss of outlook or unacceptable loss of light to occupiers of the immediately adjacent property or other nearby residential occupiers.

The two windows within the dormer extension have been reduced in size from that originally proposed and any views from the windows into the private amenity space of the adjoining neighbouring garden would be at an acute angle and it is therefore unlikely that the positioning of the windows would result in unacceptable overlooking or a significant loss of privacy to this neighbour.

The bungalows within Nottingham Road and King Edwards Road are not currently overlooked from upper floors of neighbouring dwellings. Concern has been raised that there would be overlooking and loss of privacy for neighbours living to the rear of the site in properties fronting King Edward Road. There is a gap of approximately 21 metres between the rear elevation of the application site and the rear elevation of the nearest dwelling in King Edward Road. There is no definitive distance in planning setting out when there is sufficient separation between development to overcome overlooking or loss of privacy as each situation has to be considered on its own merits, taking into account land levels and landscaping (although landscaping, such as trees, cannot be relied upon to provide natural screening into the future). However, a separation distance of at least 21 metres is generally considered to be sufficient distance between upper floor windows and habitable room windows and the rear garden of this site is approximately 7.8 metres.

The two windows within the dormer are modest in size (1.1 metres high by 1.4 metres wide) and would serve bedrooms rather than main habitable rooms and, therefore in addition to the 21m separation distance it is not considered that the proposed dormer windows would result in intrusive views into the private amenity space of the neighbouring gardens.

It is therefore considered that the alterations to the roof and dormer extension would not result in significant adverse impacts to the living conditions of neighbouring property occupiers in terms of sense of enclosure, loss of outlook or loss of privacy and the proposal is therefore in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Highway Safety**

The original garage would no longer be available for potential parking and the side extension would reduce the depth of the front garden to less than 5 metres. The resulting development could therefore result in the potential loss of off-street parking for this dwelling. As Nottingham Road is a fairly quiet non-classified road and the property is located at the end of the road, vehicles could reasonably park sideways within the front garden without causing harm to the free flow of traffic within the road. There is on street parking available in the vicinity and therefore the proposal could not reasonably be refused on the grounds of highway safety in this instance.

## **Conclusion**

The proposed development is considered to be acceptable in terms of the character and appearance of the area and the living conditions of surrounding neighbouring residential occupiers. The proposed development therefore accords with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework. It is therefore recommended that Members approve the application, subject to safeguarding conditions.

## **Case Officer**

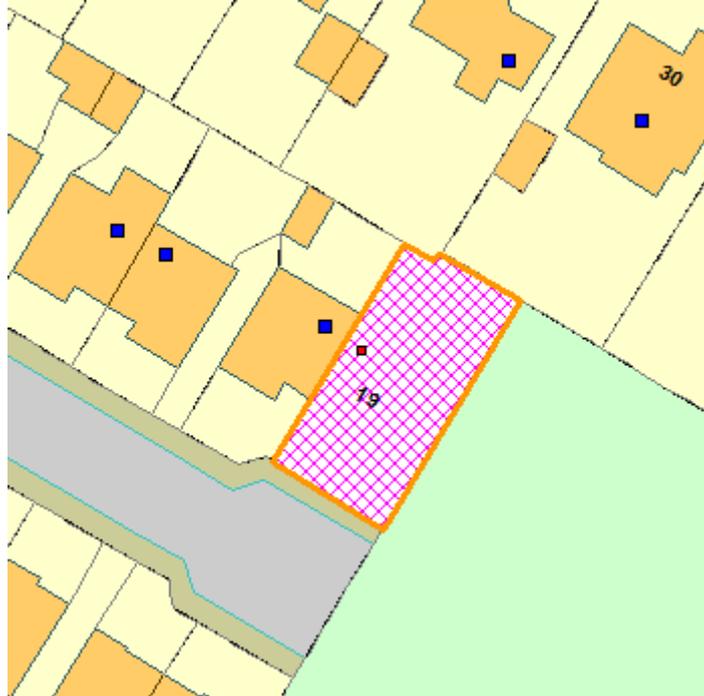
Rosemary Bullivant

TITLE:

FH/TH/19/0879

Project

19 Nottingham Road BIRCHINGTON Kent CT7 0EH



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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

20 NOVEMBER 2019

BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

- (A) Standard Reference Documents - (available for inspection at the Council offices)
1. Thanet District Council Local Plan saved policies
  2. Cliftonville Development Plan Document
  3. Government Circulars and the National Planning Policy Framework issued by the Department of Communities and Local Government.

- (B) Register of Applications for Planning Permission (Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015))

(Copy of applications together with accompanying plans or drawings are available for inspection at the Council offices)

- (C) Background Papers in relation to specific reports in the Schedule of Planning Applications

(Copies of background papers and any appeal decisions referred to are available for inspection at the Council offices and via the Council's website)

I certify that the above items are not exempt information.

- (D) Exempt information in accordance with paragraph of Schedule 12 (A) of the Local Government Act 1972.

N/A

I certify that the above items are exempt information.

Prepared by: IAIN LIVINGSTONE



SIGNED:.

Proper Officer

DATE:11TH NOVEMBER 2019

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART A

TO: THE PLANNING COMMITTEE

DATE: 20 November 2019

Application Number	Address and Details	Recommendation
A01 F/TH/19/1061	4 Guy Close BROADSTAIRS Kent CT10 3NF	Approve

Alterations to roof to include increase in roof height, the installation of 3 no. rooflights to front and erection of dormer window to rear with balcony and privacy screens together with the erection of a front gable projection above existing garage

Ward: Bradstowe

## THANET DISTRICT COUNCIL

### REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

#### PART B

**TO: THE PLANNING COMMITTEE**

**DATE: 20 November 2019**

Application Number	Address and Details	Recommendation
R02 F/TH/19/1198	<p><b>Flamingo Arcade 17 Marine Terrace MARGATE Kent CT9 1XJ</b></p> <p>Variation of condition 2 of planning permission reference F/TH/17/1066 for the change of use of the existing first floor to amusement centre (Sui Generis) with associated first floor rear extension and the provision of an ancillary café (A3) and the refurbishment of the first floor front balcony to allow replacement of windows and doors to front and side elevations with aluminium sash windows and doors</p> <p>Ward: Margate Central</p>	Refuse Permission
R03 FH/TH/19/0812	<p><b>26 North Foreland Road BROADSTAIRS Kent CT10 3NN</b></p> <p>Retrospective application for the erection of a single storey garage with pitched roof and gable ends, together with formation of a vehicular access and erection of 1.8m high fencing to front elevation.</p> <p>Ward: Kingsgate</p>	Refuse Permission

## THANET DISTRICT COUNCIL

### REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

#### PART C

**TO: THE PLANNING COMMITTEE**

**DATE: 20 November 2019**

Application Number	Address and Details	Recommendation
D04 F/TH/19/0813	<p><b>Land Formerly Used As Club Union Convalescent Home Reading Street BROADSTAIRS Kent</b></p> <p><b>MAJOR</b></p> <p>Erection of 24no. dwellings with associated vehicular access from Reading Street and Convent Road, pedestrian access from Astor Road, parking and landscaping</p> <p>Ward: Beacon Road</p>	Defer & Delegate
D05 F/TH/19/1004	<p><b>Land Adjacent 18 To 20 The Retreat RAMSGATE Kent</b></p> <p>Erection of 1No. detached chalet bungalow</p> <p>Ward: Newington</p>	Defer & Delegate
D06 F/TH/19/0738	<p><b>58 Northdown Road BROADSTAIRS Kent CT10 2UW</b></p> <p>Variation of condition 2 attached to planning permission F/TH/18/0335 for the erection of 1no. 4-bed two storey dwelling together with cycle store to rear to allow for enlargement of dormer window with Juliet balcony and insertion of second floor window to rear elevation together with internal alterations</p> <p>Ward: St Peters</p>	Defer & Delegate



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

## SITE, LOCATION AND DESCRIPTION

Guy Close is a residential street within the defined settlement of Broadstairs. It is accessed from Laking Avenue and is arranged in a 'T' shape, with single storey detached bungalows arranged in a row to the north, with two smaller rows to the east and west.

To the north of Guy Close properties in this location back onto open fields with views across the Margate-Broadstairs green wedge, the north foreland coast and Joss Bay. Properties are set on a steep gradient to the rear with many appearing to have raised platforms and patio areas with stepped access to a lower level.

Number 4 Guy Close is a single storey detached brick bungalow with a small garage and entrance projection set under a catslide tiled roof. Surrounding development comprises single storey detached bungalows of similar designs, but with variety in terms of roof forms and heights.

## RELEVANT PLANNING HISTORY

None

## PROPOSED DEVELOPMENT

This application seeks planning permission for an increase in roof height, the installation of 3 no. rooflights to the front elevation and the erection of a dormer to the rear with balcony and privacy screens, together with the erection of a front gable projection above the existing garage.

The existing property has a kitchen, open plan lounge diner, shower room and WC, two bedrooms and a garage. The proposal would facilitate the conversion of the loft to additional habitable accommodation. With the proposed dwelling providing a sitting room/study, utility room, shower room, WC, three bedrooms (2 with en-suites) on the ground floor with an open plan lounge and kitchen/diner within the roof.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006**

D1 - Design Principles

## NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice posted close to the site. Five letters of representation have been received objecting to the proposal on the following grounds:

- Incorrect owner stated on the application form
- Copyright of images used
- Incorrect measurements on plans
- Out of keeping with the character of the area
- The roof is too high
- The proposed works to the ridge cannot be achieved without an additional increase in height
- Sets a precedent and will remove symmetry
- Overlooking
- Difference in scheme from approved dormer at No. 3 Guy Close

A petition has also been received with twelve signatories objecting to the application on the following grounds:

- The development will be out of keeping with the scale and design of adjoining bungalows.
- The increase in roof height and change of roof pitch will be prominent and obtrusive within the street scene.
- It will create a dangerous precedent, which if repeated elsewhere in the local area, will result in even greater visual non-conformity and harm.
- The precedent will also apply to the proposed rear dormer extension and balcony, which will result in unacceptable overlooking and loss of privacy to neighbouring rear terraces and gardens.

**Broadstairs and St Peters Town Council:** Objects to the proposal on the grounds that it is out of keeping, the development is too high, poor design, scale and mass, loss of privacy and measurements on the plans are incorrect.

**Broadstairs Society:** Objects to the proposal on the grounds that it would be out of keeping, would result in a loss of privacy and sets a precedent.

## CONSULTATIONS

None received.

## COMMENTS

This application is brought to Planning Committee at the request of Councillors Jill Bayford and David Parsons for Members to debate the impact of the proposal on the character and appearance of the area and the living conditions of adjoining occupiers.

## **Principle**

The site lies within an established residential area within the defined settlement of Broadstairs. In principle there is no objection to extending and altering a domestic property, subject to an assessment of the impact on the character and appearance of the area and the living conditions of neighbouring occupiers.

## **Character and Appearance**

Paragraph 127 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Saved policy D1 of the Local Plan outlines that the design of all new proposals must respect or enhance the character and appearance of the area, particularly in scale, massing, rhythm and use of materials.

As set above, this application proposes alterations to the front (pitched roof over garage and installation of rooflights) and rear elevations (dormer window with balcony) together with the increase in the height of the roof.

Concerns have been raised by local residents about the impact of the proposed development on the character and appearance of the area, particularly in relation to the increase in height and removing symmetry within the close.

A number of properties within the immediate row have pitched roof projections to the front, some with a left hand projection and some with a right hand projection. Given this, no objection is raised to the proposed creation of a pitched roof over the existing garage as it would respect detailing already present within the surrounding street scene. The roof lights proposed would appear as small subservient openings spaced across the front roof slope and are considered to be of an appropriate design and scale.

The proposal seeks an overall increase in the roof height of the host dwelling by 0.6m (from 4.6m to 5.2m). There is some variation in roof heights both along the northern row of dwellings in Guy Close (No.s 3-10) and across some of the properties to the eastern side of Guy Close. For example No. 5 appears lower than its adjacent bungalows, No.s 3, 8 and 10 appear to have higher ridge heights than some of the other dwellings and there is also variation in roof heights between No.s 12-15 Guy Close. On balance the proposed increase in height is not considered to materially alter the character given that the pitch of the roof remains unchanged pitching away from the public highway.

The proposed rear dormer would meet the new ridgeline but would not exceed it. It has been set in on either side and would appear as a subservient addition which would not be readily visible from the public highway. The associated balcony would have a mixture of clear (to the rear) and obscure glazed privacy screens to its sides with nos. 3 and 5 Guy Close. The privacy screens to the sides would measure 1.8m in height and the balustrading to the balcony 0.9m. The dormer and balcony would not be prominently visible from Guy Close, although some long views across the fields to the rear may be possible. Given this and the

sympathetic design of the proposed dormer and balcony, it is not considered that there would be any adverse impact from them on the character or appearance of the area.

Cladding is evident across a small number of properties in Guy Close and a larger number in the adjacent street, Laking Avenue. The cladding proposed would be installed with a light grey timber finish. This is not considered to cause harm to the character and appearance of the area. The changes to fenestration would not be widely visible from any public vantage points and are not considered to be harmful to the character and appearance of the area. There is also the fall back position that as a single dwelling, that many of these alterations could be carried out without the benefit of planning consent.

The works proposed are considered to comply with the aims of saved policy D1 of the Thanet Local Plan and paragraph 127 of the NPPF.

### **Living Conditions**

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Saved policy D1 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, should not lead to unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light, or sense of enclosure, and should incorporate measures to prevent crime and disorder.

Concerns have been raised by local residents about the impact of the proposed development on their living conditions in terms of overlooking and loss of privacy.

The proposed pitched roof over the existing garage is not considered to cause harm to the living conditions of neighbouring occupiers. It would not create built development that would extend out as to create any overbearing or overshadowing to the occupiers of No. 3 Guy Close and would be sited away from other neighbouring properties.

The addition of roof lights to the front roof slope is likely to benefit from a permitted development fallback based on the section provided. However, even if the development did not benefit from permitted development rights, there appears to be some 24m of separation between the front building line of the application site and the flank wall of No. 2 Guy Close. Two windows in the flank of No. 2 appear obscure glazed and the other appears to be a reasonable distance from the front roof slope of the application site.

The proposed alterations to fenestration include the loss of a door along the eastern boundary and the replacement of the existing window's glazing in this location with obscure glass. To the rear three existing openings would be replaced with three sets of sliding doors. To the west a replacement door is proposed. None of these alterations are considered to materially change the relationship of the property with neighbouring occupiers.

The dormer and associated balcony have been set in from the boundary either side. Gardens along the northern part of Guy Close appear shallow in nature and on a steep gradient. A number of dwellings have had patios extended from the rear of the host

dwellings with steps leading to softer landscaped areas below. The balcony proposed would be set in by around 2.2m either side and proposes the use of privacy screens. Given the set in, use of privacy screens, and changing land levels that have resulted in the most private rear spaces of adjacent neighbouring occupiers at No.s 3 and 5 being raised up (and at No. 3 being set behind the rear building line of No. 4), there is not considered to be any harmful overlooking created. It is acknowledged that there may be some potential for some views of the adjoining plots to be gained from the balcony, but it is considered that any views would be to the bottom of the gardens and not of the areas directly adjacent to the rear elevation of the neighbours given the proposed privacy screens. The screens although obscure would allow light to pass through and would be set some distance in from the adjoining dwellings to avoid any sense of enclosure.

The proposed changes to the existing roof to increase the ridge height are not considered to cause harm to neighbouring amenity. No works are proposed to extend the roof form out to any neighbouring boundary and the increase in height is of a modest scale.

Given the above, the proposal is considered to be acceptable in terms of its impact on the amenity of neighbouring occupiers in accordance with the aims of saved policy D1 of the Thanet Local Plan and paragraph 117 of the NPPF.

## **Highways**

There would be no impact on highway safety or parking in the surrounding area from this proposal.

## **Other Matters**

Local residents have raised concerns on the basis that the plans provided for the application were not correct. In reviewing the application and following the application site visit it was noted that a number of inconsistencies on the existing plans had been carried over to the proposed plans. The application was subsequently found to be invalid and the applicant asked to address the issues. Corrected amended plans have been received and the application has been considered on the basis of these amended plans. Local residents have also sought to comment and query measurements in relation to both the existing and proposed plans referencing dimensions and measurements at other properties which would not necessarily conform to the dimensions and measurements within the application property or site. Officers have assessed the proposal before them on the scheme submitted, not on any assumed building heights or internal levels.

Comments have also been received surrounding ownership and copyright issues of materials submitted. Amended ownership certificates have been provided and issues pertaining to copyright are not a planning consideration.

## **Conclusion**

This application seeks planning permission for an increase in roof height, the installation of 3 no. rooflights to the front elevation and the erection of a dormer to the rear with balcony and privacy screens, together with the erection of a front gable projection above the existing

garage. These works would facilitate the conversion of loft space to additional habitable accommodation.

There is some variety in design, roof heights, and materials across Guy Close and the adjacent Laking Avenue. The proposed changes are considered to be of an acceptable design and scale as to blend with the character and appearance of the area.

Although objections have been received in relation to the impact of the proposed roof lights, dormer and balcony, the works are either likely to benefit from a permitted development fallback or to have provided appropriate mitigation as to prevent overlooking to neighbouring properties and private rear amenity spaces.

The proposed development, therefore, accords with saved Policy D1 of the Thanet Local Plan and the guidance of the NPPF. It is therefore recommended that Members approve the application, subject to safeguarding conditions.

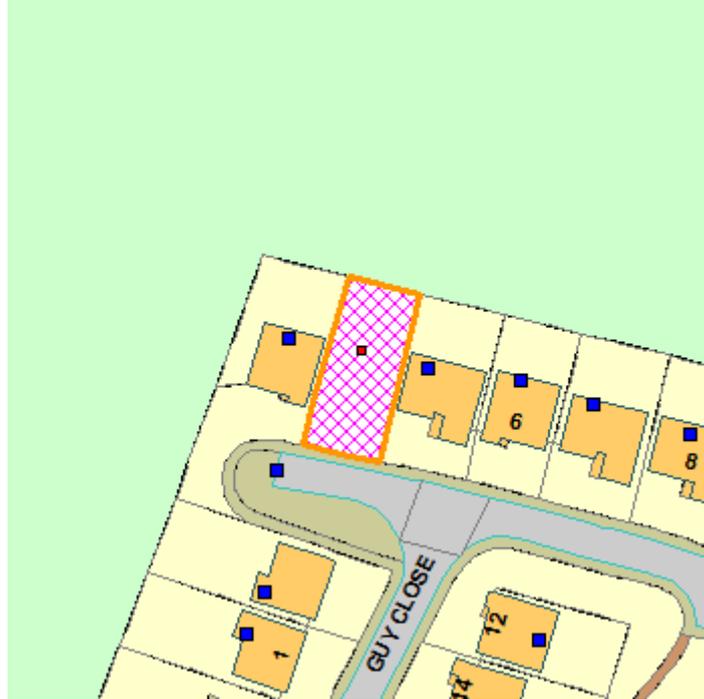
**Case Officer**  
Vicky Kendell

TITLE:

F/TH/19/1061

Project

4 Guy Close BROADSTAIRS Kent CT10 3NF



**R02**

**F/TH/19/1198**

**PROPOSAL:** Variation of condition 2 of planning permission reference F/TH/17/1066 for the change of use of the existing first floor to amusement centre (Sui Generis) with associated first floor rear extension and the provision of an ancillary café (A3) and the refurbishment of the first floor front balcony to allow replacement of windows and doors to front and side elevations with aluminium sash windows and doors

**LOCATION:** Flamingo Arcade 17 Marine Terrace MARGATE Kent CT9 1XJ

**WARD:** Margate Central

**AGENT:** Mr Nic Smith

**APPLICANT:** Rowland & Rowland Ltd

**RECOMMENDATION:** Refuse Permission

For the following reasons:

1 The proposed aluminium windows and doors to the front and part of the eastern side elevation, by virtue of their material, finish and appearance, would introduce an inappropriate and non-traditional modern material to the upper floors of this highly prominent building in the Margate Seafront Conservation Area, which would diminish the character and significance of the application property and the quality of the previously approved scheme, resulting in severe harm to the character and appearance of the application property and the wider Conservation Area. The proposed development would therefore be contrary to Policy D1 of the Thanet Local Plan and paragraphs 127, 130, 192 and 196 of the National Planning Policy Framework.

## SITE, LOCATION AND DESCRIPTION

The Flamingo Arcade, formerly the Kent Hotel is a prominently located three storey Georgian building located on the seafront fronting Marine Terrace and the beach beyond, and abutting Belgrave Road to the east. The building contains a shopfront formed of bi-folding doors to the amusement arcade at ground floor level, with a prominent fascia above. The first and second floors of the property largely retains the original form, design and pattern of fenestration of the building, with timber windows and doors to the front elevation and the 2No. windows to the front of the eastern side elevation.

The site is located within the Margate Seafront Conservation Area, which is a designated heritage asset. This part of the Conservation Area is characterised by a largely continuous terrace of three and four storey buildings of late Georgian and early Victorian origin with

commercial uses at ground floor. Many of the buildings retain their original form, design and pattern of fenestration to the front elevation of the upper storeys. Whilst some inappropriate alterations and material finishes have occurred, the presence of traditional designs and materials such as timber fenestration prominently feature.

## RELEVANT PLANNING HISTORY

F/TH/17/1066 - Change of use of the existing first floor to amusement centre (Sui Generis) with associated first floor rear extension and the provision of an ancillary café (A3) and the refurbishment of the first floor front balcony - Granted 27/09/17

## PROPOSED DEVELOPMENT

This application follows the previously approved 2017 application which granted the change of use of the first floor to amusement centre, provision of ancillary cafe with a first floor rear extension and the refurbishment of the first floor front balcony. This application approved the replacement of the existing predominantly timber windows and doors to the first and second floor front elevation and the 2No. windows to the north of the eastern side elevation with new timber windows of the same design.

This application seeks to vary condition 2 of planning permission F/TH/17/1066 to allow for the replacement of the existing windows and doors to the front and the 2No. windows to the front of the eastern side elevation with aluminium windows and doors, rather than replacement timber as approved through the previous consent.

The proposed windows and doors will comprise the same design as the previously approved timber windows and doors, and are to be fitted within the existing openings; however it is proposed that they will be powder coated aluminium as opposed to timber.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006 (Saved Policies)**

D1 - Design Principles  
T7 - Amusement Uses  
TR16 - Car Parking Provision

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. No letters of representation have been received from the general public.

### **Margate Conservation Area Advisory Group:**

- Aluminium windows are inappropriate for a building of this age and design. The windows should be timber and of a traditional design as they are a significant feature of historic buildings and the conservation area.
- There seems to be no justification for aluminium windows.

- There does not seem to be a heritage statement.
- It should be noted that CAAG has not been able to find evidence of a planning application for the large fascia with red flames on the exterior of the building. The fascia advertisement was substantially different in design materials and colour.
- Large numbers of drawings for a variation of condition. Potential for a lot of changes to be unintentionally approved without proper review of original and updated drawings.

### CONSULTATIONS

#### **TDC Conservation Officer:**

'The Flamingo Arcade located at 17 Marine Terrace is a property fronting the main esplanade within the town, also situated within the conservation area.

Policy HE02 (Draft Thanet Local Plan) Section 8 requires appropriate materials and detailing to be proposed. Applications for extensions should not result in the loss of features that contribute to the character or appearance of the conservation area. NPPF Section 16, Paragraph 192, states in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Additionally under the Listed Buildings and Conservation Areas Act 1990, Section 72 Paragraph 1, which describes, in respect to any buildings or land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (paragraph C) the desirability of new development making a positive contribution to local character and distinctiveness.

This application of change of condition states that due to other applications being granted for aluminium windows to a separate section of Marine Terrace results in the material setting a precedent upon the street. However these applications were granted as they were deemed an improvement to the aesthetic of the conservation area as they were UPVC being replaced with aluminium. Every application has its own merits and therefore is analysed as such, with these proposed works considered to have a negative impact on its setting and historic environment.

Currently the existing materials to the windows on Flamingo Arcade are timber and their replacement with aluminium would be to the detriment of the building's appearance through the use of non-traditional materials, rather than improvement. Therefore the proposal would have a negative impact to the aesthetic of the conservation area through the erosion of the distinct character of the building in question and due to these reasons I object to this application.'

**Southern Water** - No objection.

### COMMENTS

This application is brought to Planning Committee as it has been called in by Councillor Tomlinson to allow members to consider the impact of the proposed development upon the character and appearance of the Conservation Area.

The main considerations with regard to this application is the principle of development, the impact of the proposed development upon the character and appearance of the Conservation area, and the impact upon residential amenity..

### **Principle**

The principle of development was assessed under the previous application reference F/TH/17/1066 and was found to be acceptable. This application does not seek to alter the approved use of the site, which is as an amusement centre with ancillary cafe use.

The proposed development is therefore considered to be acceptable in principle as it complies with Policy T7 of the Thanet Local Plan, which supports amusement centre/arcade uses on the site.

### **Character and Appearance**

As the site is located within a Conservation Area the Local Planning Authority must have regard for Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the area.

The NPPF states that permission should be refused for development of poor design that fails to take the opportunity of improving the character and quality of the area, and that where a development leads to less than substantial harm to a heritage asset, this harm should be weighed against the public benefit of the proposal.

Paragraph 130 of the National Planning Policy Framework states that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The existing windows and doors to the first and second floors of the front elevation and the 2No. windows to the front of the side elevation are traditional white painted timber sliding sash windows with a central glazing bar and timber double doors. This forms a traditional and appropriate material finish for the age and design of the Georgian building, which positively contributes to the significance of the Conservation Area.

The original permission reference F/TH/17/1066 approved the replacement of the front elevation windows and doors and 2No. windows to the front of the eastern side elevation with timber sliding sash windows and timber doors of a cohesive design and appearance to match the existing traditional windows and doors, fitted within the existing openings, the result of which was to preserve the traditional character and appearance of the Conservation Area.

The current proposal for the replacement of the timber material finish to this fenestration with aluminium would involve the installation of a non-traditional, modern material to the application property. Aluminium windows and doors are considered to clearly differ from traditional timber windows and doors, having a visibly different texture, appearance and finish, which lacks the finesse and refinement of painted wood. As such, the use of aluminium windows and doors are considered to provide an inappropriate material finish for the age and design of this Georgian building, and given the location of the proposed windows within the principal elevation of this highly prominent building within the Conservation Area, such a proposal is considered to dilute the historic character and significance of the application property and the contribution it makes to the Conservation Area.

Furthermore, through the use of aluminium, as opposed to timber which was previously approved, the proposed development would diminish the quality of the existing timber fenestration, thereby failing to preserve or enhance the special character and appearance of the Conservation Area. The proposal would also materially diminish the quality of the previously approved development, reference F/TH/17/1066, as a result of this change to the material of the windows and doors, which paragraph 130 of the National Planning Policy Framework specifically seeks to guard against.

Whilst it is appreciated that aluminium windows and doors are accepted in some instances within Conservation Areas, this is largely the case for modern buildings/extensions or the replacement of inappropriate material finishes such as UPVC, to which aluminium would be an improvement. This is not the case for the application building which is a historic, Georgian building within the Conservation Area, which retains traditional timber windows and doors to the upper floors of the existing front and eastern elevations.

The applications referenced by the applicant within the supporting statement, which have been approved with aluminium fenestration within the locality of the application site includes the hotel development at 43-49 Marine Terrace (reference F/TH/18/1053), which would be a new building within the Conservation Area; and 24-27 Marine Terrace (reference F/TH/18/0790) where the majority of windows within the frontage were UPVC windows, the replacement of which with aluminium windows constituted an improvement to this material finish. These cases therefore have different considerations to the proposed development, and in any case, each application is determined on its own merits.

The Conservation Officer objects to the application and considers the proposal would be to the detriment of the buildings appearance and significance through the use of non-traditional materials, which is considered to erode the distinct character of the building.

In accordance with paragraph 196 of the NPPF, it is necessary to consider whether there are any public benefits to the application which outweigh the harm caused to the significance of the heritage asset, in this case the Margate Seafront Conservation Area. Limited justification for the proposed aluminium windows and doors in place of timber has been provided within the supporting statement, with the justification provided focusing upon the recent approval of aluminium fenestration to this terrace, which I have addressed above. It is also stated that aluminium windows and doors are more robust for this exposed seafront location.

No evidence to substantiate the claim that aluminium is a more robust material for this location has been provided with the application. Timber windows, which comprise a suitable quality timber, with an appropriate paint finish and maintenance are comparable to the durability of aluminium windows, and in many cases outlive the lifespan of aluminium windows, as evidenced through the many timber windows which are over 100 years old. In any case, the durability of the windows is not considered to be a public benefit, and instead constitutes a financial benefit.

As such, it is not considered that there are any discernible public benefits associated with this application that would outweigh the identified harm to the designated heritage asset.

The proposed installation of aluminium windows and doors to the existing front and side elevation is therefore considered to introduce an inappropriate and non-traditional, modern material to this highly prominent Georgian building which would dilute the character and significance of the building and materially diminish the quality of the previously approved scheme. The proposal would therefore result in severe harm to the special character and appearance of the application property within the wider Conservation Area, which is not outweighed by the public benefits of the proposal.

The proposed development would therefore be contrary to Policy D1 of the Thanet Local Plan and paragraphs 127, 130, 192 and 196 of the National Planning Policy Framework.

### **Living Conditions**

The application proposes to alter the material finish of the replacement windows and doors to the upper floors of the existing front and side elevation, and does not propose the creation of, or alterations to, the openings. As such, the proposal is not considered to result in any additional impacts to residential amenity.

No other alterations are proposed through this application, and the impact of the proposed development upon the living conditions of adjacent neighbours has previously been considered and found to be acceptable.

### **Highways**

The impact of the proposed development upon highway safety and highway amenity was previously considered and found to be acceptable and the proposed alteration of the material finish to the fenestration to the front elevation and part of the side elevation is not considered to affect highway matters.

### **Conclusion**

It is considered that the proposed aluminium windows and doors would introduce an inappropriate, non-traditional and modern material to the upper floors of this highly prominent Georgian building within the Conservation Area which would dilute the character and significance of the application property, fail to preserve or enhance the special character

and appearance of the Conservation Area, and would materially diminish the quality of the previously approved scheme.

The proposed development would therefore result in severe harm to the special character and appearance of the application property and the wider Conservation Area, which is not outweighed by the public benefits of the proposal. It is therefore recommended that members refuse the application.

**Case Officer**

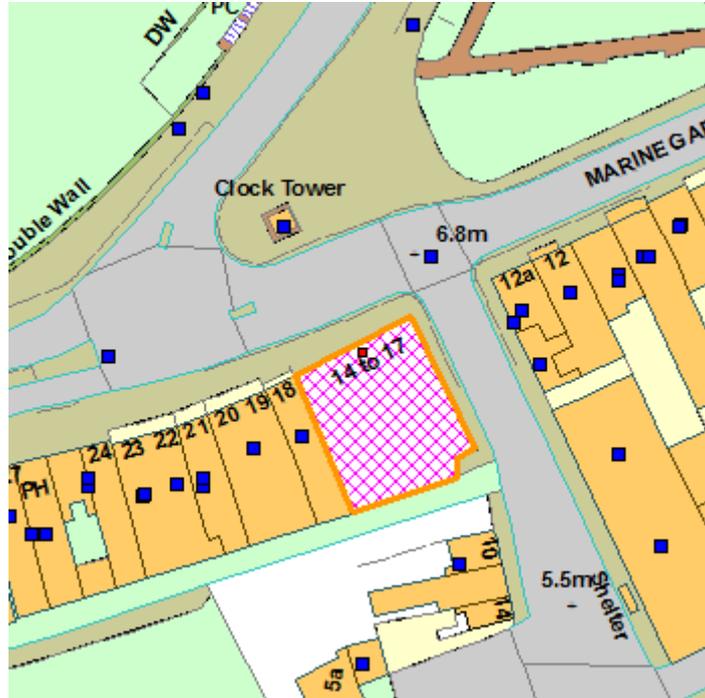
Jenny Suttle

TITLE:

F/TH/19/1198

Project

Flamingo Arcade 17 Marine Terrace MARGATE Kent CT9 1XJ



**R03**

**FH/TH/19/0812**

**PROPOSAL:** Retrospective application for the erection of a single storey garage with pitched roof and gable ends, together with  
**LOCATION:** formation of a vehicular access and erection of 1.8m high fencing to front elevation.

26 North Foreland Road BROADSTAIRS Kent CT10 3NN

**WARD:** Kingsgate

**AGENT:** Mr Ivan del Renzio

**APPLICANT:** Mrs Marianne Elliott

**RECOMMENDATION:** Refuse Permission

For the following reasons:

1 The proposed garage, by virtue of its scale and prominent siting to the front of the property, forms a dominant and incongruous element within an area characterised by large plots with open frontages, detrimental to the pattern of surrounding development and the character of the area, contrary to Policy D1 and D7 of the Thanet Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

### SITE, LOCATION AND DESCRIPTION

26 North Foreland Road is a detached dwelling setback and at an angle and below the level of the road. The property has garden space on all sides with mature planting and a small outbuilding sits back from the road along the boundary with No 28. The front boundary has a mix of mature landscaping and a tall wooden fence.

North Foreland Road is a residential street which accommodates large detached dwellings that sit comfortably within large plots. There are a variety of dwelling sizes and styles which are set back and at a lower level than the pavement edge. The front boundary treatments also vary in style and material but generally are tall fences and walls with some landscaping.

### RELEVANT PLANNING HISTORY

FH/TH/19/0125 - Part retrospective application for the erection of a single storey garage with pitched roof and gable ends. Refused 28 March 2019. Dismissed at appeal 16 October 2019 due to the impact of the development upon the character and appearance of the area.

FH/TH/18/1126 - Part retrospective application for the erection of single storey side extension and single garage, together with the formation of a vehicular access. Granted 11 January 2019

## PROPOSED DEVELOPMENT

This is a retrospective application for the erection of a detached garage, 1.8m fence and formation of a vehicular access.

The garage in question has been subject to two previous applications all of which initially proposed the garage in the same location as this current application.

When the initial application was assessed officers raised significant concerns regarding the location of the garage immediately adjacent to the front boundary of the site as it was considered to create a highly prominent and incongruous form of development that was out of keeping with the pattern of development and resulted in significant harm to the open and spacious character of the area. This application was subsequently amended to alter the orientation and move the location of the garage to the southern boundary of the site. The amended garage was set back from the highway by 5.5m creating a subservient form of development that was not prominent or highly visible in the street scene.

The second application was a resubmission of the initial application, with the garage located in the original location and the side elevation located immediately adjacent to the front boundary of the site. The erection of the garage was substantially complete when this application was submitted. This application was refused for the reasons set out to the applicant and their agent during the first application and was recently dismissed at appeal by the Planning Inspectorate as “the development represents an unduly dominant and incongruous feature which is incompatible with the prevailing character and appearance of the area”.

This third application is retrospective and seeks to overcome the concerns of both officers and the Planning Inspector. Consent is now sought to retain the garage (in the same location as previous application (FH/TH/19/0125) and that considered at the recent appeal, together with the formation of a vehicular access and erection of 1.8m high fencing to front elevation. The garage is single storey in design with a pitched roof with gable ends and constructed from materials to match the main dwelling.

As part of this application planting is proposed to the front of the site between the fence and the garage. The proposed planting is to match the hedging that was on the site prior to the commencement of development and the remaining hedging currently visible on the southern section of the front boundary. This is the only element of this application that was not in place when the Planning Inspector considered the previous application.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan (2006)**

D1 - Design

D7 - Areas of High Townscape Value

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site. Seven letters of support have been received raising the following points:

- Materials are in keeping with the existing house
- No harm to the openness of the area
- No trees have been removed
- The garage is located behind a fence
- Garages to the front are a feature of the area

**Broadstairs and St Peter's Town Council** - No comment

## CONSULTATIONS

**KCC Highways** - No objections in respect of highway matters.

## COMMENTS

This application is brought before members at the request of Cllr Trevor Roper to allow Members to consider the impact of the development upon the character and appearance of the area.

### **Principle**

The application site is located within a residential area of Broadstairs. The principle of the erection of an outbuilding/garage within the curtilage of an existing residential dwelling is considered acceptable, subject to the detail of the scheme.

### **Character and Appearance**

The application property lies within an Area of High Townscape Value (AHTV) (Saved Policy D7). This policy states that within these areas the conservation or enhancement of the local character will be the primary planning aim and development will be allowed only where the design, scale of development, separation between buildings, use of materials and landscaping are complementary to the special character of the area. This AHTV is characterised by large properties set within spacious plots and these buildings differ in terms of scale, design and material. There are a variety of dwelling sizes and styles which are set back and at a lower level than the pavement edge. The front boundary treatments also vary in style and material but are generally tall fences and walls with some landscaping.

The garage is located close to the centre of the plot in front of the main dwelling with its side wall parallel to the wooden boundary fence and sits at the same level as the road immediately adjacent to the front boundary. The level of the site falls away from the road and the main dwelling is situated below the road level. The angled location of the main dwelling and the set down from the level of the road create an open and spacious area that makes a significant contribution to the character and appearance of the Area of High Townscape Value. Both officers and the Inspector considered that the siting the garage directly in front of

the main dwelling and immediately adjacent to the front boundary of the site creates a highly prominent and incongruous form of development that competes with the main dwelling in appearance of scale and significantly diminishes the open and spacious character of the area. With the Inspector finding that "It is clearly visible from the street scene as the side wall and tall pitched roof protrude significantly above the wooden fence and it is not screened by any planting. The height, positioning and bulk of the garage screens the dwelling from the road".

As stated previously, there is a mixture of tall landscaping and front boundary fences visible within the area and, therefore, the fence that has been erected is not considered to have a significantly harmful impact upon the character and appearance of the area. The garage, however, protrudes significantly above the wooden fence with the gable ends, upper sections of the walls and the roof clearly visible. The fencing was in situ when the previous application was considered by the planning inspector as part of the appeal, however they did not consider that the fencing was sufficient to mitigate the impact of the garage. Therefore whilst the fencing itself is not considered to be harmful to the character and appearance of the area, it does not sufficiently diminish the harmful impact of the garage upon the character and appearance of the area.

The applicant has stated that soft landscaping would be planted between the fence and the garage to match the remaining hedging along the front boundary of the site. The Inspector made reference in his appeal decision that the appellant had stated "that further planting of hedges would be provided to screen the proposal" but could not consider this additional planting as he had no details before him. The additional planting proposed by the applicant has been included in this application and officers have, therefore, had chance to consider it. The proposed hedging would match the hedging that currently remains on the southern section of the front boundary. This hedging is below the height of the eaves of the garage and therefore the proposed planting would still leave roof and gable ends would still be clearly visible from the public realm in particular from the north.

Furthermore, it would take a significant period of time for a hedge to become mature and established to this height, and there are no means through the planning system to ensure that any soft landscaping is maintained in this location or to the proposed height. Therefore any planting could be removed at any time and any mitigating effect it may have cannot be relied upon.

It was acknowledged in the report for the 2018 application (reference FH/TH/18/1126) that the amended location of the garage would result in the loss of some small trees, however due to their size it was considered that these trees were not suitable for a TPO. It can be seen from Google Streetview images that a significant amount of soft landscaping and small trees have been removed to develop the garage in the location in which it has been constructed. Had the garage been constructed in the approved location, it is considered that the garage would have had a reduced impact upon the soft landscaping on the site when compared to the location in which it has been constructed.

Vehicular accesses are visible at regular intervals along North Foreland Road. The introduction of gates into the boundary treatment and a dropped kerb is considered to result in limited visual change to the character and appearance of the area.

Throughout the consideration of the previous applications officers attention have been drawn to other garages located forward of the dwellings in the immediate area, however these are generally set down from the road and not located directly immediately in front of the main dwelling allowing for views through the site to the main property. Where the garages are set adjacent to North Foreland Road they are set at a substantially lower level limiting their visibility and prominence with the street scene. These were also highlighted to the Inspector during the recent appeal. In his decision he states "The appellant has drawn my attention to several existing garages along North Foreland Road which sit forward of the dwellings they serve. In each instance the garages sit at a lower level than the appeal proposal and sit within the corner of the plots. The appellant also states that the garage at no. 10 is a particularly important comparable. However, this garage is also set at a lower level than the road and is positioned in the corner of the plot allowing the main front elevation of the dwelling to be visible." It is, therefore, considered by virtue of the design and location of the garage it creates a prominent and incongruous feature that has a significant impact upon the open and spacious character of the street scene and is contrary to policy D1 and D7 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The garage measures 6.2m deep, 4m wide, 2.5m to the eaves and 4.2m in total height. There is a separation distance of 8.4m to the northern boundary and 15.8m to the southern boundary of the site from the garage. A garage door is located in the front elevation, a pedestrian door in the rear elevation and a window in the eastern side elevation. Given the location of the garage, the single storey design and the separation to the neighbouring properties it is considered that the garage would not result in any significant overlooking, loss of light or sense of enclosure.

The new fencing along the front boundary of the site is taller than the previous fencing that was in place, however due to its location is not considered to result in any significant harm to the living conditions of the neighbouring residential property occupiers.

The dropped kerb and vehicular access is considered to make limited alterations to the property and any noise and disturbance from an access to a single dwelling is not considered to be significantly harmful.

It is therefore considered that the development would therefore comply with policy D1 of the Thanet Local Plan and the National Planning Policy Framework in terms of impact upon neighbouring residents.

### **Transportation**

The new vehicular access onto the highway had been completed prior to the submission of this application. North Foreland Road is wide and straight adjacent to the application site allowing for good visibility. Whilst the fencing along the front boundary is high, the access is wide allowing for some views along the pavement. The KCC Highways Officer has raised no objection to the application and it is considered that the proposed development would not

result in any significant increase in demand for on street parking or harm to highway safety to warrant refusal of the application.

### **Other Matters**

Whilst policy D7 of the Thanet Local Plan is not being carried forward into the new local plan, this does not alter the requirement for development to take opportunities to improve the quality and quality of an area and the way it functions as set out in paragraph 130 of the NPPF. Therefore, it is considered that this proposal is poor design and has been found by both Officers and an Inspector as having a detrimental impact on the character and appearance of the area. The application, is, therefore, considered to be contrary to paragraph 130 of the NPPF and saved Policy D1 of the Thanet Local Plan.

### **Conclusion**

The Council has considered two previous applications for a garage on the front boundary of this site and has consistently raised significant concerns regarding the impact of this development upon the character and appearance of the area. The first application was amended to move the garage to a more suitable location, set back from the highway and adjacent to the southern boundary of the site. Planning permission was subsequently granted for this amended application. A second application was submitted for the garage in the original location and the proposed garage was substantially complete when this application was submitted. This application was refused for the same reasons that original application was amended. This second application was appealed by the applicant and dismissed by the inspector who considered the garage to be significantly harmful to the character and appearance of the area. The only difference between this application and the previous applications in relation to the garage that were previously considered by the Council and the Planning Inspector is the addition of planting to the front elevation. As outlined above, the proposed planting is not considered to mitigate the appearance of the garage, and the applicant has approval for a garage in a location that the Council considers to be more suitable. It is therefore recommended that members refused this application for the following reason:

The proposed garage, by virtue of its scale and prominent siting to the front of the property, forms a dominant and incongruous element within an area characterised by large plots with open frontages, detrimental to the pattern of surrounding development and the character of the area, contrary to Policy D1 and D7 of the Thanet Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

### **Case Officer**

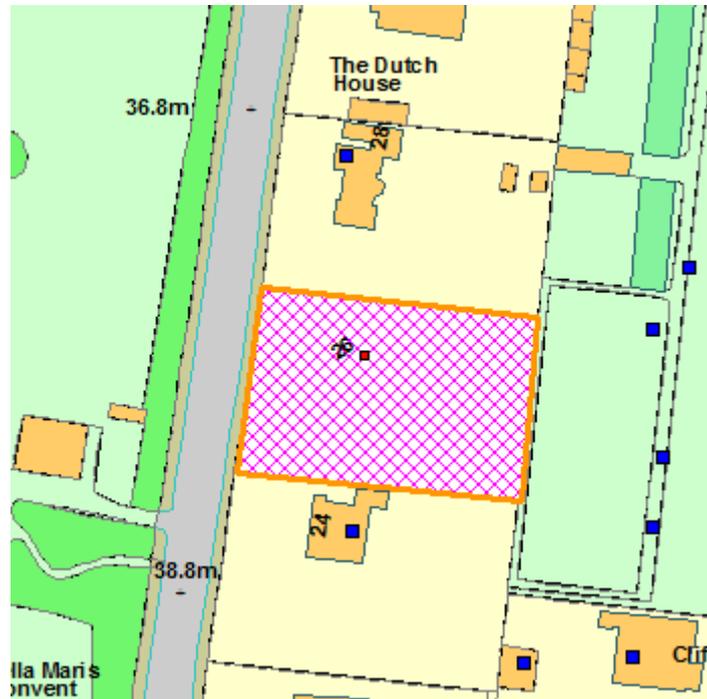
Duncan Fitt

### **Background Papers:**

Annex A – FH.TH.19.0125 Planning Appeal Decision

TITLE: FH/TH/19/0812

Project 26 North Foreland Road BROADSTAIRS Kent CT10 3NN



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## Appeal Decision

Site visit made on 3 September 2019

**by Neil Smith BA Hons BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 October 2019**

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**Appeal Ref: APP/Z2260/D/19/3231372**

**26 North Foreland Road, Broadstairs, Kent CT10 3NN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Marianne Elliott against the decision of Thanet District Council.
  - The application Ref FH/TH/19/0125, dated 18 January 2019, was refused by notice dated 28 March 2019.
  - The development proposed is the erection of single, single garage with pitched roof and gable ends.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I saw from my site visit that a garage has been constructed at the appeal site. The garage reflects the plans that were considered by the Council at planning application stage and I have determined the appeal on this basis

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

### Reason

4. The appeal site accommodates a large two storey detached dwelling. The house is set back, positioned at an angle and at a slightly lower level than the road and is in close proximity to the boundary with No 28 North Foreland Road. The appeal property has garden space on all sides with mature planting and a small outbuilding sits back from the road along the boundary with No 28. The front boundary has a mix of mature landscaping and a tall wooden fence.
5. North Foreland Road is residential street which accommodates large detached dwellings that sit comfortably within large plots. There are a variety of dwelling sizes and styles which are set back and at a lower level than the pavement edge. The front boundary treatments also vary in style and material but generally are tall fences and walls with some landscaping.
6. Many of the dwellings have garages. They are generally positioned at a lower level than the road and those that are forward of the main building are

positioned in the corner of the plots to allow the front elevations of the dwelling to be visible from the road.

7. By way of contrast, the appeal proposal is located towards the centre of the plot with its side wall parallel to the wooden boundary fence and sits at the same level as the road. It is clearly visible from the street scene as the side wall and tall pitched roof protrude significantly above the wooden fence and it is not screened by any planting. The height, positioning and bulk of the garage screens the dwelling from the road. Whilst it is constructed from similar materials to the host dwelling, the development represents an unduly dominant and incongruous feature which is incompatible with the prevailing character and appearance of the area.
8. The appellant has drawn my attention to several existing garages along North Foreland Road which sit forward of the dwellings they serve. In each instance the garages sit at a lower level than the appeal proposal and sit within the corner of the plots. The appellant also states that the garage at No 10 is a particularly important comparable. However, this garage is also at a lower level than the road and is positioned in the corner of the plot allowing the main front elevation of the dwelling to be visible.
9. In addition, the appellant has also referred to pre-application discussions with the Council in relation to the appeal proposals. Although positive pre-application discussions might have taken place, this does not bind my decision and I have determined this appeal on its own merits. The appellant has also stated that further planting of hedges will be provided to screen the proposal; however, I do not have any details before me.
10. Accordingly, I conclude that the proposal is significantly harmful to the character and appearance of the area and conflicts with adopted Policies D1 and D7 of the Thanet Local Plan (2006) which together seek to ensure high quality development that respects the character and appearance of the surrounding area.

### **Conclusion**

11. For the reasons given, I conclude that the appeal be dismissed.

*Neil Smith*

INPSPECTOR



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with the approved details.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

- 5 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 FRA undertaken by Herrington Consulting Ltd, Dated June 2109, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):  
o that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.  
o 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 the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 6 Piling or any other foundation designs using penetrative methods shall not be 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 by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

- 7 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, in accordance with the advice contained within the National Planning Policy Framework.

- 8 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 that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 9 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; and
  - (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 the advice contained within the National Planning Policy Framework.

- 10 No development shall take place until suitably qualified and experienced person has carried out a full investigation and assessment to determine the stability of the land and determine whether the development of the site can be carried out without causing instability of adjoining land or structures, and a written report of the findings/assessment including any recommendations has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in full accordance with any such recommendations set out within the aforementioned report, that have been approved in writing by the Local Planning Authority.

**GROUND:**

To ensure that the site can be developed without compromising the stability of adjoining land or buildings.

- 11 If the demolition of Building 1 (as labelled in Updating Bat Emergence and Dawn Re-entry Surveys prepared by LaDellWood and dated August 2019) hereby approved does not commence within 2 years from the date of the reported bat surveys (August 2019), further bat surveys shall be commissioned to:

i) establish if there have been any changes in the presence and/or abundance of bats

and their roosts, and

ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, new ecological measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition of Building 1. Works shall then be carried out in accordance with the amended and approved ecological measures and timetable.

**GROUND:**

In the interests of biodiversity and the protection of wildlife, in accordance with the NPPF.

- 12 No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of reptiles during construction works, including vegetation clearance and removal of refuse piles, has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Working method, including timings, necessary to achieve stated objectives;
- c) Extent and location of proposed works shown on appropriate scale plans;
- d) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

The works shall be carried out in accordance with the approved details.

**GROUND:**

In the interests of biodiversity and protected species, in accordance with the NPPF.

- 13 Prior to the first occupation of the development hereby permitted, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive;
- b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

**GROUND:**

In the interests of biodiversity, in accordance with the NPPF.

- 14 Prior to the commencement of development hereby permitted, a plan showing the location of Electric Vehicle Charging points at a ratio of 1 charging point per dwelling with dedicated parking, and 1 charging point per 10 spaces for unallocated parking, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

In the interests of air quality, in accordance with the NPPF.

- 15 Prior to the commencement of development hereby permitted, a Construction Management Plan to include the following:

- i) Routing of HGV's to and from site
- ii) Access points for construction-related vehicles
- iii) Parking and turning facilities for HGV's and site personnel vehicles
- iv) Wheel washing facilities
- v) Temporary traffic management
- vi) Hours of construction working
- vii) dust control measures,
- viii) measures to control noise affecting nearby residents
- ix) pollution incident control and site contact details in case of complaints
- x) wheel cleaning/chassis cleaning facilities

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.

**GROUND:**

In the interests of highway safety and neighbouring amenity during construction of the development hereby approved.

- 16 Prior to the first occupation of any dwelling within the development hereby approved, the provision and maintenance of the visibility splays shown on drawings numbers 14-019-014 Rev. H and 14-019-010 Rev. F, with no obstructions over 1 metre above carriageway level within the driver splays and 0.6 metres above footway level within the pedestrian splays, shall be provided and thereafter maintained.

**GROUND:**

In the interests of highways safety.

- 17 Prior to the first occupation of any dwelling within the development hereby approved to which they relate, the provision and permanent retention of the vehicle parking spaces and turning facilities shall be provided as shown on the submitted plans.

**GROUND:**

In the interests of highways safety.

- 18 Prior to first occupation of any dwelling served by the vehicular access from Reading Street, the vehicular access from Reading Street and associated highway alterations, including closure of the existing access and provision of parking restrictions, as shown on drawing number 14-019-014 Rev H (unless otherwise agreed with the Local Planning Authority and Highways Authority) shall be completed and operational.

**GROUND:**

In the interests of highways safety.

- 19 Prior to first occupation of any dwelling served by the vehicular access from Reading Street, the pedestrian dropped kerbs and tactile paving in Reading Street as shown on drawing number 14-019-014 Rev H (unless otherwise agreed with the Local Planning Authority and Highways Authority) shall be completed and operational.

**GROUND:**

In the interests of highways safety.

- 20 Prior to first occupation of any dwelling served by the vehicular access from Convent Road, the Convent Road access and associated highway alterations as shown on drawing number 14-019-010 Rev. F (unless otherwise agreed with the Local Planning Authority and Highways Authority) shall be completed and operational.

**GROUND:**

In the interests of highways safety.

- 21 Prior to first occupation of any dwelling served by the vehicular access from Convent Road, the pedestrian dropped kerbs and tactile paving in Convent Road as shown on drawing number 14-019-010 Rev. F (unless otherwise agreed with the Local Planning Authority and Highways Authority) shall be completed and operational.

**GROUND:**

In the interests of highways safety.

- 22 No development shall take place until details of improvements to the Reading Street/Elmwood Avenue junction to improve street geometry and visibility have been submitted to and approved in writing by the Local Planning Authority. This shall form part of a S.278 highway agreement between the applicant/developer and the highway authority. The agreed works shall be completed and operational prior to the first occupation of any dwelling in the approved development served by the vehicular access from Reading Street.

**GROUND:**

In the interests of highway safety and to mitigate additional trips generated from the Reading Street access through the junction of Reading Street and Elmwood Avenue.

- 23 Prior to the first occupation of the development hereby permitted, details of an acoustic fence, including height, design and location, to be erected along the side boundary of no. 34 Convent Road, shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fence shall be erected prior to the first occupation of the development accessed from Convent Road, and shall thereafter be maintained.

**GROUND:**

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

- 24 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, as identified on the approved plan numbered 101 P7,
- the treatment proposed for all hard surfaced areas beyond the limits of the highway, which shall be permeable, and include a bound surface for the first 5m of each access from the edge of the highway,
- details of the proposed open space as identified on plan numbered 134 P1, which shall include the re-located bench, and other associated paraphernalia as currently provided,
- walls, fences, other means of enclosure proposed,
- ecological enhancements as recommended within sections 4.3, 4.9, and 4.10 of the Updating Ecological Appraisal (Issue 1 by Labell Wood) dated June 2019,
- details of the boundary treatment to be provided along the southern boundary

of the site, adjacent to the Grade II Listed buildings

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

- 25 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, 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

- 26 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The landscape management plan shall be carried out as approved.

**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

- 27 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: 2005 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:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

- 28 Prior to the commencement of the development hereby approved details and samples of the materials 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

- 29 All new window and door openings shall be set in a reveal not less than 100mm

**GROUND:**

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

- 30 The rooflights hereby approved shall be 'conservation style' rooflights, set flush with the roof plane.

**GROUND:**

To safeguard the special character and appearance of the area on the boundary of a Conservation Area in accordance with the NPPF.

- 31 No further alterations to the building, or the erection of garden buildings, whether approved by Classes A, B, C or E of Part One of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out to units 15, 16 and 17, without the prior permission in writing of the Local Planning Authority.

**GROUND:**

To safeguard the living conditions of neighbouring occupiers, in accordance with Policy D1 of the Thanet Local Plan.

- 32 Prior to the first occupation of units 3, 4, 5, 6, 7, 11 and 12, an obscure glazed privacy screen (level 4) of no less than 1.8m in height shall be erected along both sides of the first floor rear balcony. The privacy screens shall thereafter be maintained.

**GROUND:**

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

- 33 The development as approved shall provide at least 10% of all units to be built in compliance with building regulation part M4(2); and 5% of the affordable units to be built as wheelchair accessible homes (compliance with building regulations part M4(3)), with details of the location of the units to be submitted to and approved in

writing by the Local Planning Authority.

**GROUND:**

To meet a range of community needs, in accordance with Policy H8 of the Thanet Local Plan.

- 34 Prior to the commencement of the affordable housing units as identified on the submitted plan numbered 102 P4, an affordable housing scheme, which shall include details of the tenure of the affordable housing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved affordable housing scheme.

**GROUND:**

To address affordable housing need, in accordance with Policy H14 of the Thanet Local Plan.

- 35 Prior to the first occupation of the self-contained flats, the doorstep play space associated with each flat shall be provided. For information purposes, the doorstep play space to be provided for plot 21 at ground floor level shall be immediately to the rear of the property, and not as annotated on the approved site plan.

**GROUND:**

To provide secure doorstep play space in accordance with Policy SR5 of the Thanet Local Plan.

## SITE, LOCATION AND DESCRIPTION

The application site lies within the urban confines, adjacent to the Broadstairs Conservation Area. To the north of the site is North Foreland Golf Course (located within the green wedge), with residential development adjacent to all other boundaries of the site. To the south of the site are nos. 43-49 Reading Street, which are Grade II Listed buildings. The site was previously occupied by a Convalescent Home, but this was demolished a number of years ago. The site is now allocated for residential development within the Draft Local Plan. The site is currently open, and whilst there are some areas that are overgrown, the majority of the site has been cleared. There are trees present on the site that are covered by a Tree Preservation Order. Most of the trees are along the boundaries of the site, although a number also exist around the access point onto Reading Street. There are two existing vehicular accesses into the site, one from Reading Street and one from Convent Road. Part of the application site also includes no. 30 Convent Road, a bungalow that is proposed to be demolished.

To the south of the site is Reading Street, which contains a public house, church, and church hall. Within walking distance of the site is Callis Grange Infant School and St.Peters Junior School. Development surrounding the site is predominantly 2-storey in height, and consists of terraced dwellings, semi-detached dwellings and detached dwellings.

## RELEVANT PLANNING HISTORY

F/TH/18/0142 - Erection of 25no. dwellings with associated vehicular access from Reading Street and Convent Road, pedestrian access from Astor Road, with off street parking and landscaping - **REFUSED** - 21 September 2018

Refused for the following reason:

*'The proposed development, by virtue of the location, design and scale of the development, would result in a poor quality development unrelated to and out of keeping with the local distinctiveness of surrounding development, contrary to Thanet Local Plan Policy D1 and paragraphs 127 and 130 of the National Planning Policy Framework'.*

F/TH/16/0924 - Erection of 30 dwellings together with associated access and landscaping following demolition of 30 Convent Road - REFUSED - 16 March 2017

Refused for the following reasons:

*'The proposed development, by virtue of the number, location and design of the residential units, would appear out of keeping with the surrounding pattern of development, and severely detrimental to the historic character and appearance of the adjacent Conservation Area, contrary to Policy D1 of the Thanet Local Plan, and paragraphs 17, 58, 60 and 64 of the National Planning Policy Framework'.*

The applicant has failed to enter into a legal agreement to secure 30% affordable housing, and the delivery of the necessary planning obligations required in order to mitigate the impacts of the proposed development on the local infrastructure and make the development acceptable in all other respects. The application is therefore contrary to Policies CF2, H14 and SR5 of the Thanet Local Plan and the National Planning Policy Framework.

F/TH/12/0875 - Application for extension of time of planning permission OL/TH/10/0283 for the redevelopment of the site with thirteen detached dwellings and garages, with associated access road and landscaping - **GRANTED** - 18 July 2013

OL/TH/10/0283 - Application for extension of time of planning permission OL/TH/02/0484 for outline application for the redevelopment of the site with 13no. detached dwellings and garages, with associated access road and landscaping - **GRANTED** - 23 July 2010.

R/TH/08/0406 - Application for approval of reserved matters for the erection of 13no. detached dwellings and garages with associated access pursuant to outline planning permission OL/TH/02/0484 - **GRANTED** - 19 June 2008.

RN/TH/08/0059 - Renewal of outline planning permission OL/TH/02/0484 for the redevelopment of site with 13no. detached dwellings and garages with associated access road and landscaping - **REFUSED** - 16 April 2008

OL/TH/02/0484 - Outline application for the re-development of the site with thirteen detached dwellings and garages, with associated access road and landscaping - **GRANTED** - 11 April 2005

## PROPOSED DEVELOPMENT

The application is for the demolition of no. 30 Convent Road and the erection of 24no. residential units, including 18no. detached dwellings, 2no. link-detached dwellings, and 2no. terraced dwellings (all 3, 4 and 5-bed); and 1no. two-bedroom flat and 1no. one-bedroom flat within a terraced building. There are two vehicular accesses into the site, one from Reading Street and one from Convent Road. The Reading Street access serves 12no. dwellings and the Convent Road access serves 12no. dwellings. The Reading Street access is moving further to the east of the site, and the Convent Road access is being widened, in order to improve turning and visibility. Each of the residential units have their own private garden measuring at least 10m deep (a minimum of 7.5m deep for the flatted units). Each of the large detached dwellings served by Reading Street are provided with a single or double garage and a driveway for at least 2no. vehicles. For the 12no. dwellings served by Convent

Road there are 26no. parking spaces provided, including 2no. visitor parking spaces, with the parking spaces for the terraced units and link detached units provided within a parking court or layby arrangement within the site. Nine trees are to be removed, which are covered by a Tree Preservation Order, and at least 50no. new trees are to be planted. A pedestrian access is proposed from the site onto Astor Road. Alterations are being made to no. 28 Convent Road, including the removal of their side parking area and the partial loss of their front garden to widen the access. Footpaths are extended into the site from both accesses

The application has been amended during the submission reducing the scale and changing the design of units 9 and 13, which have become bungalows.

## DEVELOPMENT PLAN POLICIES

### ***Thanet Local Plan Policy (2006) Saved Policies***

D1 - Design principles  
D2 - Landscaping  
EP5 - Air quality  
H1 - Housing provision  
H4 - Windfall sites  
H8 - Size and type of housing  
H14 - Affordable housing provision  
CF2 - Development contributions  
SR5 - Doorstep and local play space  
TR12 - Cycling  
TR16 - Car parking provision

### ***Draft Thanet Local Plan (2019)***

HO1 - Housing Allocations

## NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. 95 letters of objection have been received in total, along with one letter of support. The concerns raised in response to the original plans included:

- loss of green space adjacent to highway, should be protected,
- height of development, containing 3-storey,
- increased traffic,
- lack of visitor parking spaces,
- effect on crime,
- pedestrian walkway through Astor Road is not suitable,
- overdevelopment in close proximity to conservation area,
- application not significantly different to the previously refused applications,
- potential for overlooking and overshadowing of adjacent properties,
- impact on setting of listed buildings,
- proposal does not address the planning inspectors concerns,
- impact to the character and appearance of the area,
- impact to highway, sinkhole has recently opened up due to heavy usage,
- inappropriate design
- walking along Reading Street is already hazardous with narrow road and narrow pavement, which is partially to one side,
- land adjacent to the road not owned by the developer,
- cramped and contrived modern housing development,

- loss of trees,
- new development will over dominate and crowd listed buildings,
- additional reports needed, ecology and transport assessment,
- bus service has been reduced.

**The Broadstairs Society** - This is still overdevelopment. Having looked at the revisions the Society is still unclear just how it has changed for the better, especially in terms of height. Furthermore, the issue of developing on a parcel of land that has been identified as Local Green Space in the Neighbourhood Plan has been totally ignored. The residents not only of Reading Street but the surrounding area are right to be concerned.

**Broadstairs and St.Peters Town Council** - The planning committee of the Town Council has considered this amended application and resolved unanimously to recommend refusal with the following concerns:

- whilst the principle of some development is accepted, we consider that this proposed development will have a seriously detrimental impact on the setting of the unique listed buildings of the Reading Street conservation area, due to its density, style and elevated position,
- we consider that the access onto Reading Street will lead to greater congestion and increased risk to residents' safety, whilst the access onto Convent Road is not of an adequate width to accommodate the projected usage and increases risk of accident and congestion on that road,
- the application does not address any of the reasons for refusal in the appeal dismissal decisions ref:APP/Z2260/W/17/3173824 dated 22nd August 2017 and APP/Z2260/W/18/3218754 dated 11th April 2019. It fails to comply with saved Policy D1 of the Thanet Local Plan. - The proposal is two separate developments, unrelated to the streetscene, rather than an extension to the village with its own sense of identity,
- although the number of dwellings has been reduced, the density has increased and the western end of the proposed development is cramped and unbalanced,
- inadequate parking arrangements and little turning space.

We therefore strongly recommend refusal of this application.

## CONSULTATIONS

**KCC Highways and Transportation** - I refer to the above planning application and note that the proposed streets within the site are to remain private. I also note the comments made by the appeal Inspector on the previous application for 30 dwellings. The current proposals include the same access proposals as the previous applications for 30 and 25 dwellings, including widening of Reading Street in the immediate vicinity of the proposed access to allow vehicles to pass each other, and connections to the existing footways. Limited parking restrictions are also proposed at the access to maintain visibility and these are in the location of the existing access to the site, which will be closed and the footway reinstated. Whilst this means that the existing access road will no longer be available for parking, it is a private access and this parking could therefore be removed at any time without the need for planning consent. The visibility available at the access is acceptable and in accordance with measured speeds. A footway is provided from the Reading Street access through the site to Convent Road, providing routes and connections to existing footway networks for pedestrians in both directions.

The access from Convent Road to serve 12 dwellings provides suitable visibility and suitable width for vehicles to pass each other at the junction with Convent Road. The provision of a short single-way working section alongside no. 28 Convent Road within the site is acceptable bearing in mind the limited number of dwellings served. The visibility for drivers

at the access would ideally be available at 2.4 metres back from the edge of the carriageway rather than the 2 metres achievable, and this means that the front of a car may need to overhang the edge of carriageway a little for a driver to achieve the necessary visibility. However, Convent Road is of sufficient width to accommodate this and drivers approaching on Convent Road have good visibility to the access, which will serve a limited number of dwellings. I would therefore not recommend refusal on this issue. The number of vehicle movements likely to be generated by the proposals in the network peak hours is not significant and unlikely to have a severe impact on the highway network, as identified by the appeal Inspector. The location of the proposed access in relation to Lerryn Gardens on the opposite side of Convent Road is acceptable and bearing in mind the existing and proposed streets are culs-de-sac serving a limited number of dwellings, there are likely to be few if any vehicle movements between the two. An acceptable connection is provided to the existing footway in Convent Road. The existing footway on the south side of Convent Road terminates a short distance to the west of the site access so dropped kerbs and tactile paving are proposed to enable pedestrian access to/from the existing continuous footway on the north side of Convent Road, providing access to the nearby bus stops and the wider footway network.

I understand that a pedestrian right of way to/from Astor Road is achievable. However, pedestrian connections are available to both Reading Street and Convent Road from all parts of the site, so the connection to Astor Road is not essential to make the development acceptable in highway terms.

The streets within the site are to remain private and will therefore not be adopted by the highway authority. The site layout and parking arrangements are such that the proposals are unlikely to lead to unacceptable parking on the highway.

Construction of the development in highway terms can be controlled and managed by condition through a Construction Management Plan, including the routing of HGV's to and from site. Taking all of the above into account, I would therefore not recommend refusal on highway grounds subject to safeguarding conditions.

### **KCC Ecology - *(final comment)***

#### **Bats**

The Updating Bat Emergence and Dawn Re-entry Surveys report. No bats were recorded using the building proposed for demolition as a roost and as such we are satisfied that an appropriate level of ecological survey work. No mitigation for roosting bats is necessary at this time. If 2 years elapses from the survey dates before works are due to commence, further updated surveys must be sought, to ensure that appropriate mitigation/compensation measures can be implemented in relation to any bats that have moved into the building. This can be secured by condition, if planning permission is granted.

Bat survey update - suggested condition wording If the demolition of Building 1 (as labelled in Updating Bat Emergence and Dawn Re-entry Surveys prepared by LaDellWood and dated August 2019) hereby approved does not commence within 2 years from the date of the reported bat surveys (August 2019), further bat surveys shall be commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and their roosts and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, new ecological measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the demolition of Building 1. Works will then be carried out in accordance with the approved new ecological measures and timetable. Two

trees with bat roosting potential have been identified and these appear to be retained within the proposals. We advise that if this changes, there will be a need for more detailed bat assessments of the trees.

Bat sensitive lighting within the site is recommended and we advise that the submission and implementation of a lighting strategy must be secured by condition, if planning permission is granted. Bat-sensitive lighting condition - suggested wording Prior to the use of the first building a "lighting design strategy for biodiversity" for the site will be submitted to and approved in writing by the local planning authority. The lighting strategy will: a) Identify those areas/features on site that are particularly sensitive; b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals). All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

### Reptiles

While no specific surveys for reptiles are necessary at this time, we strongly advise that current management practice is maintained to ensure that favourable habitat for reptiles does not develop. Some suitable habitat is reported to be present and we advise that, to ensure that any reptiles present are not killed or injured, the submission and implementation of a method statement for the removal of vegetation and refuse piles is secured by condition, if planning permission is granted.

Reptile protection condition - suggested wording No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of reptiles during construction works, including vegetation clearance and removal of refuse piles, has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the: a) Purpose and objectives for the proposed works; b) Working method, including timings, necessary to achieve stated objectives; c) Extent and location of proposed works shown on appropriate scale plans; d) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works. The works shall be carried out in accordance with the approved details.

### Badgers, hedgehogs and breeding birds

The potential for badgers, hedgehogs and breeding birds to be present and affected by the proposed development is identified within the Updating Ecological Appraisal. We advise that the implementation of the recommendations within the report must be secured within the planning permission, if granted. Other wildlife protection condition - suggested wording To ensure adequate protection of badgers, hedgehogs and breeding birds, the development hereby approved shall be carried out in accordance with the recommendations made in sections 4.4, 4.5 and 4.10 of the Updating Ecological Appraisal, Issue 1 prepared by LaDellWood and dated June 2019.

### Designated sites

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. A recent decision from the Court

of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application. Ecological enhancements The proposed development provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity, including those recommended in the Updating Ecological Appraisal are secured as a condition of planning permission, if granted. This is in accordance with Paragraph 175 of the NPPF "opportunities to incorporate biodiversity improvements in and around developments should be encouraged".

*(initial comment)*

We have reviewed the Updating Ecological Appraisal report submitted in support of this application and we advise that additional information is required prior to determination of the planning application.

### Bats

The previous bat surveys are now over three years old. Given the age and further deterioration of the buildings proposed for demolition, new bat surveys are necessary and must be undertaken, with the results and any necessary mitigation proposals submitted to inform the determination of the application. This is to ensure that Thanet DC can have regard to the requirements of the EC Habitats Directive and is in accordance with paragraph 99 of the ODPM 06/2005 which states: "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the d Two trees with bat roosting potential have been identified and these appear to be retained within the proposals. We advise that if this changes, there will be a need for more detailed bat assessments of the trees.

Bat sensitive lighting within the site is recommended and we advise that the submission and implementation of a lighting strategy must be secured by condition, if planning permission is granted.

### Reptiles

It is stated in the report that the habitats on the site remain broadly as previously recorded during the 2016 surveys, It is though noted that areas of tall ruderal vegetation and refuse piles are now present, but it is concluded in the report that given the surrounding habitats (golf course and residential gardens), the site remains of low habitat value for reptiles.

In our experience, slow worms are commonly found in gardens and there is a risk that they will have colonised the areas of suitable habitat within the site and could use the refuse piles for hibernation. We advise that, to ensure that any reptiles present are not killed or injured, the submission and implementation of a method statement for the removal of vegetation and refuse piles is secured by condition, if planning permission is granted.

### Badgers, hedgehogs and breeding birds

The potential for badgers, hedgehogs and breeding birds to be present and affected by the proposed development is identified within the Updating Ecological Appraisal. We advise that

the implementation of the recommendations within the report must be secured within the planning permission, if granted.

## Designated sites

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

## Ecological enhancements

The proposed development provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity, including those recommended in the Updating Ecological Appraisal are secured as a condition of planning permission, if granted. This is in accordance with Paragraph 175 of the NPPF "opportunities to incorporate biodiversity improvements in and around developments should be encouraged".

**Natural England** - No objection subject to securing appropriate mitigation.

**KCC Archaeology** - Thanet is generally rich in archaeological remains and the application site lies within an area of considerable archaeological potential with many cropmark sites of barrows and enclosures lying within 500m. Of particular significance is the discovery of Roman remains in 1888 less than 100m to the west of the site.

Although part of the site is occupied by the former convalescent home, it is possible that important archaeological remains could be affected by groundworks for the new residential development. I would therefore recommend that provision is made in any forthcoming outline permission for the implementation of an archaeological evaluation to be followed by any further mitigation and / or safeguarding measures as appropriate. A safeguarding condition securing the implementation of archaeological field evaluation works is recommended.

We had previously advised that early evaluation would be preferable in order that preservation options could be taken into account in design and layout. It may be that if significant archaeology is encountered in the evaluation stage that there may need for preservation measures to be put in place to address the condition.

**KCC Developer Contributions** - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

**KCC SUDs** - We have reviewed the information provided and are satisfied with the principles proposed for dealing with surface water via infiltration.

Should your authority be minded to grant permission for the development, we would recommend safeguarding conditions are attached.

**Southern Water** - Our initial investigations indicate that Southern Water can provide foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Safeguarding condition for drainage recommended. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.

**Environment Agency** - The proposed development will be acceptable if safeguarding conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

**TDC Environmental Health** - The site falls within our urban air quality management area and is in excess of 10 residential units so is required to have air quality standard mitigation conditions (these relate to boilers and electric vehicle charging).

**TDC Conservation Officer** - The site located on Reading Street Broadstairs is not within but borders Reading Street Conservation Area, it is also within close proximity to three Grade II listed properties. Previously multiple applications have been applied for this site, with the most recently being Application No F/TH/18/0142. This was refused by Thanet Council, appealed by the applicant and subsequently the inspectorate also refused the application. This application is for less properties and relocated new dwellings which are further in distance from the listed properties.

Policy HE02 (Draft Thanet Local Plan) Section 8 it states that appropriate materials and detailing should be proposed and the development would not result in the loss of features that contribute to the character of the conservation area.

Within The NPPF (National Planning Policy Framework) Section 16, paragraph 192 it states the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. It also states under paragraph 194 that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Additionally under the Listed Buildings and Conservation Areas Act 1990, Section 69 (66?) Paragraph 1a, which details local planning authorities shall, from time to time, determine which parts of conservation areas are of special architectural or historical interest the character or appearance of which it is desirable to preserve or enhance.

Guidance under the National Design Guide Section C2, Paragraph 45 highlights that When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape and paragraph 47 which states Well-designed places and buildings are influenced positively by the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.

One of the main heritage concerns with this application previously was the distance between two of the proposed new dwellings (plot 9 and 13 on the most recently amended site plan) and the existing Convent Cottages to the South of the site. This distance has been increased quite substantially and also had a dwelling removed which partially mitigates the impact that would have previously been imposed on the listed properties and their setting. The rear garden space on plot 9 has also been angled inwards, meaning that the new established distance between the two sites is maintained across the entirety of the boundary and not increasing as you move through the site. This also assists in reducing the impact to the cottages as it defines the boundaries visually and physically, this creates a clear distinction between the two sites. The garages have been removed in the 'lower' row of dwellings which stops the site feeling cramped despite the creation of the green space buffer between the heritage assets.

Whilst the heritage assets and the main development have a clear separate distinction, the architecture of the houses closest to the listed properties has also been changed to be more sympathetic and reflective of the nearby heritage aesthetic. Design influences have been taken from Convent Cottages including the flint, red brick detailing and fenestration pattern of the windows. This reflection of heritage and locally used materials will help integrate the proposed development into the surrounding residential style and reduce the feeling of mass development. Plots 9 and 13 are both bungalows, resulting in a shorter height in scale so they are not competing in scale with the listed properties. The cottages should still be visible to and from the site as they are two storeys in scale, with the new builds still being visible but at a subservient level.

The shuffling of the proposed developed has resulted in a large, green space buffer being present between the heritage assets and the proposed dwellings, offering an acceptable distance between the two. Amendments have been made throughout the planning process to reduce potential impacts to the setting of the listed buildings and the nearby conservation area. In my opinion a balance has been achieved and although the development will have some resulting impact, this impact is considered to be less than the benefits gained by constructed further residential properties in the area. The listed properties, nor the nearby conservation area, appear oppressed by this application as they have both been respected in regards of the spacing and form of the new development, therefore I do not object to this application.

**TDC Strategic Housing Officer** - I can see from the application that they are offering 30% affordable housing on site, equating to 7no. units. From the accommodation schedule I have worked out that these are units 17, 19, 20, 21, 22, 23 and 24. Identified as 1no. 1-bed, 1no. 2-bed, 3no. 3-bed, and 2no. 4-bed. I would support this split of accommodation proposed as it meets the need on our register.

**Kent Police** - Development layout and permeability in a cul-de-sac works well if not "leaky". Cul-de-sacs of this size can be very safe environments where residents can benefit from lower crime. But are often compromised if poorly lit, have more than one access point or back onto open land. We therefore recommend the potential pedestrian access onto Astor Road is removed from the application.

We are concerned about the potential for a desire line being created between units 8 and 18 that could be abused therefore suitable vehicle mitigation is required, similarly for units 7 and 17. Short cuts like this could help enable moped crime and nuisance therefore is a concern to be addressed.

Perimeter treatments should be min 1.8m high around the site. Divisional treatments between the houses need to be a min of 1.8m in height to help provide privacy. Gates to the rear gardens should also meet 1.8m in height, be lockable from both sides and placed as

near to the front building line as possible. The treatments can be 1.8m high, densely planted buffers, including with native (non-toxic) prickly species.

The green space alongside no. 9 is unprotected, e.g. by bollards or knee rail therefore vulnerable to being used as additional parking or an informal play area. If a play area with equipment is being considered, it should not affect the rear garden of plot 9, formal car parking for visitors could then be included.

We understand that these roads are not planned to be adopted by KCC, therefore a lighting and CCTV plan should be included. We recommend the inclusion of Hawkeye/Polecat sockets in the lighting columns overlooking the access points and parking areas.

There is a lack of natural surveillance opportunity from several dwellings, for example, Units 1 and 2 have no windows in their side elevations therefore no surveillance opportunity over their parking spaces or garages and there are no natural surveillance opportunities from neighbouring plots.

There are a number of corner units that require suitable defensible space e.g. nos. 18 and 19 to stop access to ground floor windows and persons cutting across their garden areas. The bedroom 20 plot no. 21 requires defensible space treatment as it is a ground floor bedroom on a corner leading to parking spaces. All ground floor bedroom windows should be protected.

All doorsets should meet PAS 24: 2016 UKAS certified standard, this includes those to the apartments. Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard. We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

**TDC Tree Consultant** - Following a site visit I can confirm that:

- T26 a maple covered in ivy was in a dead/dying condition.
- T25 cherry has had a large section of its crown removed leaving it one sided, it is now in a poor condition.
- T27 false acacia has a trunk wound at approximately 1m and may well have to be reduced in height for safety reasons.
- T6 Whitebeam is a reasonable tree that could be retained. It is covered in ivy growth so closer inspection not possible.
- T5 Sycamore, again ivy covered tree but it is obvious that it has been been pollarded in the past. Because of this there may well be decay around the old pruning points so at some point the tree will have to be reduced in size. Once reduced the tree probably would not be worthy of a T.P.O

**TDC Interim Open Spaces Manager** - St Peter's Rec is the closest (to the site). The play equipment is reasonably old and may need upgrading and we could look into some additional equipment too. Any new equipment will need new/additional protective matting. There is also the matter of the fencing around the playground, which is coming up for renewal.

**Thanet Clinical Commissioning Group** - This proposal will generate approximately 56 new patient registrations when using an average occupancy of 2.34 people per dwelling (pending confirmation of the actual dwelling sizes at which point our request will be reviewed). The proposed development falls within the current practice boundary of Northdown Surgery, Cliftonville.

There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments,

will therefore need to be met through the creation of additional capacity in general practice premises; this is highlighted in the CCG GP Estates Strategy. General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

This development is expected to impact directly on Northdown Surgery, which is less than 1.5 mile from the proposed development. The practice is already developing a plan in order to mitigate the impact of expected growth based on the draft local plan and local/national NHS strategies:

- o Convert and reconfigure existing admin and staff areas into additional clinical accommodation
- o Look at options around either extending the existing building, or installing modular buildings within the practice grounds
- o Creation of a separate building to house social prescribing activities; increasing service provision whilst freeing up space in the existing premises for additional clinical activities.

Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future.

The population growth of 56 will require 4.66 m2 based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £13,980. A further 30% allowance for development fees means our request totals £18,174.

### COMMENTS

This application is brought before members as it is non-previously developed land, and is therefore a departure to Policy H1 of the Thanet Local Plan 2006. The application has also been called in by Councillors Rawf and Moore to allow members to consider the impact upon highway safety and the character of the conservation area, concerns regarding pressure on existing infrastructure and services, and loss of trees.

### **Principle**

#### **- Proposed Housing**

The site is non-previously developed land within the urban confines. Policy H1 states that residential development on non-allocated sites will be permitted only on previously developed land within the existing built up confines unless specified by other Local Plan Policies. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates 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, adjacent to residential properties in Reading Street and Convent Road. The site is also within close proximity of a bus stop, and is a short walk from the church, hall, and public house located within Reading Street, and Callis Grange and St.Peters School. The site is therefore considered to be sustainably located.

Consideration needs to be given to the Draft Local Plan, which has now been through examination, and as such now carries greater weight than when the previous applications on the site were considered. Within the Draft Local Plan the site is allocated for housing under

Policy H01, for a notional 24no. residential units towards the district's housing supply, which are expected to be provided within the next five years.

An application was previously approved for the re-development of part of the site accessed from Reading Street for the erection of 13no. dwellings in 2013. Whilst this consent is no longer extant, it is a material consideration in the determination of this application when considering the principle of development; as the previous decision took into account the same adopted Thanet Local Plan policies and the National Planning Policy Framework. Furthermore, no concerns have been raised by either Inspector as part of the two previous appeals in relation to the principle of development.

The principle of developing the site for housing is therefore considered to be acceptable subject to other material considerations such as the impact upon the character and appearance of the area, the setting of adjacent listed buildings, neighbouring living conditions and highway safety.

## - **Local Green Space**

Concern has been raised by local residents and Broadstairs and St.Peters Town Council as to the loss of the area of green space adjacent to the existing vehicular access into the site from Reading Street. Through the proposal the vehicular access is intended to be relocated and widened, resulting in the loss of this green space, to which objections have been received.

### Planning Policy Background

The area is not designated as Local Green Space through Policy SP30 of the Draft Thanet Local Plan, as the Council did not consider the site meets the criteria as set out within the National Planning Policy Framework (NPPF)(paragraph 100 of the latest NPPF revisions) for the allocation of Local Green Space. The NPPF states that 'Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land'.

Thanet District Council, when assessing local green spaces, has not considered that the green space contained within the application site meets the criteria that would identify it as a special area of local significance that could justify its designation.

Policy BSP5: Designation of Local Green Spaces (LGS) within the draft Broadstairs and St.Peters Neighbourhood Plan states that 'proposals for development in a designated Local Green Space will not be supported, unless they are ancillary to the use of the land for a public recreational purpose or are required for a statutory utility infrastructure purpose'.

However, the same area of land is allocated within the Draft Thanet Local Plan as part of an allocated housing site, supported by Policy H01, which states that 'permission for new housing development will be granted on sites allocated for such purposes' and 'alternative development on sites allocated for residential development will not be permitted'.

For context, TDC has designated an alternative area within Reading Street as Local Green Space. This area is located only 64 metres from the application site, measures 853sqm in area (compared to the 174sqm area of the green space contained within the application

site), enclosed with protective fencing and containing a public pedestrian access, contains the Town Council and Reading Street village information boards along with a bench, and appears to be of recreational value to the village, being of a village green appearance. The Council is of the view that the Reading Street Local Green Space designation as contained within the Neighbourhood Plan does not meet the criteria as set out in the National Planning Policy Framework, as set out in the Council's evidence base, and the designation is therefore contrary to national policy and policies contained within the Draft Thanet Local Plan, and should therefore not form part of the Neighbourhood Plan.

The Council is therefore proposing modifications to the neighbourhood plan through the planning policy process that this Local Green Space designation is deleted from the neighbourhood plan. A six week consultation on these modifications has been completed. The consultation received 94 responses - 84 objected to the Council's proposed modifications (with 14 objections related directly to the current planning application), 2 were in support, 8 were general comments neither objecting nor supporting.

The majority of objections raised the following issues as reasons why the area should continue to be designated as a Local Green Space within the Broadstairs Town Plan:

- People often stop to rest on the benches
- The post box is often used and only one available since the post office closed
- People use the dog poo bin
- The area is used for community uses, eg the siting of the Christmas tree and carol singing

The supporting comments included the lack of justification for the designation of the site as a Local Green Space and that it would not conform to national and local policies.

Following the consultation it is anticipated that the decision to agree the modifications will be put before Cabinet members, with the possibility for further examination of the evidence by the Inspector. In addition, an external request has been made to the Secretary of State (SoS) to direct Thanet District Council to proceed to hold a referendum on the making of the Broadstairs Neighbourhood Plan, but to date no contact from the SoS has been received by TDC in relation to this issue.

### Current Planning Application

Given the above, the current planning application would be contrary to the Broadstairs Neighbourhood Plan Draft Policy BSP5, but would be in conformity with Draft Thanet Local Plan Policy H01 which allocates the land in question as part of the housing allocation. The Council does not consider that the space in question meets the criteria for designated "Local Green Space". The previous planning applications proposed for the site were not refused for the loss of this public open space and the proposed vehicular access has not altered from the design and layout considered within the 2018 planning application. Notwithstanding this, the loss of this informal open space, and its impact on the amenity of the area, will be considered within the character and appearance section below.

Prematurity

It is not considered that the proposed development would be premature to prejudice the plan making process of either the Broadstairs and St Peters Neighbourhood plan or the Thanet Local Plan, as the development proposed is not so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to either plan.

### **Character and Appearance**

## - **Loss of Private Open Space**

The site lies adjacent to the Broadstairs Conservation Area and the Green Wedge. It is an area of private open land, which is considered to be non-previously developed given the length of time that has passed since the demolition of the former Convalescent Home on the site. Policy SR11 of the Thanet Local Plan states that development will not be permitted on undeveloped private open space or a gap in the settlement pattern, if the site provides active recreational opportunities, meets a deficiency in recreational opportunities, or has intrinsically beneficial qualities and makes a contribution to the character of the area either in itself or by virtue of the longer distance views it affords. The site does not have a recreational use, and therefore the only consideration for the principle of development is whether the site has intrinsically beneficial qualities or contributes to the character of the area. The site is located to the rear of Reading Street and Convent Road, with limited views of the site other than through the existing access points. The site falls outside of the Conservation Area and is adjacent to the Green Wedge, which in itself provides wide open spaces and long views. Historically the site was also developed. Based on aerial photographs, the original development upon the site appeared to be contained to a small area to the east of the site.

On the basis of the location and historic/current use of the site, it would appear that the openness of the site contributes little to the character of the area, and therefore the principle of developing the site is not considered to conflict with Policy SR11 of the Thanet Local Plan.

In addition, permission has previously been granted for the development of this site, with consideration previously having been given to Policy SR11; and the Planning Inspectors when considering the previous applications for the development of the site did not raise any concerns with the loss of the site as an area of undeveloped private open space.

## - **Site layout, Scale and Design**

### 2017 application

The 2017 application for 30no. dwellings was refused by members on the following design ground:

*'The proposed development, by virtue of the number, location and design of the residential units, would appear out of keeping with the surrounding pattern of development, and severely detrimental to the historic character and appearance of the adjacent Conservation Area, contrary to Policy D1 of the Thanet Local Plan, and paragraphs 17, 58, 60 and 64 of the National Planning Policy Framework.'*

The application went to appeal and was dismissed. The Inspector considered the impact upon highway safety and the setting of the conservation area to be acceptable, but raised the following concerns:

- the streetscene would be dominated with garages, with some dwellings lacking street frontage, and as such the layout would not create a sense of place that would respond positively to local character or could be effectively integrated into the existing development in the surrounding area;
- the western part of the development would be a cramped and contrived form of layout, dominated by parked vehicles and with very limited space available for landscaping, and there would be inadequate functional, visual or social links between the two areas, making it difficult to integrate them with each other or with the surrounding area, the conclusion being a poor quality design, which fails to respect or enhance the character or appearance of the area;

- The proposed dwellings would be sufficiently distant from the cottages not to be prominent or visually dominant when viewed from Reading Street. However, the siting of Units 1 and 2 would undoubtedly affect and be harmful to the setting of the cottages due their bulk, height and proximity to them;
- The proposal would be harmful to the living conditions of the occupants of Convent Cottages, arising from an increased sense of enclosure and a perceived loss of privacy;

### 2018 application

The revised 2018 application sought to address the reason for refusal and concerns raised by the Inspector by reducing the number of units from thirty to twenty-five dwellings, changing the site layout to better integrate the two parts of the development, and amending the height, scale, location and design of the closest dwellings to Convent Cottages in order to reduce the impact upon both the setting of Convent Cottages as listed buildings, and the living conditions of the occupiers of Convent Cottages.

The application was again refused by members on the following ground:

*'The proposed development, by virtue of the location, design and scale of the development, would result in a poor quality development unrelated to and out of keeping with the local distinctiveness of surrounding development, contrary to Thanet Local Plan Policy D1 and paragraphs 127 and 130 of the National Planning Policy Framework'.*

The application went to appeal and was dismissed. The Inspector considered that a number of the previous Inspector's concerns had been dealt with, including density, landscaping, car parking/garages, and no concerns were raised with neighbouring amenity. When considering the impact upon the setting of the listed buildings, the Inspector acknowledged that the amended application had relocated and re-orientated the new dwellings further away from Convent Cottages, but the introduction of an additional detached dwelling on the part of the site nearest to the cottages had resulted in a greater number of detached dwellings positioned closer together (particularly units 9 and 10) near to the listed buildings. The Inspector concluded that 'despite the reduction in height of units 9 and 10, the position of the new dwellings on plots 9, 10, 11 and 14 would stand very prominently within the otherwise open setting of Convent Cottages. I consider that the bulk and height of these dwellings, would be over scaled in comparison to the smaller Convent Cottages, which are set on lower ground making them more sensitive to change. Therefore, whilst the distance from the listed buildings would be greater under the current scheme, the new development would still dominate and overcrowd these adjoining listed cottages. In this respect, it would not be sympathetic to local character and history, including the surrounding built environment and landscape setting, as advocated by the framework'.

### current proposal

The proposal is now for the erection of 20no. detached dwellings, 2no. terraced dwellings, and 2no. flats, following the demolition of no. 30 Convent Road. As previously considered, No.30 Convent Road is a bungalow that falls outside of the Conservation Area, and is not considered to be a heritage asset, and as such the demolition of no.30 is considered to be acceptable.

The site layout generally follows the site layout shown within the previous scheme, with the detached dwellings adjacent to the northern boundary in the same location, along with the terraced units to the west. The Inspector previously raised no concerns with this layout, as it achieved a well connected scheme that reduced the number of parking spaces visible on street and provided setback garages, resulting in more road frontage development and a visually improved streetscene.

The main change to the layout has been to address the Inspector's concerns, and focuses on the area of land to the rear of Convent Cottages. Concern was raised by the Inspector in relation to the bulk, height and position of units 9, 10, 11 and 14, and it was this concern that ultimately led to the dismissal of the appeal. In order to address this concern, alterations to the layout and scale/design of these units have now been made. The units previously identified as units 9 and 10 have been removed from the scheme. This has led to an overall reduction of one unit to the scheme, with the other removed unit being relocated to the terrace block to form flats 21 and 22. It has also resulted in an increased distance of 18m between Convent Cottages and the nearest proposed development on the Reading Street access road.

The unit previously identified as unit 11 (now unit 9) has moved closer to Convent Cottages by 10m, but has been reduced in height by 4.1m to create a single storey bungalow unit measuring only 5.1m to ridge level. Adjacent to this plot is unit 10 (formerly part of the plot of unit 12), and whilst the height of this unit has not reduced, the width has significantly reduced from 12.7m to a more modest 9.3m, 2.5m of which has a reduced eaves level of 3.5m, which achieves a gradual transition in height down to the end bungalow.

The unit previously identified as unit 14 (now unit 13) has moved at least 11m further away from Convent Cottages, and is also of the same bungalow design as unit 9. On the basis that two of the problematic units have been removed, and the other two have been reduced in height and scale so significantly, it is Officer's view that the concerns raised by the Inspector in relation to the impact upon the surrounding built environment and landscape setting have been addressed, with the proposed development now appearing sympathetic to the local character.

With regards to the design, all unit designs remain the same as the previous scheme other than for units 9, 10 and 13 (as mentioned above). The amendments, which result in the creation of two bungalow units, increase the variety of unit types across the site, which is more in keeping with its village location where numerous house types, including bungalows, are identified. In response to the design the previous Inspector commented how the traditional characteristics and materials used would help to ensure that the development successfully integrated with the surrounding area, and he supported the variety of building types that had been used across the site, which he could see had taken its inspiration from the local vernacular of Reading Street.

In terms of materials, a materials plan has been submitted, which identifies the predominant materials in the surrounding area, along with the proposed materials for the development. The main materials to be used include red multi-stock brick and flint, with red/brown tiled roofs, which is considered to be in keeping with the character and appearance of the area.

The extent of soft landscaping has increased from the previous scheme following the removal of the two units, which has allowed for the enlargement of the informal open space towards the east of the site, to the rear of Convent Cottages. This open space has now increased in size to a total of 2,875sqm, 21 times larger than the area of green highway verge adjacent to Reading Street, which residents and Broadstairs Town Council are concerned about losing. Should the planning application be approved, a condition requiring the submission of a full landscaping plan for this area, along with a landscape management plan, will be requested, which will require the space to be provided for use prior to the occupation of any dwellings accessed from the Reading Street entrance. The agent for the application has advised that if the loss of the memorial bench, post box and dog waste bin on the highway verge land was of particular concern to residents, this could be relocated to the highway verge to the west of the proposed access, or within the informal open space, within the application site. This would be required in any landscaping plan for the informal open space.

A response has been received from the Kent Police Designing Out Crime Officer in response to the layout. The main comments they have raised include the pedestrian link onto Astor Rd, which can compromise the safe environment often provided by a cul-de-sac; the lack of defensible space; the provision of short cuts resulting in moped crime and nuisance; and the lack of natural surveillance. The majority of these concerns can be addressed when considering the landscaping plan, as they involve the erection of boundary treatment and bollards etc. The pedestrian access onto Astor Road is still shown on the site plan to be approved, as such a link is considered to be beneficial due to the permeability that is created between the site and the surrounding area. However, should the retention of this path be of concern, then KCC Highways has commented that its retention is not essential, and as such the pedestrian link could be removed.

Overall it is considered that the amended plans will deal with the specific concerns identified by the Inspector in relation to units 9, 10, 11, and 14 of the previous application, whilst continuing to provide a good quality development that is well integrated both within the development itself but also in relation to the surrounding area. The development remains low density at approximately 14 dwellings per hectare with large plots of differing design and materials, in keeping with the surrounding pattern of development and the character and appearance of the adjacent conservation area. The extent of on-street parking continues to be maintained at a low level, and the areas of soft landscaping increased to create a development that is sympathetic and inclusive to the local character, and which will add to the overall quality of the area.

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

### **Impact upon the Setting of the Conservation Area and Listed Buildings**

The Inspector previously raised no concerns with the impact of the proposed development on the adjacent conservation area, noting that most of the proposed development would not be visible from Reading Street, only from rear gardens of the adjacent houses, and therefore the effects of the proposed development on the setting of the conservation area would be limited and would not give rise to material harm to its heritage significance. The revised scheme is no closer to the conservation area, and given the reduction in units and overall reduction in density, the impact of the proposed development upon the heritage significance of the conservation area is again considered to be acceptable.

The site lies adjacent to nos. 43-49 Reading Street (Convent Cottages), which are Grade II listed buildings. Within the appeal decision for the 2017 scheme the Planning Inspector commented that in his view the area immediately to the rear of the cottages, which was previously part of the gardens of the former home, is part of the setting of these Listed Buildings; and that although this area is outside the Conservation Area, it provides the buildings with 'breathing space' so that they do not appear enclosed at the rear. The Inspector further commented that the siting of Units 1 and 2 (the closest units to the listed buildings) would undoubtedly affect the setting of the cottages due to their bulk, height and proximity to them. Furthermore the Inspector felt that any additional landscaping in this area would erode the open setting of the buildings.

In the 2018 appeal decision the Inspector raised concerns with the greater number of detached dwellings located near to one another within close proximity of the listed buildings. It was felt that the new dwellings would 'stand very prominently within the otherwise open setting of Convent Cottages', with the new dwellings 'over-scaled in comparison to the smaller Convent Cottages, which are set on lower ground making them more sensitive to change'.

As discussed above, this application seeks to address this concern through the removal of two units and the reduction in height and scale of the other two units to single storey. The amended section plans submitted with the application now show the ridge level of the proposed bungalows to fall at least 2.2m below the ridge level of Convent Cottages.

Furthermore, within the previous scheme there was a distance of 24m between the closest point of Convent Cottages and the closest point of the main building of unit 9, and a distance of 30m to unit 14. Within this application the comparison consists of a distance of 42.5m to the nearest proposed rear dwelling, which is unit 9, and a distance of 33m to the nearest proposed dwelling (to the north-west) unit 13. This increased distance, reduction in height and scale of the units (specifically in relation to the listed cottages), and enlarged size of the informal open space is considered to significantly reduce the impact upon the setting of the Grade II Listed Convent Cottages, and provide the breathing space sought by the 2017 Inspector.

The Conservation Officer has been consulted on the application and advises that the reduction in the height and scale of the nearest units, along with the removal of some units and the associated garages, reduces the cramped appearance of the site, and prevents competition between the new build and the listed cottages, with the nearest part of the proposed development now appearing subservient in appearance, resulting in only minor harm to the setting of the heritage assets.

It is therefore considered that on balance, the amendments to the proposed scheme have addressed the concerns of the Inspector and the proposed development can be considered as acceptable and in accordance with section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990, subject to the public benefits of the proposed scheme being considered to outweigh the less than substantial harm to the significance of the designated heritage assets.

### **Living Conditions**

Policy D1 of the Thanet Local Plan requires that development is compatible with neighbouring buildings and does not lead to unacceptable loss of amenity, and paragraph 127 of the NPPF requires decisions to ensure that developments create places with a high standard of amenity for existing and future users.

When considering the 2017 appeal for 30no. dwellings, the Inspector concluded that the proposal would be 'harmful to the living conditions of the occupants of Convent Cottages, arising from an increased sense of enclosure and a perceived loss of privacy', and as such would not comply with the NPPF. This was a result of the distance between the proposed dwellings and Convent Cottages; the location of windows within the nearest proposed dwelling that would directly face Convent Cottages; the presence of additional landscaping along the rear boundary of Convent Cottages that would result in an overbearing and unacceptable level of enclosure for the occupants; the limited rear garden depth of Convent Cottages; and the level difference between Convent Cottages and the proposed development.

The 2018 application addressed the Inspector's concerns by relocating the nearest proposed dwelling so that it was positioned further from Convent Cottages; re-orientating the nearest proposed dwellings so that there was no direct overlooking of Convent Cottages; showing no landscaping along the rear boundary of Convent Cottages, beyond that which could be construed as either a small hedge or shrubs; and reducing the height of unit 9 so that it did not extend significantly higher than Convent Cottages.

The 2018 application was not refused on the grounds of neighbouring living conditions, and no specific concerns relating to living conditions, other than the overbearing impact from the height and scale of the nearest four dwellings, were raised by the Inspector.

This application seeks to improve the impact upon neighbouring living conditions at Convent Cottages even further by removing two of the closest units, and re-designing the other two closest units to single storey, reducing any potential impact upon light, outlook or privacy for these occupiers to a completely acceptable level; as the distance to the nearest 2-storey dwelling from Convent Cottages is now 55m.

There is a distance of at least 32m between the proposed rear elevation of units 13 and 14, and the rear elevation of nos. 35-41, and as such the impact upon the privacy of the occupiers is considered to be acceptable.

There is a distance of at least 27m between the proposed rear elevation of no. 14 and the rear elevation of no. 33 Reading Street, meaning that the impact upon the privacy of the occupiers of no. 33 is considered to be acceptable.

There is a distance of 21.5m between the proposed rear elevation of unit 15, and the existing rear elevation of No. 29 Reading Street, and a distance of 19m from unit 16. Within the rear elevation of unit 16 are two primary bedroom windows, but they are directly facing the side elevation of no. 29, which contains no first floor windows, and as such the impact upon the privacy of no.29 from proposed unit 16 is considered to be acceptable. Unit 15 has been amended so that the first two windows within the rear elevation (closest to no. 29) are now obscure glazed, with the furthest window within unit 15 (which serves a bedroom) with no direct views over the garden of no.29. The impact upon the privacy of the occupiers of no. 29 is therefore considered to be acceptable.

There is a minimum distance of 24m between the proposed rear elevation of unit 17 and the rear elevation of no. 27 Reading Street, plus any overlooking would be indirect overlooking, as the area immediately to the rear of no. 27 consists of driveway and landscaping. As such the impact upon the privacy of no.27 is considered to be acceptable.

There is a distance of 8m between the side elevation of proposed unit 19 and the side elevation of 8 Astor Road. Given this distance, the impact upon light and outlook for the occupiers of no.8 is considered to be acceptable. There are no windows within the southern side elevation of proposed unit 19, so there will be no overlooking of no.8. The impact upon privacy for the occupiers of no.8 is therefore considered to be acceptable.

Nos. 12 and 14 Convent Road are bungalows, with their rear gardens adjacent to the western part of the application site. There are 2no. proposed link detached dwellings located to the rear of nos. 12 and 14 (plots 19 and 20), and although there is a first floor bedroom window within each of their rear elevations, there is a minimum distance of 32m between the rear elevation of the proposed development and the rear elevation of nos. 12 and 14 Convent Road. This distance well exceeds the minimum guideline distance of 21m, and as such it is not considered that there would be a significant loss of privacy for the occupiers of nos. 12 and 14 Convent Road.

There is a distance of 14m between no. 42 Convent Road and the proposed 2-storey dwelling of unit 8. Whilst there is a double garage for unit 8 located closer to no.42, at only 7m distance from the closest part of no.42, the proposed garage is single storey in height. Given the distance, the impact upon light and outlook for the occupiers of no. 42 is considered to be acceptable. There are no windows within the side elevation facing no. 42 Convent Road, and the nearest window to no.42 within the rear elevation of unit 8 serves an en-suite and will therefore be obscure glazed. The impact upon the privacy of no.42 is therefore considered to be acceptable.

The impact upon light, outlook and privacy for all neighbouring properties is therefore considered to be acceptable. The only other issue to consider when assessing the impact upon neighbouring living conditions is that of noise and disturbance from vehicular and pedestrian movement. The vehicular access from Reading Street is existing, and would have previously been used to serve the Convalescent Home. The proposal will involve 12no. units being served by the vehicular access. The access is located 25m from no. 49 Reading Street and 7m from 'Old Convent Farm House'. Given the distance and the existing nature of the access, along with the limited number of vehicle movements that would result from 12no. dwellings, the impact from noise and disturbance on the immediate neighbours to the proposed access is considered to be acceptable.

The other vehicular access is also existing, although it has previously only been used to serve nos. 30 and 42, and will now serve 12no. units. The access will be at least 3.2m from the side elevation of no. 34 Convent Road, which appears to have a garage at ground floor level closest to the access road. Whilst there will be a small buffer area between the access road and no. 34, which will contain a footpath, ultimately there will be increased noise and disturbance for this property given the additional vehicle movements that will enter and leave the application site, and the proximity of the access road to the rear garden of the property. As such a condition is recommended for the erection of an acoustic fence along this boundary, which has been agreed by the agent. Subject to the erection of the acoustic fence, the impact upon noise and disturbance for no. 34 Convent Road is considered to be acceptable.

Pedestrian access is proposed from the application site through to Astor Road. If implemented this would increase pedestrian movement along Astor Road, however the increased noise and disturbance that would result from this pedestrian movement is unlikely to be significant enough to warrant any concerns.

Overall the impact upon the living conditions of the neighbouring occupiers is considered to be acceptable.

### **Transportation**

The application proposes an access onto Reading Street to serve 13no. units and an access onto Convent Road to serve 12no. units. Both are existing accesses, however alterations are being made to improve their design in order to achieve greater turning and visibility. There is no vehicular connection between the Reading Street and Convent Road accesses across the site. Planning permission has previously been granted for the development of the site for 13no. dwellings with access onto Reading Street, and the site has been allocated within the Draft Local Plan for residential development.

#### *- Vehicular Accesses*

As part of this proposal the Reading Street access is being moved further east allowing for Reading street to be widened in the immediate vicinity of the proposed access to allow vehicles to pass each other, and adding pedestrian connections to the existing footways. Limited parking restrictions are also proposed at the access to maintain visibility and these are in the location of the existing access to the site, which will be closed and the footway reinstated. Whilst this means that the existing access road will no longer be available for parking, it is a private access and this parking could therefore be removed at any time without the need for planning permission. The layout being provided at the access is acceptable to allow sufficient visibility given the measured speeds in Reading Street. KCC have advised that given the history of the site, which includes the granting of planning permission for the same number of units to be served by this design of access, and the

submission of plans that show adequate turning provision and visibility at the access, the alterations to the access onto Reading Street are acceptable in highway safety terms.

The Convent Road access is to be widened and extended across the frontage of no. 28 Convent Road, with a new footpath leading into the site. KCC Highways have commented that the access, which is to serve 12no. dwellings, provides suitable visibility and suitable width for vehicles to pass each other at the junction with Convent Road, and whilst the width of the access is slightly reduced for part of the access adjacent to no. 28, this is acceptable given the number of dwellings to be served by the access. Visibility for drivers at the access is achievable at 2m back from the edge of the carriageway, rather than the preferred 2.4m, and as a result the front of a car may need to overhang the edge of the carriageway to allow a driver to achieve the necessary visibility. However, Convent Road is of sufficient width to accommodate this and drivers approaching on Convent Road have good visibility to the access, and as such KCC have advised that they would not recommend refusal on this issue.

The location of the proposed access onto Convent Road, in relation to Lerryn Gardens opposite, is considered acceptable, and bearing in mind the existing and proposed streets are culs-de-sac serving a limited number of dwellings, there are likely to be few if any vehicle movements between the two.

The location and design of both the Convent Road and Reading Street accesses are considered to be safe and suitable, and this has been accepted by the Planning Inspector when considering both of the previously refused schemes, with a comment from the Inspector to the 2017 appeal being that *'the accesses would meet the highway authority's standards with respect to visibility'*. The proposed vehicular accesses are therefore considered to be acceptable in terms of paragraph 32 of the NPPF.

### *- Traffic Movement*

The increase in traffic that would result from the proposed development is a serious concern raised within many of the letters of objection received from residents. Reading Street is a narrow road, which when busy with on-street parking can restrict vehicle movements. There are also areas of either narrow or no pavements, which can restrict pedestrian movement.

The previous applications for 30no. dwellings and 25no. dwellings were not refused on highway grounds, and the Planning Inspector, when considering the 2017 appeal, was of the view that 'the amount of additional traffic that would be generated by the development would be modest', and would therefore 'not result in severe impacts on the capacity or operation of the surrounding road network'. The Planning Inspector concluded that the rejection of the scheme for 30no. dwellings on highway grounds was not justified. This scheme is for 24no. dwellings, and will therefore result in even less vehicle movements and associated impact than the previously refused schemes.

### *- Developer Contributions*

Previous approvals for the development of the site secured a financial contribution of £25,000 towards the redesign of the junction of Reading Street with Elmwood Avenue to improve the street geometry and visibility. KCC have recommended that these improvements be secured, as they would help to improve traffic flow along Reading Street, however they are of the opinion that such works could be secured through a Section 278 agreement with the highway authority rather than a financial contribution to enter into a legal agreement under the Highway Act to make alteration to a public highway. These works can be controlled by condition, with the works to be completed prior to the first occupation of the development. The increase in traffic movements along both Reading Street and Convent

Road are not considered to result in a severe impact upon highway safety, and as such the proposal is not considered to conflict with paragraph 32 of the NPPF.

## *- Parking Layout*

Within the site itself, the streets are to remain private, and will therefore not be adopted by the highway authority. All dwellings are provided with garages and driveways within the plot, other than the terraced dwellings and link detached dwellings, where some or all of their allocated parking is either opposite the plots or within a parking bay adjacent to the plots. All dwellings are provided with a minimum of 2no. off-street parking spaces, with an additional 5no. visitor parking spaces provided within the development. KCC have advised that the site layout and parking arrangements are such that the proposals are unlikely to lead to unacceptable parking on the highway within the site, and the provision on site of on-street and off-street parking is sufficient for the number of dwellings proposed, thereby not resulting in any additional parking on Reading Street or Convent Road.

In terms of pedestrian routes, a footway is provided from the Reading Street access through the site to Convent Road. A pedestrian access has also been shown on to Astor Road, which legal advice supplied by the applicant suggests is achievable. This is contested by neighbours, however, this link is not a determining factor in the application. Overall, the pedestrian connectivity through the site contributes towards the sustainability of the development. It allows for residents in Reading Street to access the bus stops within Convent Road, and the Astor Road link and Reading Street link provides access for residents of the development to the facilities and services contained within Reading Street, including a church, church hall, and public house. The existing footway on the south side of Convent Road terminates a short distance to the west of the site access so dropped kerbs and tactile paving are proposed to enable pedestrian access to/from the existing continuous footway on the north side of Convent Road, providing access to the nearby bus stops and the wider footway network.

Overall, whilst it is appreciated that there are existing restrictions within Reading Street, given the existing evidence on vehicle movements and incidents in the area, the alterations proposed to the access roads, the previous consent that allowed for an additional 13no. dwellings to be accessed of Reading Street, the alterations that will be made to the Reading Street/Elmwood Avenue junction, the improvements to pedestrian connectivity for both the future occupiers of the development and existing residents within Reading Street and Convent Road, and the acceptability of the development on highway grounds by the Planning Inspector, on balance, the impact upon highway safety is considered to be acceptable and in accordance with the NPPF.

## **Waste and Recycling**

Vehicle tracking plans for refuse vehicles have been submitted to show that a refuse vehicle can enter and leave the site in a forward gear, whilst also accessing all properties within the site. The TDC Waste and Recycling Manager was consulted on the previous application, and following discussions and the submission of the additional information raised no objections to the proposed development. The road layout and access details for this application are the same as for the previously submitted application, and as such it is considered that adequate waste and recycling facilities can be accommodated within the site, and will therefore be in accordance with Policy D1 of the Thanet Local Plan.

## **Affordable Housing**

Policy H14 requires that for development that exceeds 14 units, 30% affordable housing should be provided. The applicant has proposed 30% affordable housing, which equates to

seven of the twenty four units proposed. A plan has been submitted showing the location of the affordable housing, which is towards the west of the site and consists of 1no. 1-bed flat, 1no. 2-bed flat, 2no. 3-bed terraced dwellings, 1no. 3-bed detached dwelling, and 2no. 4-bed link detached dwellings. The Council's Strategic Housing Officer has been consulted and has advised that they are happy with the number and breakdown of the affordable units proposed.

Subject to the submission of a legal agreement securing the provision of 30% housing, the affordable housing provision is considered to be acceptable and in accordance with Policy H14 of the Thanet Local Plan.

## **Size and Type of Housing**

Policy H8 of the Thanet Local Plan requires that for development of 10 units or more there should be a mix in the size and type of housing. The proposal is for the provision of 19no. detached dwellings, 2no. link detached dwellings, 2no. terraced dwellings, and 2no. flats; consisting of 1no. 1-bed flat, 1no. 2-bed flat, 6no. 3-bed dwellings, 5no. 4-bed dwellings, 7no. 5-bed dwellings, and 4no. 6-bed dwellings. Whilst the number of 5-bed plus units is at a higher proportion than required when assessing against the latest Strategic Housing Market Assessment figures, this size of unit and accompanying plot size is understandable given the rural edge location of the development, the 2013 approval which provided for similar building sizes, the surrounding pattern of development that includes properties set within spacious plots, and the previous refusal, which has resulted in the number of units and the overall density of development being reduced. Furthermore, since the previous refusal the number of larger units has been slightly reduced and 2no. flats introduced, for which there is an urgent need under affordable housing. Overall the proposed split provides for an even mix of units sizes, for both family dwellings and smaller units for which there is a local need. The provision of predominantly detached dwellings as a unit type is more in keeping with the surrounding pattern of development, and therefore justified.

It is therefore considered that, on balance, the proposal complies with Policy H8 of the Thanet Local Plan in achieving an appropriate mix in the size and type of housing.

## **Ecology**

An updating Ecological Appraisal report has been submitted in support of this application, however no updated surveys were submitted. KCC Biodiversity have been consulted, and they have advised that, as the previous bat surveys are now over three years old, and given the age and further deterioration of the buildings proposed for demolition, new bat surveys are considered necessary, and must be undertaken and submitted prior to the determination of the planning application.

In response, dawn re-entry surveys have been carried out and submitted, which have shown that no bats were recorded using the building proposed for demolition as a roost. As a result KCC has advised that they are satisfied that an appropriate level of ecological survey work has been carried out, with no mitigation for roosting bats being necessary at this time. KCC has advised that should two years elapse from the survey date before work commences on site, further updated surveys will be required to ensure that appropriate mitigation/compensation measures can be implemented in relation to any bats that have started to use the building. Further details on bat sensitive lighting is also recommended to be submitted via condition. The impact upon bats is therefore considered to be acceptable subject to these safeguarding conditions.

It is stated in the updated Ecological Appraisal report that the habitats on the site remain broadly as previously recorded during the 2016 surveys, and whilst It is noted that areas of

tall ruderal vegetation and refuse piles are now present, the report concludes that given the surrounding habitats (golf course and residential gardens), the site remains of low habitat value for reptiles. However, in order to ensure that any reptiles that are present on site are not killed or injured, KCC recommend the submission and implementation of a method statement for the removal of vegetation and refuse piles, which should be secured by condition.

The potential for badgers, hedgehogs and breeding birds to be present and affected by the proposed development is identified within the Updating Ecological Appraisal, and again the implementation of the recommendations within the report are recommended to be secured by condition.

The impact upon biodiversity is therefore considered to be acceptable, and in accordance with the NPPF, subject to the imposition of the above outlined conditions.

### **Drainage**

Southern Water have been consulted and have advised that their initial investigations indicate that they can provide foul sewerage disposal to service the proposed development, as well as a water supply to the site.

With regards to surface water drainage, the applicant has proposed a Sustainable Urban Drainage System. KCC SUDS have been consulted and have advised that as Lead Local Flood Authority they are generally satisfied with the principles discussed within the flood risk assessment for the drainage of surface water via infiltration.

The principle of the drainage as proposed is therefore acceptable and not considered to impact upon flood risk in accordance with the NPPF, subject to safeguarding conditions.

### **Archaeology**

Thanet is generally rich in archaeological remains and the application site lies within an area of considerable archaeological potential with many cropmark sites of barrows and enclosures lying within 500m. Of particular significance is the discovery of Roman remains in 1888 less than 100m to the west of the site.

The Archaeological Officer at KCC has been consulted and has advised that although part of the site is occupied by the former convalescent home, it is possible that important archaeological remains could be affected by groundworks for the new residential development. A safeguarding condition is therefore recommended securing the implementation of archaeological field evaluation works, along with any further mitigation and/or safeguarding measures. KCC have advised that if significant archaeology is encountered in the evaluation stage then there may be a need for preservation measures to be put in place to address the condition. The recommended conditions are considered to be appropriate to address the archaeological issues.

### **Play Space**

Policy SR5 of the Thanet Local Plan states that new family dwellings will be expected to incorporate garden space in order to provide a safe doorstep play area for young children. All of the dwellings proposed have private gardens, in accordance with Policy SR5. Policy SR5 also requires that where a development in its completed form would amount to ten to forty-nine residential units, the Council will expect a financial contribution to be made for the provision, maintenance and upgrade of play facilities.

Previous consultee comment by the TDC Interim Open Spaces Manager for development on this site has advised that St Peter's Recreation Ground is the closest play area to the application site and that the play equipment is reasonably old and may need upgrading, with some new additional equipment also being needed. There is also the need for new/additional protective matting, and fencing around the playground, which is coming up for renewal.

The financial contribution required through the proposed development, which is based upon the calculation contained within the Council's Supplementary Planning Document for Planning Obligations is £20,125. The applicant has agreed to this contribution, which will be secured through a legal agreement. On this basis the proposed development is considered to comply with Policy SR5 of the Thanet Local Plan.

### **Trees**

The proposed site plan shows the removal of 3no. trees only, however, the submitted Tree Survey proposes the removal of 9no. trees, the loss of which were considered as part of the previous application. All of the trees are covered by a Tree Preservation Order.

Of the potential 9no. trees to be removed, 8 are category C and one is category B. A site visit previously took place with the Council's Tree Officer to assess the trees proposed for removal by the applicant. The trees located around the proposed vehicular access onto Reading Street were previously agreed for removal as part of previous planning applications, and therefore it would be unreasonable to request their retention as part of this application, as their amenity value has not changed significantly in the last 5 years. This area of trees includes the Category B tree.

With regards to other trees on the site, the Tree Officer has confirmed that T26, a maple tree located to the rear of 27 Reading Street, is covered in ivy and in a dead/dying condition; T25, a cherry tree located to the rear of 27 Reading Street, has had a large section of its crown removed leaving it one sided, and is now in a poor condition; and T27, a false acacia tree also to the rear of 27 Reading Street, has a trunk wound at approximately 1m and may well have to be reduced in height for safety reasons. T5, a sycamore tree along the boundary with the golf course is covered in ivy and has previously been pollarded, and also appears to have decay around the old pruning points. Given that all of these trees are Grade as C and in poor condition; their proposed removal is considered to be acceptable.

It is accepted that all of these trees previously mentioned could be removed due to their poor quality, or the fact that their removal has previously been granted. The final tree proposed for removal is T6, a Whitebeam tree located towards the centre of the site. Whilst the tree is classed as Grade C within the tree survey, the Tree Officer has advised that it is a reasonable tree that could be retained; however it is covered in ivy growth, so a closer inspection that would provide a true understanding of its quality was not possible. The tree is towards the centre of the site and therefore does not offer significant amenity value to the wider area to warrant the refusal of the application on the grounds of the loss of tree. In any event, whilst the submitted tree survey suggests its removal, the proposed site plan shows the retention of this tree, along with the provision of new tree planting to be provided within the site. The proposed site plan shows a mix of both small and larger trees to be planted within the site, and suggests that at least 50no. trees of varying sizes could easily be accommodated within the site, although it is not clear whether such provision in such close proximity to one another could result in future management problems of the trees. The submitted site plan is not a detailed landscaping plan, and therefore it is not clear what species or height is proposed, but it does provide comfort that a sufficient quantity of replacement trees can be accommodated on the site as part of the proposed housing development, which would offset the loss of up to 9no. existing trees, including T6, the

whitebeam tree. The agent has agreed to a landscaping condition that requires the replanting of trees as shown on the proposed site plan (numbering at least 50no. trees), which extensively exceeds the number to be removed. On balance, the benefits that would result from the extensive replanting within the site are considered to outweigh the concerns regarding the loss of the few existing trees, the quality of which does not appear to be outstanding.

The impact upon trees is therefore considered to be acceptable subject to safeguarding conditions requiring the planting of new trees, the submission of an acceptable landscaping scheme, and the protection of existing/retained TPO trees during construction.

### **Air Quality**

TDC Environmental Health have advised that the application does not warrant an air quality assessment or emission mitigation assessment, however it is recommended that one electric vehicle charging point is installed per dwelling where there is dedicated parking, or one charging point per ten spaces where parking is unallocated, in order to promote renewable energy and reduce the impact upon air quality, in accordance with the NPPF. The agent has agreed to these recommendations and the impact upon air quality is therefore acceptable subject to safeguarding conditions.

### **Financial Contributions**

#### *- Education/Libraries*

Policy CF2 of the Thanet Local Plan requires that where a proposed development would directly result in the need to provide new or upgraded community facilities, a financial contribution towards the cost of such provision will normally be sought.

KCC have commented that a financial contribution is required to accommodate the additional primary school and secondary school places that would be created through the proposed development. The financial contribution required consists of £100,904 towards the Phase 2 build costs for the new St. Georges Primary School, and £91,559 towards Phase 1 expansion of King Ethelbert Secondary School.

There is also a request for £1,152.38 towards additional bookstock at Broadstairs Library, to mitigate the impact of the additional borrowers generated from this development; £495.05 towards additional equipment and resources for the Broadstairs Education Centre, to serve additional learners from the development; £1,572 towards additional equipment and resources for the youth service; and £3,525.12 towards extra social care accommodation in the area, for which there is a need.

These contributions are considered to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in kind and scale.

The applicant has agreed to provide these contributions, which are to be secured through a legal agreement.

#### *- Healthcare Provision*

A request has been received from the CCG regarding the need to mitigate the increased healthcare requirements created by this housing development. They have advised that any contributions secured should be put towards the reconfiguration of Northdown Surgery to serve the population of the development.

This development is expected to impact directly on Northdown Surgery, which is less than 1.5 mile from the proposed development. The practice is already developing a plan in order to mitigate the impact of expected growth based on the draft local plan and local/national NHS strategies, including:

- Convert and reconfigure existing admin and staff areas into additional clinical accommodation
- Look at options around either extending the existing building, or installing modular buildings within the practice grounds
- Creation of a separate building to house social prescribing activities; increasing service provision whilst freeing up space in the existing premises for additional clinical activities.

The principle of the contribution is considered to meet the statutory test of planning obligation, and the applicant has agreed to the provision of ££18,174 as a contribution to be part of the Section 106 agreement. The impact upon health care provision is therefore considered to be acceptable, and in accordance with the NPPF.

### **Special Protection Area**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The proposed development is 1km from the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy.

The tariff for this contribution is provided in the SAMM report. For this development the contribution required is in the form of £202 for the 1-bed flat, £320 for the 2-bed flat, £2,544 for the 3-bed dwellings, and £8,480 for the 4-bed, 5-bed and 6-bed dwellings; totalling £11,546. The applicant has agreed to this contribution, which will be secured through a legal agreement.

### **Appropriate Assessment**

Further to recent case law, the Council have carried out an Appropriate Assessment of the proposed development under the Conservation and Habitats and Species Regulations 2017. This has taken into account the SAMM when assessing the impact of the development on the Thanet Coast and Sandwich Bay SPA / Ramsar site

Having considered the proposed mitigation and avoidance measures to be provided in perpetuity through the secured contribution to the access and monitoring measures, it is concluded that with mitigation, the project will have no adverse effect on the integrity of the European protected site. Natural England have confirmed that they concur with this conclusion.

### **Heads of Terms**

The legal agreement to be submitted in support of this application will contain the following commitments:

- 30% affordable housing, including size and location,
- £100,904 towards the Phase 2 build costs for the new St.Georges Primary School,
- £91,559 towards Phase 1 expansion of King Ethelbert Secondary School,
- £1,152.38 towards additional bookstock at Broadstairs Library,

- £495.05 towards additional equipment and resources for the Broadstairs Education Centre
- £1,572 towards additional equipment and resources for the youth service
- £3,525.12 towards extra social care accommodation
- £20,125 towards play equipment at St.Peters Recreation Ground,
- £11,546 towards the Special Protection Area,
- £18,174 towards the reconfiguration of space within Northdown Surgery,

### **Other matters**

Concerns have been raised that land within the application site is not within the ownership of applicant. This is the land adjacent to the existing vehicular access to the site from Reading Street. The applicant has served notice in the local newspaper as the owners of the land are not known to them, known as certificate D. The applicant has therefore satisfied the requirement under Article 13 of the Town and Country Planning (Development Management Procedure) Order 2015. No owner of the land has identified themselves to the planning department during the course of the application.

Any planning permission does not override the property rights of any owner of land within the application site. The land is required to implement the permission as it contains the relocated vehicular access onto Reading Street, as shown on plan, and which is required to be provided prior to the first occupation of any dwelling served by the access.

### **Conclusion**

The application site is located within the urban confines, and whilst the site is non-previously developed land, it is allocated for housing within the Draft Local Plan and would address a local need for housing by providing 24no. new dwellings, seven of which would be affordable housing, meeting the 30% requirement in accordance with Policy H14 of the Thanet Local Plan. The applicant has agreed to all other financial contributions as stated within the Heads of Terms, including education and health. The development would therefore have social benefits which carry significant weight in the schemes favour.

The proposed development provides a well-integrated good quality form of development, which at a low density at 14 dwellings per hectare offers significant landscaping opportunities. A variety of building types and designs are proposed, which are predominantly 2-storey in height, and which incorporate features and materials from the surrounding area. The proposal is considered to be in keeping with the surrounding pattern of development, and provide an acceptable impact upon the character and appearance of the surrounding area.

The proposal would create jobs during the construction period and future occupants could bring additional expenditure into the area, benefiting the local economy.

With regards to the environmental dimension of sustainability, there is considered to be no significant impact upon neighbouring light, outlook or privacy, and the impact upon highway safety is considered to be acceptable subject to the design and layout alterations of the accesses as proposed, and improvements to the Reading Street/Elmwood Avenue junction. At least 50no. trees are also intended to replace the 9no. existing trees to be lost.

Applying paragraph 48 of the NPPF, limited weight is placed on the policy designation of the area at the Reading Street site entrance as "Local Green Space" under BSP5 of the neighbourhood plan, on the grounds of its stage in production, the unresolved objection to the designation from the Council, and that the designation would not be consistent with the NPPF for the reasons outlined in the report above. The informal open space will be re-

provided to the west of the proposed site entrance, along with the relocation of the existing furniture within the site, and the extent of open space, both at the entrance and within the site will be significantly increased in size, with a specific planning condition attached requiring its provision. Therefore the development is not considered to result in harm to the amenity of the area through the loss of this space subject to safeguarding conditions for its re-provision.

Whilst the Inspector previously considered there to be harm to the setting of the listed buildings due to the height and scale of four of the closest units to Convent Cottages, the amended plans show two of these units omitted from the scheme, and the other two units reduced in height and scale to provide a single storey building, which is at least 18m further from the listed buildings. These amendments are considered to address the Inspector's previous concerns by significantly improving the impact to the setting of the listed buildings, resulting in only minor harm. Furthermore there is considered to be no harmful impact to the conservation area, and the layout and design of the development is considered to provide a good quality integrated form of development that respects the character and appearance of area.

Overall it is considered that the proposal would achieve sustainable development by meeting all social, economic and environmental objectives in accordance with paragraph 8 of the NPPF, with the social and economic public benefits of the proposed scheme considered to outweigh the minor harm to the setting of listed heritage assets, and address the previous reason for refusal and the Inspector's previous concerns.

The Secretary of State (SoS) has contacted the Council, further to a request for this planning application to be called in for determination by them, and has requested that a decision on the application is not made until the SoS has determined whether to call the application in on the "Local Green Space" issue. This does not prevent members of the planning committee from agreeing a recommendation for the determination of the application, it only prevents the issuing of a decision at this time. On this basis, the recommendation to members is that the application be deferred and delegated to officers for approval, subject to the receipt of an acceptable legal agreement securing the required planning obligations, safeguarding conditions and subject to the Secretary of State's confirmation that the application will not be called in for determination.

### **Case Officer**

Emma Fibbens

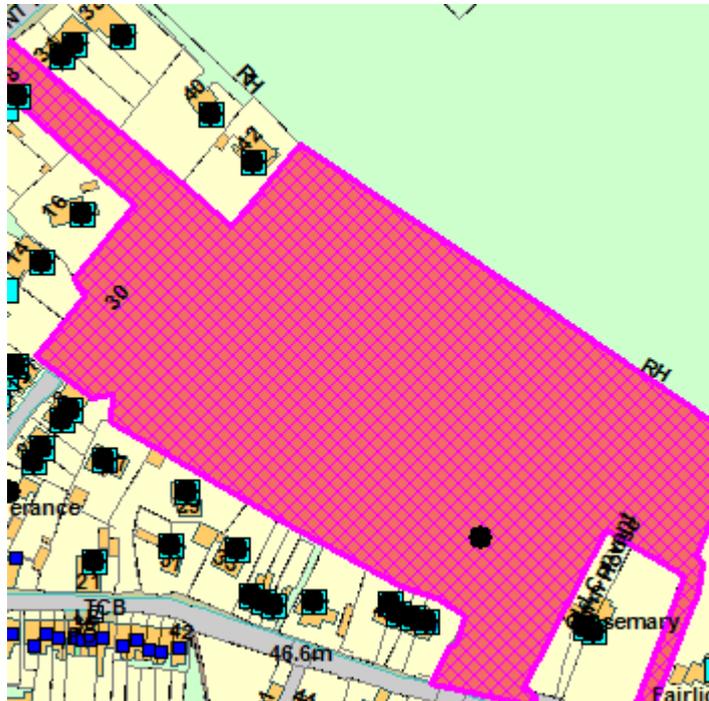
### *Background Papers:*

Annex 1 - FH.TH.16.0924 Planning Appeal Decision

Annex 2 - FH.TH.18.0142 Planning Appeal Decision

TITLE: F/TH/19/0813

Project Land Formerly Used As Club Union Convalescent Home Reading Street  
BROADSTAIRS Kent



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## Appeal Decision

Site visit made on 24 July 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 August 2017

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**Appeal Ref: APP/Z2260/W/17/3173824**

**Land formerly used as Club Union Convalescent Home, Reading Street, Broadstairs CT10 3AZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Horn against the decision of Thanet District Council.
  - The application Ref F/TH/16/0924, dated 30 June 2016, was refused by notice dated 16 March 2017.
  - The development proposed is erection of 30 dwellings together with associated access and landscaping following demolition of 30 Convent Road.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was originally described as "erection of 34 dwelling houses together with associated vehicular access (Convent Road and Reading Street); and pedestrian access to Astor Road. Internal access roads and landscaping (following demolition of 16 & 30 Convent Road)". However it was amended during the course of the Council's assessment of the scheme and a revised description was used on the Council's decision notice and the appeal form. I have assessed the proposal on the basis of this revised description.
3. A unilateral undertaking (UU) has been submitted by the appellant which would make financial contributions towards social infrastructure and secure the provision of the affordable housing on the site. The Council has confirmed that this would address its second reason for refusal. I have taken the provisions of the UU into account in this decision.

### Main Issues

4. In addition to the Council's reasons for refusal, I have had regard to all the various representations that were made by main and third parties. I therefore consider the main issues are:
  - a) The effect of the proposal on the character and appearance of the area;
  - b) Whether or not the proposed development would preserve or enhance the character or appearance of the Reading Street Conservation Area and the setting of the nearby Grade II Listed Buildings.
  - c) The effect of the proposal on the living conditions of occupants of Nos 43-49 Reading Street, in relation to enclosure and loss of privacy.

**Reasons***Character and appearance*

5. The appeal site is predominantly an area of private open land that lies immediately to the north of the Reading Street Conservation Area and to the east of residential development that fronts, or lies to the rear of, Convent Road. The northern boundary of the site abuts the North Foreland Golf Course. Most of the site was previously occupied by a residential care home and its associated gardens and grounds. The home was demolished about fifteen years ago, since when the area has remained undeveloped. Although details of the care home were not provided, I understand the building occupied a small area toward the site's eastern side. The appeal site also includes the plot, dwelling and driveway of No 30 Convent Road.
6. Reading Street is a narrow road with a narrow footpath on its northern side. For most of its length there is no footpath on the southern side. The buildings are mixed in character and include a pub, a shop and a church. They are mostly two-storey and appear to date from various eras. The compact nature of development gives the area the feel of a small village. Many of the buildings and their associated boundary walls are constructed of brick and flint. These materials, the gardens and a small area of public open space all contribute positively to the area's appearance. The limited amount of on-street parking is well used. Off-street parking is only available within the more spacious front gardens of the larger properties towards the eastern end of the street.
7. The eastern side of Convent Road closest to the appeal site is characterised by a mix of bungalows, detached and semi-detached houses typical of the 20<sup>th</sup> century. The dwellings are set in modest-sized plots and most have parking areas within their front gardens. Some also have single garages which are either attached or positioned towards the rear of the property.
8. An outline scheme to erect thirteen houses on the site of the former home, accessed from Reading Street was originally approved in 2005<sup>1</sup>. This permission was renewed several times and reserved matters were approved in 2008<sup>2</sup>. The full planning permission for the same scheme, granted in July 2013,<sup>3</sup> has now lapsed.
9. The appeal scheme would occupy a larger site and would include an additional access from Convent Road, achieved by widening the driveway that serves No 30. It would therefore have two separate and distinctly different parts, each served by a cul-de-sac. Thirteen detached houses would be served by an improved access onto Reading Street. The remaining seventeen dwellings would be a mix of terraced, semi-detached, detached dwellings and flats accessed from Convent Road. A pedestrian route would link the two cul-de-sacs and there would be a pedestrian connection to Astor Road.
10. The eastern and northern parts of the appeal site would be laid out in a very similar manner to the previously approved schemes. This area would comprise a series of well-spaced, large detached houses with double garages, reasonable sized gardens and generously proportioned driveways. The properties would exhibit variations in the detail of their design and use of materials.

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<sup>1</sup> OL/TH/02/0484

<sup>2</sup> RN/TH/08/0059, R/TH/08/0406 and OL/TH/10/0283

<sup>3</sup> F/TH/12/0875

11. However, the street scene would be dominated by garages, sited either in the front gardens or projecting beyond the front elevations. Not all the houses would have direct street frontage, as several would be served by narrower, shared driveways. Neither of Reading Street nor Convent Road are characterised by provision of large garages within front gardens. Consequently, the layout would not create a sense of place that would respond positively to local character or could be effectively integrated into the existing development in the surrounding area.
12. The remainder of the site would be a mix of semi-detached, terraced and smaller detached properties. The layout would be completely different with smaller plots, no front gardens and very small rear gardens. The buildings would be much closer together. The density of the development would be more than twice that of the remainder of the site, a matter of considerable concern to local people. There would be car ports serving units 14, 15 and 20, but most of the parking would be around the cul-de-sac and would be communal. This part of the development would be dominated by road space and parked vehicles. Units 14 and 15 would effectively be surrounded by road and parking space. This would appear out of keeping with the surrounding area, which is not characterised by either an absence of front gardens or parking arrangements of this kind.
13. These factors demonstrate that the western part of the development would be a cramped and contrived form of layout, dominated by parked vehicles and with very limited space available for landscaping. It would not sit comfortably alongside the development of the remainder of the site, which would have a fundamentally different and more spacious layout. Furthermore, the pedestrian link through the site would appear to serve little purpose other than attempting to connect two very different forms of development. In reality there would be inadequate functional, visual or social links between the two areas, making it difficult to integrate them with each other or with the surrounding area.
14. I note that the site is allocated for a notional thirteen dwellings in the Emerging Draft local Plan. However, from the evidence before me, it is not clear how the site would be accessed or why the number of dwellings would be limited in this way. The site's development potential was previously constrained by the access 'ceiling' arising from the single access onto Reading Street. I understand this was imposed at the original outline stage by the highway authority and was based on the equivalent number of car movements from the convalescent home which previously occupied the site.
15. However, many years have passed since that original assessment, the site has been extended and an additional access has now been achieved. These changed circumstances appear to provide an opportunity for a different, more creative approach to the overall layout. Instead, the current scheme proposes amendments and an 'add-on' to the now lapsed proposal for thirteen dwellings. The proposal would therefore appear to be two separate developments, unrelated to the surrounding street scene, rather than an extension to the village with its own sense of identity.
16. I therefore conclude that it would be a poor quality design which would fail to respect or enhance the character or appearance of the area. It would fail to comply with saved Policy D1 of the Thanet Local Plan (Local Plan) which,

amongst other things, requires new development to provide a high quality layout that respects or enhances the surrounding area. In so doing it should have regard to matters such as the scale, mass and rhythm of the development and should incorporate new landscaping. The proposal would also be contrary to the National Planning Policy Framework's core principle of promoting good design and the advice set out in paragraphs 56-64.

#### *Conservation Area and Listed Buildings*

17. Most of the proposed development would not be visible from Reading Street. Nevertheless, the number and spacing of proposed dwellings on the western side of the appeal site would be at odds with the more informal layout of the properties within the Conservation Area. However, since public views of this part of the Area are only available from the rear gardens of the houses along the northern side of the Conservation Area, its effects on the setting of the Conservation Area would be limited. It would not give rise to material harm to its heritage significance, which arises from the alignment and width of Reading Street and the arrangement of buildings on either side.
18. Immediately adjacent to the site's existing access from Reading Street is a row of cottages, Nos 43-49, known as Convent Cottages. These Grade II Listed Buildings are 17<sup>th</sup> century-style cottages built of squared flints under a tiled roof with Flemish curved gable ends. The listing description states that they contribute greatly to the character of the village. Although they comprise four separate dwellings their common features mean that they are appreciated as a single building, set in a communal area of grass to the front and side and framed by an open, undeveloped area to the rear.
19. They are set back from the road and in a hollow. Each cottage has a very small private rear garden backing onto the appeal site, which is on higher ground. From what I saw on my site visit, the difference in levels appeared to be closer to the 1.6m suggested by local residents than the 0.8m suggested by the appellants. In my view the area immediately to the rear of the cottages and which was previously part of the gardens of the former home, is part of the setting of these Listed Buildings. Although this area is outside the Conservation Area, it provides the buildings with 'breathing space' so that they do not appear enclosed at the rear.
20. The proposed dwellings would be sufficiently distant from the cottages not to be prominent or visually dominant when viewed from Reading Street. However, the siting of Units 1 and 2 would undoubtedly affect the setting of the cottages due their bulk, height and proximity to them. The Council's conservation officer therefore recommended careful designing of the treatment of the rear gardens on the boundary of the Conservation Area to address the potential for harm. However, the shallowness of the cottage gardens and difference in ground in levels makes Convent Cottages different from other buildings along the north side of Reading Street, which are either closer to the road frontage or orientated differently. This makes them particularly sensitive to changes on or near the boundary with the appeal site. To my mind any additional landscaping in this area would erode the open setting of the buildings.
21. I therefore conclude that whilst the proposal would not be harmful to the setting of the Reading Street Conservation Area, it would be harmful to the setting of Convent Cottages. In this respect, it would conflict with the

Government's advice on the conservation of heritage assets, set out in paragraphs 126-134 of the Framework. Although in terms of the Framework this harm would be less than substantial, this is a matter to which I attach significant weight.

#### *Living conditions*

22. The rear of the house on Plot 2 would look directly towards the rear bedrooms within Convent Cottages. Notwithstanding the previous scheme and the proposed separation distance between the buildings, it seems to me that the limited depth of the rear gardens of the cottages and the difference in levels between their bedrooms and the appeal site would give rise to a strong perception of being overlooked. Furthermore, the addition of landscaping along the rear boundary of the conservation area would result in an unacceptable level of enclosure for the occupants. Even vegetation of a modest height and bulk would have an overbearing appearance on the both rear elevation of the cottages and their small gardens, making these homes and gardens less pleasant places to be.
23. I conclude that the proposal would be harmful to the living conditions of the occupants of Convent Cottages, arising from an increased sense of enclosure and a perceived loss of privacy. This would be contrary to the Framework's core principle of always ensuring a good standard of amenity for the existing and future occupants of land and buildings.

#### **Other Matters**

##### *Traffic and highway safety*

24. Many local people have expressed concern about the additional traffic movements that would be generated by the proposed development and its effects on Reading Street. The road is only 3.6m wide in places and parked vehicles further restrict its width, making traffic manoeuvres more difficult and tortuous. The street is not well suited to accommodating the existing flows of approximately 1500 vehicles per day. There was evidence that boundary walls have been damaged by vehicles, particularly where there is no footway. Walking along the street is not a particularly attractive or comfortable experience.
25. The proposal would incorporate improvements to the access in Reading Street and introduce a second access into the site from Convent Road. These accesses would meet the highway authority's standards with respect to visibility. The appeal scheme would not contribute to addressing any of the existing conflicts between people, buildings and vehicles. However, the amount of additional traffic that would be generated by the development would be modest. It would not result in severe impacts on the capacity or operation of the surrounding road network. Rejection of the scheme on highway grounds is therefore not justified.

##### *Unilateral Undertaking*

26. Saved Policy H14 of the Local Plan requires development of more than fourteen units to provide 30% affordable housing. The application would provide nine such units. The Council is satisfied that the number and tenure which would be secured through the UU would meet its requirements. This is a matter which weighs in the scheme's favour.

27. The Council is also satisfied that appropriate financial contributions towards play space, libraries, and education have been secured through the UU. Similarly the UU makes adequate provision for a contribution towards the Strategic Access Management and Monitoring Plan to mitigate impacts of recreational activities on the Thanet Coast and Sandwich Bay Special Protection Area. However, as I am dismissing the scheme for other reasons, it has not been necessary to consider the provisions of the UU in any further detail.

### **Planning balance**

28. The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites in the District as required by paragraph 49 of the Framework. I have therefore determined the appeal in accordance with paragraph 14 of the Framework.

29. The proposal would provide thirty additional homes which would make a small, but valuable, contribution towards meeting the district's identified housing needs. Nine of these homes would be affordable and these would be secured through the UU. The development would therefore have social benefits which carry significant weight in the scheme's favour. In addition the proposal would create jobs during the construction period and future occupants could bring additional expenditure in the area. The scheme would therefore benefit the local economy, a matter of modest weight.

30. On the other hand, the proposal would be a poor quality design that would not add to the overall quality of the area. I consider this to be a matter that attracts substantial weight. It would adversely affect the setting of Listed Buildings, a matter of significant weight. In addition, it would result in harm to the living conditions of occupants of Convent Cottages, a matter of moderate weight. The proposal would therefore not meet the environmental dimension of sustainable development.

31. These factors lead me to conclude that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Overall the proposal would not be a sustainable development.

### **Conclusion**

32. For the reasons set out above, I find that there are no material considerations that outweigh the conflict with the development plan and the requirement to give considerable weight and importance to the conservation of heritage assets in planning decisions. I therefore conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR



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## Appeal Decision

Site visit made on 20 March 2019

**by Rajeevan Satheesan BSc PGCert MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> April 2019**

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**Appeal Ref: APP/Z2260/W/18/3218754**

**Land Formerly Used as Club Union Convalescent Home, Reading Street, Broadstairs CT10 3AZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Horn against the decision of Thanet District Council.
  - The application Ref F/TH/18/0142, dated 25 January 2018, was refused by notice dated 21 September 2018.
  - The development proposed is erection of 25 dwelling-houses, with vehicle access from Reading Street and Convent Road, pedestrian access from Astor Road, internal access roads and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr A Horn against Thanet District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. A Unilateral Undertaking (UU) has been submitted by the appellant which would make financial contributions towards social infrastructure, Special Protection Area (SPA) and Special Area of Conservation (SAC) and secure the provision of the affordable housing on the site. The Council has confirmed that this would be acceptable. I have taken the provisions of the UU into account in this decision.
4. I note there is a difference between the design of the dwellings for units 9 and 10, shown on page 30 of the appellant's appeal statement and that shown on drawings GM28-P12A and GM28-P17C. I have considered the appeal on the basis drawings GM28-P12A and GM28-P17C, which were considered by the Council when they made their decision.

### Main Issues

5. Having regard to all the representations received I consider the main issues are the effect of the proposal on the character and appearance of the area, including the setting of the Reading Street Conservation Area (CA), and the setting of the nearby Grade II Listed Buildings at Nos 43-49 Reading Street.

**Reasons**

6. The appeal site is an area of private land, identified for housing allocation (estimated capacity of 24 units)<sup>1</sup>, located to the north of properties fronting Reading Street, to the east of properties on Convent Road, and to the south of Foreland Golf Course. The site is also adjoined at the far western corner by the side elevations of properties and road terminus of Astor Road. The site, which includes the plots of 16, 28 and 30 Convent Road, was previously occupied by a 140 bed Club Union Convalescent Home, which the appellant states was demolished in c.2006. Vehicular access to the site would be from both Convent Road (utilising and modifying the existing access running between 28 and 34 Convent Road) and from Reading Street.
7. The site is not situated within a conservation area, however, the northern extent of the CA runs directly along the south/south-eastern boundary of the site and there are a number of nearby Listed Buildings within the locality, the closest being Nos 43-49 Reading Street. There are also number of mature trees within the site that are subject to Tree Preservation Order<sup>2</sup>.
8. St Andrew's Church is the focal point of the CA with its Public House and Post Office with a listed telephone box. The CA, designated in 1973, is surrounded by green wedges to the east and west and the golf course and areas of natural beauty to the north. The main features include the narrow main street, with a number of cul-de-sacs, that have a number of brick and flint faced listed buildings and boundary walls, and cottages of architectural interest, some with a Dutch influence. Most of the buildings are two storeys in height. The architecture and materials, which include pitched roof porch canopies, hipped roofs with tiles, timber detailing and decorative chimneys, landscaped gardens and a small area of public open space all make a positive contribution to the significance of the CA. The existing on-street parking along this narrow road detracts from the character and appearance of the CA.
9. The eastern side of Convent Road is characterised by mainly C20 detached and semi-detached two storey dwellings and bungalows set within regular spaced plots, each containing spacious front gardens, with off-street car parking and / or garages to the side of the dwellings.
10. My attention has been drawn to the previous planning history for this site, excluding the land of 16, 28 and 30 Convent Road, which includes a number of planning permissions granted for the redevelopment of the site with 13 detached dwellings. The latest of these<sup>3</sup> was approved on 18 July 2013 and has since expired. More recently, an appeal was dismissed on 22 August 2017 for 30 dwellings<sup>4</sup> on the same site as the current appeal. The current appeal proposal seeks to overcome the previous Inspector's concerns and is for residential development comprising the erection of 25 dwellings, together with vehicle access from Reading Street and Convent Road, pedestrian access from Astor Road, internal access roads and landscaping.
11. With regards to the northern and eastern parts of the site the previous Inspector raised concerns that "the layout would not create a sense of place that would respond positively to local character or could be effectively

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<sup>1</sup> Draft Thanet Local Plan to 2031'

<sup>2</sup> TPO 10 (2000)

<sup>3</sup> Council Ref: F/TH/12/0875

<sup>4</sup> Appeal Ref: APP/Z2260/W/17/3173824

- integrated into the existing development in the surrounding area". This was in part due to the previous scheme being dominated by garages, sited in the front gardens or projecting beyond the front elevations, and not all the houses having a direct street frontage.
12. With regards to the western part of the site, accessed from Convent Road, the Inspector considered that this had a much higher density resulting in a cramped and contrived appearance, which was in stark contrast to the more spacious layout on the other side. In particular, the houses were closer together on smaller plots, with no front gardens and very small rear gardens. As a result, the development would appear to be two separate developments, unrelated to the surrounding street scene, rather than an extension to the village with its own sense of identity. The Inspector thus concluded that "the development would be a poor quality design which would fail to respect or enhance the character or appearance of the area".
  13. To overcome the previous concerns, the current scheme has made a number of changes to the layouts, which includes the reduction in the number of units from 30 to 25, achieved by reduction in the number of terrace and semi-detached units proposed, and the omission of flats from the scheme. Thirteen of the proposed units are accessed from Reading Street, and the number of units accessed from Convent Road has reduced from seventeen to twelve. Similar to the previous scheme, two separate vehicular accesses into the site are still maintained, from Reading Street and Convent Road, which would each serve a separate a cul-de-sac. However, it is understood that this is a direct result of there being a highway constraint that seeks to limit the number of vehicle movements onto Reading Street to no more than the thirteen dwellings previously approved.
  14. In the previous scheme there was a poor connectivity between the two distinct parts of the site with soft landscaping acting as a buffer between lower density on the site accessed from Reading Street and higher density of the site accessed from Convent Road. The current proposal addresses this concern with a clear pedestrian and cycle path. In addition, whilst garages are maintained, they are repositioned either to the side or set back from the dwellings such that they would not be visually prominent in the streetscene. Furthermore, the western part of the site is no longer significantly dominated by on-street parking spaces (a specific concern of the previous Inspector).
  15. The proposed layout has reduced the density of dwellings across the site and increased the amount of landscaping around the dwellings particularly within the western section of the site. This has resulted in a more even distribution of dwellings across the site when compared to the previous dismissed scheme.
  16. With regards to the design of the dwellings, a variety of building types have been used across the entire site, which takes inspiration from the local vernacular on Reading Street. The proposed use of more traditional characteristics and materials such as Dutch gables, flat roof dormers, brick and flint elevations, quoin details to windows, chimneys, porch canopies and projecting bay windows would help ensure that the development successfully integrates with the surrounding area. Whilst, the current proposal overcomes a number of the concerns raised by the previous Inspector in terms of the density, landscaping, car parking / garages, the effects on the wider area,

including the setting of the adjacent CA and listed buildings are considered below.

17. With regards to the effect on designated heritage assets, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
18. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
19. Paragraph 196 of the Framework confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. Planning Practice Guidance (PPG) confirms that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset, and that, in general terms, substantial harm is a high test and may not arise in many cases. Works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all.
21. The significance of the adjoining CA has been outlined above in paragraph 8. Whilst there may be some views of the development from public vantage points within the CA, particularly at the access points into the site and between the gaps in the properties on Reading Street, I agree with the previous Inspector's findings that the setting of the CA would not be seriously harmed.
22. The southern boundary of the appeal site lies adjacent to an attractive row of C17 two storey terraced cottages known as Nos 43-49 Reading Street (Convent Cottages), which are Grade II listed buildings. The significance of these buildings in heritage terms mainly stems from their architectural interest, built of squared flints, tiled roofs with Flemish curved gable end and three tall brick-built chimney stacks. They form part of a unified scheme of Grade II listed cottages, with a symmetrical façade with 2 paired doorcases with tile clad sloping weather hoods. Each property has three light-casement windows at ground floor level and the first floor has a dormer window cutting through the eaves line. These common feature means they are appreciated as a single building set back from the road, within a communal open area to the front and side of the building. The listing description states that the row of cottages contributes greatly to the character of the village.
23. With regards to the effect of the development on the setting of these cottages the previous Inspector noted that these listed buildings had very small private

- rear gardens and that the appeal site was on higher ground. The open landscape area to the rear of the Convent Cottages, which includes part of the grounds of the former home, forms an important part of the setting of the listed buildings. The previous Inspector considered that the siting of Units 1 and 2 would undoubtedly affect the setting of the cottages due to their bulk, height and proximity to them.
24. In an attempt to overcome the previous concerns raised by the Inspector, the current proposal has relocated and re-orientated the new dwellings further away from the cottages, thereby providing the cottages with more 'breathing space'. However, the current scheme now also proposes an additional detached dwelling on the part of the site nearest to the cottages, with plots 9, 10, and 11 proposed (roughly in the same position as plots 1 and 2 in the previous appeal) which has resulted in a greater number of detached dwellings positioned closer together (particularly units 9 and 10) near to the listed buildings. The Council considers that the scale, design and height of the new dwellings would not be in keeping with those of surrounding properties, and that the dwellings are too bulky and imposing on properties in Reading Street.
25. I note the concerns previously raised by the Inspector were in relation to units 1, 2. However, from my observations, despite the reduction in height of units 9 and 10, the position of the new dwellings on plots 9, 10, 11 and 14 would stand very prominently within the otherwise open setting of Convent Cottages. I consider that the bulk and height of these dwellings, would be over scaled in comparison to the smaller Convent Cottages, which are set on lower ground, making them more sensitive to change. Therefore, whilst the distance from the listed buildings would be greater under the current scheme, the new development would still dominate and overcrowd these adjoining listed cottages. In this respect, it would not be sympathetic to local character and history, including the surrounding built environment and landscape setting, as advocated by the Framework.
26. I therefore conclude that the proposed development would harm the character and appearance of the area and would therefore be an inappropriate development in conflict with Saved Policy D1 of the Thanet Local Plan (2006), which amongst other things, requires new development to respect or enhance the character or appearance of the surrounding area.
27. In giving great weight to the asset's conservation, I consider that the proposals would harm the setting of the nearby Grade II listed buildings, and in this respect, would also not accord with the relevant sections of the Framework, which seek to conserve and enhance the historic environment. In the terms of paragraph 196 of the Framework, the harm that the proposal would cause to the significance of the designated heritage asset, would amount to less than substantial harm. Accordingly, this should be weighed against the public benefits of the proposal, which is considered below.
28. Whilst I acknowledge that there have been past approvals for thirteen detached houses on this site, with houses located close to the listed buildings, I note that these permissions have since expired. As such, they do not constitute a fallback position and therefore have not weighed in favour of the current proposal before me. In any case, I am required to consider the proposal on its own merits.

*Planning Balance*

29. There is no dispute that the Council cannot currently demonstrate that it has a 5 year housing land supply (HLS). The proposed development would provide a net gain of 25 additional homes, on a site identified for housing allocation<sup>5</sup>, in an existing residential location with access to local shops and services which would make a small, but valuable, contribution towards meeting the district's identified housing needs. Seven of these homes would be affordable which would be secured through the UU. Thus, there would be social benefits which attracts significant weight. There would be a modest economic benefit to the area, in terms of construction jobs, and an equally modest increase in investment in the area following the occupation of the development. I also note that the appellant states that there would be environmental enhancement of the site through the provision of additional and managed soft landscaping and tree planting, and implementation of the recommendations of the Ecological Survey for habitat enhancement.
30. However, the proposed development would harm the character and appearance of the area and would cause harm to the settings of adjacent Grade II listed buildings. This is a matter which must attract considerable importance and weight against the proposal. In terms of the Framework, the proposal would cause less than substantial harm to the significance of the designated heritage assets affected. I must attach considerable importance and weight to that harm which I find would not be outweighed by public benefits and which would not result in sustainable development in the meaning set out in the Framework.

**Conclusion**

31. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

*Rajeevan Satheesan*

INSPECTOR

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<sup>5</sup> Thanet District Council Draft Local Plan



**GROUND;**

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

5 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 D1 and D2 of the Thanet Local Plan.

6 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 in accordance with Policies D1 and D2 of the Thanet Local Plan

7 No further development within the curtilage of the dwellinghouses hereby approved whether approved by Class A of Part 1, Schedule 2 and Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND;**

In the interests of visual amenity and to safeguard the amenities currently enjoyed by the occupiers of adjacent residential properties in accordance with Policy D1 of the Thanet Local Plan

**INFORMATIVES**

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

## SITE, LOCATION AND DESCRIPTION

The application site comprises a modest, largely rectangular parcel of land containing soft landscaping and vegetation, which appears to have originally formed part of the garden of the adjacent residential block 18-20 The Retreat.

The application site is located to the end of the cul-de-sac, adjacent to the two storey semi-detached block of flats 18-20 and 17-19 The Retreat, which front the central turning head of the cul-de-sac. To the north of this block is a parcel of land of a similar size and shape to the application site which benefits from planning consent to erect a two storey two bedroom dwelling of a similar location, size, form and design as the application property, through planning permission reference F/TH/17/1554.

The Retreat is characterised by two storey semi-detached properties and single storey detached and semi-detached bungalows of simple, traditional designs, set under gabled pitched roofs and sited within similar sized plots. There are several examples of front dormer windows to the front roofslopes of bungalows within this street.

## RELEVANT PLANNING HISTORY

No relevant planning history.

## PROPOSED DEVELOPMENT

The application proposes the erection of a detached two storey one bedroom dwelling. The proposal has been amended through the course of the application to alter the layout and design of the proposed dwelling.

The proposed dwelling comprises a modest two storey chalet bungalow style dwelling of a simple and traditional design, with a recessed single storey side projection to the south. The eaves of the dwelling will be at single storey level, and the first floor accommodation will be located within the pitched gabled roof served by a front and rear dormer.

The dwelling will be set back from the front elevation of the adjacent block by approximately 2m, with parking to its frontage accessed via a relatively narrow angled vehicular access. The proposed development will incorporate a modest rear garden, of a depth of approximately 6m and will be bound by an approximately 2m high boundary fence to the rear boundary, and both side boundaries up to the front elevation, forward of which will remain open.

The dwelling is proposed to be constructed of facing bricks, with concrete titles, UPVC windows and doors and block paving to the hardstanding.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006 (Saved Policies)**

D1 - Design Principles  
D2 - Landscaping  
H1 - New Residential Development  
TR12 - Cycling  
TR16 - Car Parking Provision

## **NOTIFICATIONS**

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. Two letters of objection have been received. The letters raise the following concerns:

- The proposed chalet bungalow would result in an overbearing impact resulting in a loss of light and outlook.
- Concern regarding the vehicular access to the site by virtue of the narrow access, particularly heavy construction vehicles, which could damage adjacent driveways.
- The proposed development would destroy the ecosystem that exists on the site.
- The proposal would result in a loss of privacy.
- The proposal would result in noise and disturbance during the construction process.

**Ramsgate Town Council** - No comment.

## **CONSULTATIONS**

**KCC Biodiversity** - The location, size and relatively poor habitat connectivity means an ecological survey would be excessive in our view. However, the overgrown state means protected species could be present, e.g. hedgehog (a priority species under the NERC Act 2006), badgers or reptiles.

As such, we advise that a method statement for the removal of the site's vegetation is produced and secured via an attached condition with any granted planning permission. This should consist of (but not be limited to) a pre-works ecological walkover survey, a habitat manipulation exercise, appropriate timings of works and protocol if protected species are encountered. Suggested wording for a condition:

"No development works shall take place until a method statement for the removal of vegetation has been submitted to, and approved by, the local planning authority. Vegetation clearance will be carried out in strict accordance with the agreed details."

Southern Water - Require a formal application for a connection to the public foul sewer to be made by the applicant or developer. Request that should the application receive planning approval, informatives are attached to the consent.

## **COMMENTS**

This application is brought to Planning Committee as the application is a departure to Policy H1 of the Thanet Local Plan.

The main consideration with regard to this application is the principle of development, the impact of the proposed development on the character and appearance of the area, the impact upon residential amenity, and the impact upon highway safety.

## **Principle**

The application site is a modest parcel of land containing soft landscaping and vegetation, which appears to have originally formed part of the garden of the adjacent residential block 18-20 The Retreat. This parcel of land appears to have been severed from this adjacent property several years ago. As such, the application site is not considered to be garden land and constitutes non-previously developed land within the urban confines of Ramsgate.

Development of this site for housing would be contrary to Policy H1 of the Thanet Local Plan which supports development of previously developed land within the urban confines. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development.

In this case the application site is located within an urban area and is surrounded by street frontage residential development. The application site is located to the end of the cul-de-sac and comprises a modest parcel of land that appears to have once formed part of the side garden to the adjacent neighbouring block. There is a parcel of land to the north of this block which is largely symmetrical with the application site and benefits from consent for residential development.

The undeveloped plot is not considered to provide a significant contribution to the amenity and character of the area, and is considered capable of providing a compatible form of development with the surrounding built environment. The site is located in close proximity to Newington Road which provides a range of shops and amenities and several bus stops and Ramsgate train station and is therefore considered to be sustainably located. Accordingly, the development of the site is not considered to be detrimental in principle, and would be consistent with the National Planning Policy Framework. The proposal is therefore considered to likely be an acceptable departure to Policy H1.

The development of this site for housing is therefore acceptable in principle, subject to the detailed consideration of all other material considerations including the impact upon the character and appearance of the area, the impact on living conditions of neighbouring properties and highway safety.

## **Character and Appearance**

The size of the plot is of a reduced, but comparable size to surrounding plots. The layout and siting of the proposed dwelling would provide street frontage development which is set back from the adjacent flat block, with space to the frontage to provide off street parking, and separation to each adjacent neighbour, which is considered to be consistent with the existing pattern of development, and would prevent a cramped form of development within the street scene.

The proposed design, form and scale of the proposed dwelling is considered to relate well to the surrounding built environment, with the chalet bungalow scale and form of the dwelling, and the position of the single storey side projection to the south, providing an appropriate transition from the two storey block of flats to the north and the single storey bungalow to the south.

The design of the dwelling will reflect the simple and traditional design of surrounding built development, continuing the characteristic gabled form of roof, and incorporates established features of the surrounding built environment such as the front and rear dormer windows, set comfortably within their roof slopes. The dwelling is proposed to be finished in brick facing to the elevations, and plain tiles to the roof, which are established material finishes in the locality, which will relate well to the appearance and finish of surrounding development. A sample condition will be attached to the consent in the event approval is granted.

The dwelling will be bound by 2m high boundary fences to the side and rear, in line with the front elevation of the dwelling and extending to the rear boundary, with the area to the front of the site remaining open, which is characteristic of the area.

In addition, the proposed size of the plot, layout of development and the design, form and scale of the proposed dwelling is broadly comparable to the approved chalet dwelling to the similar parcel of land north of 17-19 The Retreat. As such, the proposed dwelling would relate well to this development, and the development of both these plots would maintain the existing symmetry associated with this part of the cul-de-sac.

The proposed development is therefore considered to be compatible with the surrounding built environment and would be set comfortably within its plot, and relate well to the pattern, character and appearance of the surrounding built development. The proposal would therefore accord with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The proposed dwelling has been amended through the course of the application and the arrangement of the dwelling has been altered to position the single storey side projection to the south of the dwelling.

The dwelling will be set back from the front elevation of the adjacent block to the north by approximately 2m, and will project beyond the rear elevation by approximately 4m with a separation distance of approximately 1.8m. The side elevation of the adjacent neighbour to the north contains 2 No. modest windows and a door which appear to comprise either secondary or non-habitable room windows. The nearest windows to the rear elevation appear to serve the bathroom and kitchen of the adjacent property. Given this window arrangement, together with the moderate height and projection beyond the adjacent neighbour's rear elevation of the proposed dwelling, and the separation distance which will be retained, the proposal is not considered to result in significant harm to the residential amenity of this neighbour deriving from the built form of the proposed dwelling.

The proposed dwelling will be set in line with part of the front elevation of the adjacent neighbour to the south, and will be sited in front of the western front elevation window which appears to serve a bedroom. There will be an approximately 9m separation distance from this window to the proposed dwelling. Whilst it is appreciated that the proposed development would result in some impacts to this window by way of loss of light and outlook, the dwelling would extend a modest distance forward of this window of approximately 1m, which would allow unobstructed oblique views from this window, which together with the separation distance and the moderate height and scale of the proposed dwelling, is not considered, on balance, to result in significant harm with regards to a loss of light or outlook to the residential amenity of this neighbour to warrant refusal on these grounds.

In terms of overlooking, the proposed dwelling does not incorporate any side elevation windows. The proposed first floor rear elevation window will serve a bathroom which does not constitute a primary habitable room. Views from this window to adjacent neighbours to the side will be oblique views, which are not considered to be significantly harmful, and there is an open space to the rear with a significant separation distance to the nearest adjacent neighbour which will prevent harmful overlooking.

In terms of the living conditions of the future occupiers of the proposed dwelling, the gross internal floor area of the proposed dwelling will exceed the Nationally Described Space Standards for a one bedroom dwelling over two storeys. All habitable rooms will be served by front or rear facing windows which will provide adequate light, outlook and ventilation.

The proposed dwelling will be provided with a front and rear garden which will provide suitable space for the provision of external amenity space, refuse storage, cycle storage and clothes drying facilities.

The proposed development is therefore considered to be acceptable in terms of residential amenity of the adjacent neighbours and the future occupiers of the proposed dwelling in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Highways**

The proposed dwelling will be provided with hardstanding to the frontage which will provide off street parking for one or two vehicles. This off street parking provision together with the on street parking availability within The Retreat is considered to provide adequate parking provision for any small increase in demand arising from the proposed one bedroom dwelling.

The vehicular access, whilst relatively narrow, is not proposed to be bound by a physical enclosure, and will therefore achieve suitable visibility. The proposal is therefore considered to be acceptable in terms of highway safety and amenity, in accordance with Policy TR16 of the Thanet Local Plan and the NPPF.

The proposed development includes a rear garden which is capable of providing sufficient space for the provision of cycle storage, in accordance with Policy TR12.

### **Biodiversity**

The application site is a relatively modest parcel of land which is currently overgrown with vegetation. KCC Biodiversity have commented that given the location, size and relatively poor habitat connectivity an ecological survey prior to the determination of this application would not be required in this instance. It is, however, considered that given the overgrown nature of the site protected species could be present. As such, it is advised that a method statement for the removal of the site's vegetation is secured via condition.

The condition required by KCC Biodiversity has been agreed with the agent, and shall be attached to the consent should planning permission be granted and therefore, subject to this safeguarding condition, the impact upon protected species and biodiversity is considered to be acceptable and in accordance with the National Planning Policy Framework.

### **Contributions**

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

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

The Unilateral Undertaking for the required financial contribution of £202 for the proposed residential unit to mitigate the additional recreational pressure on the SPA area has been received and is currently in the process of being finalised.

### **Other Matters**

Concerns have been raised by residents in relation to the construction of the proposed extension, encompassing noise, disturbance, disruption to traffic and increased pressure on parking provision as a result of the building works. These concerns are not considered to be material considerations in the determination of this planning application as the inconvenience created for residents during the construction process is only temporary in nature.

### **Conclusion**

The proposed development is considered to have an acceptable impact upon the character and appearance of the area, the living conditions of adjacent neighbours and

highway safety and amenity, and as such the proposed dwelling is considered to be an acceptable departure to Policy H1 of the Thanet Local Plan.

It is therefore recommended that Members defer and delegate this application to officers for approval, subject to safeguarding conditions and the receipt of a signed Unilateral Undertaking securing the required Special Protection Area Contribution.

**Case Officer**

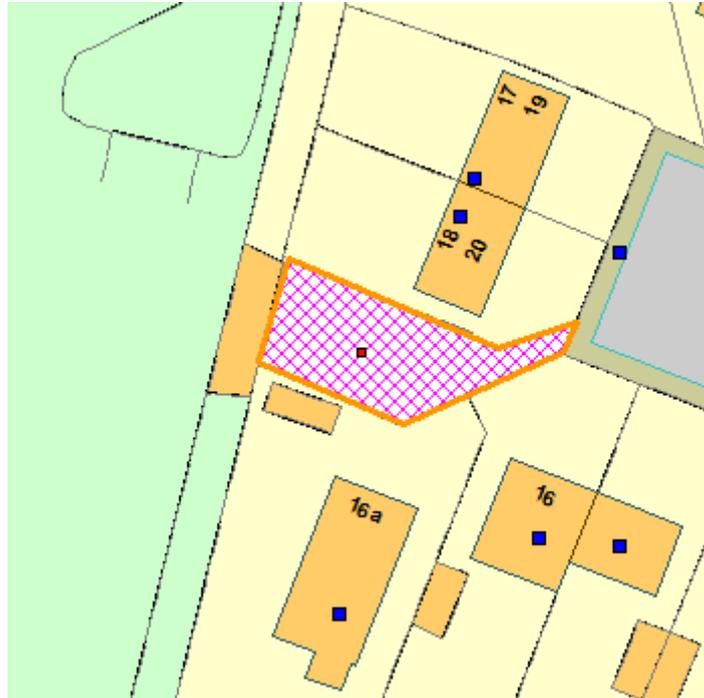
Jenny Suttle

TITLE:

F/TH/19/1004

Project

Land Adjacent 18 To 20 The Retreat RAMSGATE Kent



**D06** **F/TH/19/0738**

**PROPOSAL:** Variation of condition 2 attached to planning permission F/TH/18/0335 for the erection of 1no. 4-bed two storey dwelling together with cycle store to rear to allow for enlargement of dormer window with Juliet balcony and insertion of second floor window to rear elevation together with internal alterations

**LOCATION:** 58 Northdown Road BROADSTAIRS Kent CT10 2UW

**WARD:** St Peters

**AGENT:** Mr Shaik Hussain

**APPLICANT:** Mr & Mrs Latif

**RECOMMENDATION:** Defer & Delegate

Defer & Delegate for Approval subject to the submission of an acceptable signed unilateral undertaking and 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 02r3 and 03r3 received on 4th September 2019.

**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, in accordance with the advice contained within the National Planning Policy Framework.

4 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 access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

**GROUND;**

In the interest of highway safety.

5 Prior to 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.

**GROUND;**

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

6 The first floor window in the south elevation of the dwelling hereby approved shall be provided and maintained with obscure glass and non opening below 1.7m above the internal finished floor level.

**GROUND:**

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

7 The area shown on the approved drawings for application F/TH/18/0335 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;**

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

INFORMATIVES

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made on submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

SITE, LOCATION AND DESCRIPTION

The application site is rectangular and measures approximately 42sqm. It lies between numbers 58 and Northdown Road and is separated from no. 58 by an existing Bridleway TB21. The site formerly provided an access into the fields associated with Hopeville Farm lying to the rear and it is noted that the site is non previously developed land.

RELEVANT PLANNING HISTORY

NM/TH/19/0453 - Application for a non material amendment of planning permission F/TH/18/0335 for the erection of 1No 4-bed two storey dwelling together with cycle store to

rear to increase the dormer size and internal alterations to allow alterations to internal layout and dormer windows. Withdrawn.

F/TH/18/0335 - Erection of 1No 4-bed two storey dwelling together with cycle store to rear. Approved 17th August 2018

## PROPOSED DEVELOPMENT

Planning permission was granted in August 2018 for the erection of a 4 bed two storey dwelling together with cycle store to the rear on the application site (F/TH/19/0453). This consent is extant and could, therefore, be built out up to the 17th August 2021.

This application seeks consent to allow the enlargement of the dormer window, the insertion of a Juliet balcony and a second floor window together with the rearrangement of the internal layout of the dwelling.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006**

D1 - Design Principles  
D2 - Landscaping  
H1 - Residential Development Sites  
H4 - Windfall Sites  
SR5 - Play Provision  
TR12 - Cycling  
TR16 - Car Parking Provision  
EP13 - Groundwater Protection Zones

## NOTIFICATIONS

Letters were sent to adjoining residents, a site notice posted close to the site and the application publicised in a local newspaper.

Two letters by the same author objecting to the application have been received. Their comments are summarised below:

- Close to adjoining properties;
- Conflict with Local Plan;
- Development too high;
- Loss of light;
- Loss of privacy; noise nuisance;
- Out of keeping with the character of the area;
- Strain on existing community services;
- Traffic/Highways;
- Affect of building work on our house's foundations;
- Safety for users of the bridleway; and

- Affect on local ecology

**Broadstairs Town Council;** Object to the application on the basis of lack of information on the plans and application.

## CONSULTATIONS

**Natural England:** On the basis of the appropriate financial contributions being secured, Natural England concurs with TDC's view that this is suitable mitigation and, as such, the proposed development would not have an adverse effect on the integrity of Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site.

**Environment Agency:** No objection

**KCC Public Rights of Way Officer:** No comment

**Southern Water:** There is a public sewer crossing the site. The exact position of the public sewer must be determined by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public sewer as long as this would not result in an unacceptable loss of hydraulic capacity. Southern Water can advise on this issue.

A formal application is required for the connection to the public sewer. An informative to that effect will be attached.

There are no dedicated surface water sewers in the vicinity of the development. Details of surface water disposal will be secured by condition.

The proposed development would lie within a Source Protection Zone. Southern Water will rely on the Environment Agency to ensure the protection of the public water supply source.

## COMMENTS

### **Principle**

As set out above the principle of developing a 4 bed two storey dwelling has already been accepted under the previous application.

It falls, therefore, only to consider the acceptability of the alterations now proposed under this application.

### **Character and Appearance**

This variation proposes the redevelopment of the site with the same style and scale of building of dwelling previously approved, but with a larger dormer window to the rear with a Juliet balcony and a new window to the first floor facing no. 60 Northdown Road.

This application would see the proposed dwelling located in the same position within the site as the previous application. The design of the building, its elevations and dimensions

(including eaves and ridge height) will also essentially remain the same. Whilst the dormer window to the rear would be enlarged in this application and would include a Juliet balcony, it would still be set down from the ridge and in from the sides of the roof and it is considered that it would still be read as part of the roof of the dwelling. The other alterations are minor in nature and help to facilitate the internal rearrangement of the dwelling.

Given the above, it is not considered that the proposed variation would have an adverse impact on the character and appearance of the area.

### **Living Conditions**

As set out above, the dimensions and location of the proposed dwelling remain unchanged (other than the enlarged dormer and Juliet balcony) as does the number of bedrooms within it. The impact of the proposed development on the residential amenities of adjoining residents and the future occupiers of the site were considered to be acceptable under the previous application.

As with the previously approved application the main windows serving the proposed dwelling are located to the front and rear of the dwelling. One window is proposed in this application at first floor level on the flank wall facing number 60. This window would serve a bathroom and is shown to be obscure glazed on the drawings, it is considered appropriate that a condition is imposed to ensure that it is obscurely glazed and thereafter retained as such. No windows are proposed in the flank elevation facing no. 58. Concerns have been raised by adjoining residents about the potential for overlooking from the proposed dormer window and the Juliet balcony. It is acknowledged that there may be some potential for some views of the adjoining plots to be gained from the dormer window, but it is considered that any views would be to the very bottom of the gardens and not of the areas directly adjacent to the rear elevation of the neighbours given the acute angle between the window and these private areas. It is not considered that this relationship would be significantly worse than that from upper floor windows elsewhere within such residential areas and from that previously approved. There are no properties to the rear that the proposed dwelling would impact upon. Given the above, it is considered that the proposed variation would not have an adverse impact on the residential amenities of surrounding occupiers.

The proposed dwelling would be meet the National Technical Space Standards for new residential dwellings. The proposed rooms within the development are of a good size and would have natural ventilation and light. Off street parking would be provided to the front of the property and a large garden area to the rear. It is considered that the proposed dwelling would provide a good standard of accommodation for future occupiers.

### **Highways**

This application does not increase the number of bedrooms from the previously approved dwelling and the proposal would retain off street parking for one vehicle to the front of the dwelling.

This is similar to other dwellings in the area and it is noted that there are no restrictions for on road parking on this part of Northdown Road.

It is not considered that this application would result in any adverse impact on parking or traffic generation in the area.

## **Drainage**

It is not considered that the proposed variation would have an impact on drainage. It is, however, proposed to impose a condition requiring details of the means of foul and surface water disposal to be submitted and agreed.

## **Other Matters**

The whole of Thanet District is within the Zone of Influence of the SAMM area. The Council can only agree to a proposed residential development if we know that it will not have a significant effect on the protected sites. The only methodology recognised by Natural England to demonstrate that development will have no significant impact upon the protected sites is by contributing towards the mitigation measures within the SAMM.

The Council has sought contributions on the "10 or more" basis pending the finalising of the Council's housing target within the new Local Plan. With the submission of the Draft Local Plan to the Planning Inspectorate on the 30th October 2018, the Council has set the housing target within the plan period to 2031 as 17,140. In agreement with Natural England, any planning application for new residential development of any amount, including developments for the creation of new units within changes of use, submitted or validated after the 30th October 2018 will be required to contribute towards the SAMM prior to any approval of an application.

This application for a new residential dwelling requires the payment of this contribution. The applicant has agreed to pay the contribution and has submitted an undertaking to that effect. An appropriate assessment has been carried out and, on the basis of the mitigation being secured, it is not considered that the development would harm the integrity of the designated sites.

## **Conclusion**

The application site is located on non-previously developed land. The proposal is therefore contrary to Thanet Local Plan Policy H1. However, this policy now has limited weight and given the extant planning consent and the fact that the application site is within a residential area within the defined settlement of Broadstairs, the principle of a dwelling on this site is therefore considered acceptable.

The proposed dwelling is of a design, layout and scale that is considered to be in keeping with the existing pattern of development in the area, and which is not considered to result in any significant or demonstrable harm to the visual amenities of the immediate area. In addition, the impact upon highway safety is considered to be acceptable and given the design of the property, there is considered to be no significant impact upon neighbouring living conditions. The erection of a dwelling, in this location would not have a significant impact upon the countryside, and forms sustainable development in accordance and the

requirements of the National Planning Policy Framework. It is therefore recommended that Members defer the application for approval subject to the receipt of an acceptable unilateral undertaking to cover the mitigation towards the impact on the designated sites.

**Case Officer**

Annabel Hemmings

TITLE:

F/TH/19/0738

Project

58 Northdown Road BROADSTAIRS Kent CT10 2UW

