

**A01**

**R/TH/18/0498**

PROPOSAL: Application for the approval of reserved matters to outline planning permission OL/TH/14/0404 (erection of 12no. dwellings) for erection of a 2 storey 4 bed detached dwelling

LOCATION: Plot 12 Land Adjacent To Clifftop North Foreland Avenue BROADSTAIRS Kent

WARD: Kingsgate

AGENT: Mr David Weir

APPLICANT: Mr J Toomey

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered PR273.02, PR273.03, PR273.04 and PR273.05 received 6th April, 2018.

**GROUND;**

To secure the proper development of the area.

2 Prior to the first occupation of the development hereby approved visibility splays of 2.4m by 25m shall be provided to the access on to North Foreland Avenue as shown on the approved plan no PR273.03 received 6th April 2018 with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND;**

In the interest of highway safety.

3 The area shown on the approved plan numbered PR273.03 received 6th April 2018 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.

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

**GROUND;**

In the interests of highway safety.

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

To protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

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

**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 site lies on the west side of North Foreland Avenue, a private road within the North Foreland Estate. The land to the west of North Foreland Avenue comprised the kitchen gardens known as 'Stella Maris' being previously associated with the Stella Maris Convent on North Foreland Road.

## RELEVANT PLANNING HISTORY

In 2012, an outline planning application was submitted for the erection of 13no. detached dwellings (OL/TH/12/0550) with all matters reserved. This application was refused in June 2012.

In 2013, an outline planning application was submitted for the erection of 10no. detached dwellings, with all matters reserved (OL/TH/13/0473). This application was refused in June 2013.

Subsequent to the determination of the 2013 outline application, an appeal before the Planning Inspectorate on the 2012 outline planning application (for 13no. dwellings on the site) was dismissed, however not for the reasons cited by the Local Planning Authority save for one of the reasons, that some of the protected trees on site would be lost, which would harm the character and appearance of the surrounding area.

Following that appeal decision, an outline planning application was refused for the erection of 12no. Detached dwellings with all matters reserved (OL/TH/14/0404) in August 2014 on grounds of impact on biodiversity. Planning consent was granted on appeal following this refusal in March 2016.

## PROPOSED DEVELOPMENT

This application is a reserved matters application for the erection of a detached 4 bed dwelling.

The proposed dwelling is of a modern flat roof design and would be two-storey. The ground floor would accommodate an entrance hall, study, WC, utility room, kitchen/living area together with a gym, cloakroom and double garage. The first floor would house the 4 bedrooms all with en-suites. The property would be served by a garden area to the rear (with a swimming pool, pool house and patio area). Areas for cycle and refuse storage are proposed together with off street parking. Vehicular access and pedestrian access to the site would be taken from North Foreland Avenue, with a small amount of the existing hedge being removed to facilitate this.

## DEVELOPMENT PLAN POLICIES

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

- D1 - Design Principles
- D2 - Landscaping
- D7 - Area of High Townscape Value
- TR12 - Cycle Parking
- TR16 - Car Parking
- SR5 - Doorstep Play Space
- SR11 - Private Open Space

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice displayed near the site and the application was publicised in a local newspaper.

Ten letters of objection have been received from local residents. Their concerns are summarised below.

- The assurances within the outline consent have gone completely wayward;
- Overbearing - will dominate the existing landscaping and adjoining properties;
- Plot will be overfilled with hard landscaping;
- Little spacing between the proposed dwellings and existing and others proposed;
- Needs to be considered in the context of all the other planning applications under consideration;
- Loss of privacy;
- Reduce sunlight;
- Noise nuisance;
- Increase of pollution;
- Increased danger of flooding;
- There are covenants that gardens should not be built on;
- Design is angular and industrial and out of keeping with other dwellings in the area;
- The materials proposed will not weather well.
- The area has important ecological significance;
- Application site is within an Area of High Townscape Value;
- Application is contrary to Policy D1 - Design Principles;
- The larger application site has already been the subject of 3 planning applications and 2 appeals - mostly refused;
- Dimensions are not given on the submitted plans;
- New development should be limited to 2 storey only;
- Setting a precedent for other applications in the area; and
- Danger to existing trees.

**Broadstairs Town Council:** No objection

**Broadstairs Society:** Object - In an Area of High Townscape Value where the aim should be to stop town cramming and preserve the established character. Until the Local Plan is revised and approved this should still stand. This development will adversely affect the character of the local area. Effect on local ecology, out of keeping with area, over development, traffic and highways.

## CONSULTATIONS

**Environment Agency:** No comment.

**Southern Water:** No comment.

## COMMENTS

This application is called to Planning Committee at the request of Councillor Bayford to allow Members to consider design of the proposed dwelling given the application site's location in an Area of High Townscape Value.

The main considerations for Members are the impact of the proposed development on the character and appearance of the area, the living conditions of existing residential occupiers, the standard of accommodation offered for future residents and highway impacts.

### **Principle**

The principle of residential development on the site has been agreed under the Inspector's appeal decision in March 2016.

This application is, therefore, to consider the details in terms of layout, scale and appearance of the proposed dwelling together with the means of access to the site and its landscaping.

### **Character and Appearance**

The site lies within an Area of High Townscape Value. Saved policy D7 of the Local Plan states that within such areas, and sites immediately adjoining, the conservation or enhancement of the local character will be the primary planning aim. In furtherance of this aim, 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.

The proposed dwelling is modern in terms of its design with a flat roof. Concerns have been raised by local residents that this approach is at odds and out of place with the character and appearance of the area and the existing properties within the North Foreland area. It is, however, noted that the individual design of properties within the area varies considerably, with a wide range of styles, proportions and materials. It is, therefore considered that this property would add to the variety that currently exists within the area and it is noted that the proposed dwelling would be constructed of a variety of materials currently found within the North Foreland area (such as slate, glass and timber). No objection is therefore raised to the contemporary approach adopted for the proposed dwelling or its proposed materials.

The proposed dwelling would have a floor area of approximately 210sqm with a small "pool house" proposed measuring approximately 14sqm within the rear garden. The main house would be set in from the application site's northern boundary by 3.5m and from the southern boundary by 2.5m. It would sit just over 21m from the rear of the application site (although the pool house would be located to the rear of the main house). The main body of the proposed dwelling would be set back from North Foreland Avenue by 13.5m although the double garage and cloakroom would project further forward of the main dwelling. This element of the dwelling is single storey with a green roof and would still sit some 5m back from the road. Whilst there are other applications for dwellings in North Foreland Avenue currently under consideration, this application must be assessed on its own merits. With this in mind, it is considered that the degree of separation between the proposed dwelling and

the application site boundaries is comparable with the spaces around other dwellings in the North Foreland Area. It is, therefore, not considered that the proposed dwelling would have an adverse effect on the spacing and openness of the area and would not appear cramped within its boundaries. It is also noted that the proposed development would seek to retain existing landscaping along the boundaries which will help to integrate the proposed dwelling into the area and minimise the impact on the openness of the area.

The main body of the dwelling is 2 storeys in height (approximately 9 metres at its highest point) with a single storey double garage element of approximately 3.5 metres high. Properties within this part of North Foreland Avenue are a mix of single storey, two storey and three storey and it is not considered that the proposed two storey dwelling would be out of keeping with this.

It is, therefore, considered that the proposed dwelling would not have an adverse impact on the character or appearance of the area and the application meets the criteria of saved policies D1 and D7 of the Local plan.

### **Living Conditions**

Concerns have been raised by local residents about the impact of the proposal on their residential amenity.

The overall impact of the 12 additional units was assessed at the outline stage and found to be acceptable. The detailed impact of the proposed dwelling now proposed does, however, fall to be assessed.

The dwelling has been designed with nearly all windows and doors facing to the rear or the front of the property to minimise the any potential for overlooking or other adverse effects on the residential amenity of adjoining occupiers. Given the separation distances between the proposed dwelling and surrounding properties and the changes in level it is not considered that there would be an adverse impact on residential amenity from the proposed dwelling in terms of overlooking, loss of light or creation of a sense of enclosure.

The loss of views from existing properties is not a material planning consideration.

The proposed dwelling is would provide large and rooms with a high level of light and ventilation. It would also be served by off street parking and private residential amenity space which allows for cycle and bin storage. As such, it is considered that the proposed dwelling would provide a good standard of accommodation for residential amenity for future occupiers.

### **Transportation**

North Foreland Avenue is a private road, subject to relatively low speeds. Traffic generation, in relation to the proposed development of 12 dwellings, was accepted (when granted on appeal) as unlikely to have a significant safety on the adopted highway network.

Due to the location of the site, the majority of trips generated by any development will be by car, as the site is not with close proximity of local services and facilities to promote non-car use. The appeal decision which granted the outline consent included a condition 8 that the reserved matters submission should include the provision of areas for 3 off street car parking spaces and manoeuvring and turning spaces for each dwelling. The proposed dwelling has a large drive and a double garage and it is considered that this could accommodate three cars. Cycle parking could be accommodated within the garden serving the proposed dwelling or within the proposed double garage.

Condition 9 of the outline consent required that vehicular sightlines (2.4m by 25m) should be provided for all new junctions and accesses to ensure the safe use of individual accesses within the private roads. The required visibility splays can be achieved and it is considered appropriate that the provision and maintenance of the visibility splays are secured via a condition.

### **Biodiversity**

Biodiversity was considered at length and found acceptable during the consideration of the outline consent which secured the acceptability of 2 residential dwellings. It is not considered that the proposed dwelling, which is the subject of this application, would have any adverse effect on biodiversity in the area as it adheres to the Inspectors appeal decision.

### **Other Matters**

Local residents have stated that there are covenants on the land which preclude the development of garden land. This is not a material planning consideration.

### **Conclusion**

This application is a reserved matters application for the erection of a single dwelling following the grant of an outline planning application for 12 dwellings in 2016. The proposed dwelling is modern in design, but it is noted that there is a wide variety of styles, proportions and design of dwellings on North Foreland Avenue and it is not considered that the proposed design is out of keeping with the character or appearance of the area which is a designated as an Area of High Townscape value. There are good separation distances between the proposed dwellings and the application site boundaries and it is considered that the proposed dwelling would not compromise the spaciousness of the Area of High Townscape Value. The proposed dwelling would provide a good quality standard of accommodation for future occupiers and would not have an adverse impact on the residential amenity of adjoining occupiers, ecology or highways.

It is therefore recommended that members approve the application.

### **Case Officer**

Annabel Hemmings

TITLE: R/TH/18/0498

Project Plot 12 Land Adjacent To Clifftop North Foreland Avenue BROADSTAIRS  
Kent

Scale:

