

**D03**

**F/TH/20/0543**

PROPOSAL: Erection of 3No 3bed and 2No 4bed terraced dwellings with associated parking, bin and cycle stores

LOCATION: Land On North Side Of Waterside Drive Westgate On Sea Kent

WARD: Westgate-on-Sea

AGENT: Mr A Hume

APPLICANT: Coolgrade Ltd Coolgrade Ltd

RECOMMENDATION: Defer & Delegate

Defer and Delegate for approval subject to the satisfactory completion of unilateral undertaking securing the required contribution for mitigation of the impact of the development on the Special Protection Area within 6 months 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 proposed development shall be carried out in accordance with the submitted application as amended by the approved drawings numbered:

29600A\_100 Rev P2 (received 23/04/20), 29600A\_004 Rev P2 (received 23/04/20), 29600A\_110 Rev P3 (received 02/06/20), 29600A\_1000 Rev P4 (received 02/06/20), 29600A\_1001 Rev P4 (received 02/06/20), 29600A\_1006 Rev P2 (received 02/06/20), 29600A\_210 Rev P3 (received 02/06/20), 29600A\_310 Rev P2 (received 02/06/20)

**GROUND;**

To secure the proper development of the area.

3 Prior to the first occupation of the development hereby permitted the proposed access/on-site car parking/servicing/loading/unloading/turning/waiting area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

**GROUND;**

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policies QD03, TP06 and TP08 of the Thanet Local Plan and the advice contained within paragraphs 110 and 127 of the National Planning Policy Framework.

4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND;**

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within paragraph 192 of the National Planning Policy Framework.

5 No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND;**

To ensure a satisfactory external appearance and grouping of materials in accordance with policies HE02 and QD02 of the Thanet Local Plan and the advice contained within paragraph 127 of the National Planning Policy Framework.

6 No development over or above foundations shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND;**

To ensure that the design and appearance of the development is appropriate in accordance with policies HE02 and QD02 of the Thanet Local Plan and the advice contained within paragraph 127 of the National Planning Policy Framework.

7 Prior to first occupation of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND;**

To ensure that the development is compatible with the amenities of the locality in accordance with policies HE02 and QD02 of the Thanet Local Plan and the advice contained within paragraph 127 of the National Planning Policy Framework.

8 The recommendations within section 5 of the submitted Preliminary Ecological Appraisal (LadellWood; November 2019) shall be adhered to during the construction of the

development hereby approved and post development enhancements fully implemented prior to the development's first occupation.

**GROUND;**

In the interests of nature conservation in accordance with Policy SP30 of the Thanet Local Plan and the advice contained within paragraph 170 of the National Planning Policy Framework.

9 No development over or above foundations shall take place on site details of how the development will enhance biodiversity has been submitted to and approved in writing by the Local Planning Authority. These shall include the installation of integrated bat and bird nesting boxes and hedgehog highways along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

**GROUND;**

In the interests of nature conservation in accordance with Policy SP30 of the Thanet Local Plan and the advice contained within paragraph 170 of the National Planning Policy Framework.

10 The first floor side bedroom window in the front/side elevation of the dwelling sited on plot 1 hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity (as shown on drawing numbered 29600A\_110 Rev P3 to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

**GROUND;**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy QD03 of the Thanet Local Plan and the advice contained within paragraph 127 of the National Planning Policy Framework.

11 Prior to the first occupation of any of the dwellings the balconies hereby permitted a privacy screen at a height of 1.8m shall be erected and thereafter maintained.

**GROUND;**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy QD03 of the Thanet Local Plan and the advice contained within paragraph 127 of the National Planning Policy Framework.

12 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND;**

In the interests of responding to climate change in accordance with policies SP37 and QD04 of the Thanet Local Plan and the advice contained within paragraphs 150 and 153 of the National Planning Policy Framework.

## 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

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).

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking 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 located on the northern side of Waterside Drive, Westgate. The site comprises an area that currently provides parking for nine vehicles to the north with a grassed area to the south (slightly raised in comparison to the car parking area to the north). To its southern boundary there is a hedge which extends around the eastern side of the grassed area.

It is surrounded by Sussex Mansions to the west, a late Victorian block of four/five storeys in height which contains flats. St. Mildred's Court, to the east which is of similar height to Sussex Mansions. There is modern development to the north in the form of Beach Court, a block of mostly four storey flats but with a section of five and six storeys in height fronting The Esplanade. To the south side of Waterside Drive are three storey townhouses which are modern in terms of age.

The application site is located within the Westgate Conservation Area, but is not subject to any other site specific designations.

### RELEVANT PLANNING HISTORY

F/TH/04/0012 Erection of a terrace of 3 No three-storey three bedroom dwelling houses with integral garages with adjustments to previously approved parking layout to central courtyard. Refused 30/03/2004 Appeal dismissed

F/TH/02/0220 Variation of landscaping & parking space layout approved under planning consent reference F/TH/99/0654 Refused 19/06/2002 Appeal dismissed

F/TH/02/0219 Erection of two pairs of 3 storey, semi-detached dwellings with associated garages, access and landscaping Refused 19/06/2002 Appeal dismissed

### PROPOSED DEVELOPMENT

The application is for full planning permission for the erection of five, three-storey dwellings: forming a terrace. The properties would be three 3-bed units and two 4-bed units (the dwellings at the eastern end of the site). The terrace of dwellings would have a similar appearance, but not identical; plots 1-3 would have a higher ridge heights than plots 4 & 5 and would be without the projecting box window at ground level, but an area covered by the cantilever first floor projection. All of the proposed dwellings would have a balcony at second floor level on the front elevation and plots 2 to 5 would also have a balcony at this level at the rear.

The dwellings would be served by two parking spaces; located essentially to the north of their respective gardens which would provide for bicycle storage, clothes drying and general amenity space. There is also one visitor parking space to the eastern side of plot 5. The dwellings would be constructed from brick; precise details not given (brick plinth) with render above all the elevations under a slate effect roof. Precise details of the boundary treatments are not known at this time.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2020**

- SP01 - Spatial Strategy - Housing
- SP13 - Housing Provision
- SP14 - General Housing Policy
- SP22 - Type and Size of Dwellings
- SP28 - Protection of the International and European Designated Sites
- SP29 - Strategic Access Management and Monitoring Plan (SAMM)
- SP30- Biodiversity and Geodiversity Assets
- SP35 - Quality Development
- SP36 - Conservation and Enhancement of Thanet's Historic Environment
- SP37 - Climate Change
- SP43 - Safe and Sustainable Travel

HO1- Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
HE01 - Archaeology  
HE02 - Development in Conservation Areas  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking  
TP08 - Freight and Service Delivery

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site.

52 letters of objection have been received. The concerns can be summarised as follows:

- Close to adjoining properties
- Development too high - three storey buildings are too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Loss of light
- Loss of parking
- Loss of privacy
- Overlooking
- Over development
- Strain on existing community facilities
- Extremely dangerous due to no public footway
- Lack of parking for existing residents
- Affect local ecology
- Conflict with local plan
- Inadequate public transport provisions
- Increase in traffic
- Increase of pollution
- More open space needed on development
- Noise nuisance
- Out of keeping with character of area
- Potentially contaminated land
- Concern that representations need to be made whilst residents were in lockdown due to the Covid 19 pandemic
- Loss of outlook and overbearing

- This area should be maintained as a landscaped
- No different to the previously refused schemes
- Development is for personal gain
- Loss of sea view
- Negative impact upon the Conservation Area and adjacent listed buildings
- Access issues for the emergency services if approved Where would waste be put on bin collection day?
- Should an Archaeology survey be carried out?
- More open space needed on development
- Proposal is in a flood zone - 2

**Westgate Town Council:** Objection - the following material planning considerations are sited:

- Overmassing of area
- Conservation area negative impact and in particular the historic value loss
- Loss of privacy and overlooking
- Adequacy of parking/loading/turning
- Loss of visual amenity and landscaping
- Traffic generation

**Westgate-on-Sea Conservation Area Advisory Group:** - object to this proposal for the following reasons:-

This is an already over-developed site. Any further development would be detrimental to the impact of Sussex Mansions, one of Westgate-on-Sea historic Victorian buildings. The area concerned is within the Westgate-on-Sea Conservation Area. Parking in this area is already limited. Planning permission was turned down for a similar development in 2004.

We believe that because of the reasons given above, this planning permission should not be granted.

## CONSULTATIONS

**Natural England:** On the basis of the appropriate financial contributions being secured to the relevant scheme. Natural England concurs with your authority's conclusion that this is suitable mitigation, as such the proposed developments will not have an adverse effect on the integrity of Thanet Coast and sandwich Bay SPA and Ramsar site.

**Environment Agency:** We have assessed this application as having a low environmental risk. We therefore have no comments to make.

**Southern Water:** Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. An informative should be attached to any planning approval relating to connection to the public sewerage system.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**KCC Archaeology:** Thanet is generally rich in archaeological remains and the application site lies in an area of high potential. Significant Roman remains, including tesserae, pottery and building materials have been found on or close to the site during construction of St Mildred's Hotel in 1870. Further rescue excavations were undertaken in 1987 by the Trust for Thanet Archaeology, which identified deep clay deposits just north of the application site, interpreted as in-filling of a stream channel. It is possible that elements of both these investigations would extend into the application site and could be damaged or destroyed by proposed groundworks. I would therefore suggest that as part of any planning consent granted provision is made for a programme of archaeological works by condition.

**KCC Ecology:** We have reviewed the Preliminary Ecological Appraisal and we are satisfied that sufficient information has been provided to determine the planning application - we agree with the conclusions that there is no requirement for specific species surveys.

Section 5 of the report has made recommendations for precautionary mitigation and we advise that if planning permission is granted the recommendations are incorporated into the construction management plan to ensure that they are implemented during site clearance and construction works. We recommend that the condition for a construction management plan specifically references section 5 of the Preliminary Ecological Appraisal (LadellWood; November 2019).

#### Ecological Enhancements

Section 5 of the Preliminary Ecological Appraisal has made a number of recommendations to enhance the site for biodiversity including planting of native species, hedgehog highways and integrated bat and bird boxes. No information has been provided demonstrating that they can be implemented. In addition we highlight the site plans do not demonstrate that there is sufficient space to provide a replacement hedge.

However we accept that some measures can be implemented to enhance biodiversity and therefore we are satisfied that details of the proposed enhancements can be provided via a condition.

#### 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.

**TDC Conservation Officer:** Land on the North Side of Waterside Drive is a vacant plot of land situated within a confined site adjacent to Westgate on Sea East Conservation Area. The existing built form of the area is highly developed presenting a mixture of styles which have been individually altered throughout their history. Pre application advice has been sought regarding this scheme of which will be further analysed through this comment.

Policy HE02 of the Draft Thanet Local Plan 2018 sets out within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.' As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

NPPF guidance section 192 states when determining applications, local planning authorities should take account of (paragraph c) the desirability of new development making a positive contribution to local character and distinctiveness.

The existing built form around the site is one of the main challenges of a scheme like this due to the large amount of varying design prevalent in the immediate environment. Furthermore elements of this design is considered to contribute, at varying levels, to the character and appearance of the surrounding conservation area which encompasses the site. It is vital for the proposed development to somewhat reflect the existing character of the surrounding environment in order for it to cohesively blend with the existing built form. If it was to appear out of place, out of proportion or dominant to the site it impacts the surrounding character negatively ultimately not complying with local and national guidance.

Upon undertaking a site visit it the above was further discussed in detail that for a proposal to work in this location, whilst causing limited impact to the surrounding conservation area, it would need to reflect the existing environment. Looking at the scheme that has been submitted it is clear that there has been an attempt to amalgamate elements of the existing environment through the design proposed, including timber sashes, bay windows, barge board fascias and appropriate materials. There are an expanse of features within the vicinity of the site to choose from due to the existing encompassing built form. These proposed features appear traditional within the scheme as well as appropriate for within the conservation area. Originally it was proposed to use a large amount of glazing within the scheme of which I had concerns, this has since been amended and timber used as balcony balustrading instead, which I believe improves the scheme.

It was noted during the pre application report that we would advise that the scheme attempt to reduce its 'block' appearance where possible in hope to diffuse its stance upon the site.

As well as this it was suggested to step back, or bring forward, sections of the scheme to create a textured elevation which would also assist in softening the development. This approach was incorporated into the proposed design and I believe to some level of effectiveness. A further element suggested was to incorporate a walkway through the site to break up the terrace which was not established. My main concern is the sense of overdevelopment that is created by such a large amount of construction on this small constrained site. As it exists the site remains open and a clear visual gap into the already largely developed waterside drive area. To fill this void, and with a scheme at a substantial number of storeys, creates a block to that visual splay ultimately causing harm to the appearance of the area which would feel restricted and contrived. Reviewing the history on this site an application was refused in 2002 which was for arguably less construction on the land at three dwellings rather than the now proposed five dwellings.

From a heritage perspective the design of this scheme has been sensitively approached with key prevailing features of the area incorporated through an appropriate material palette. However my concern remains that this plot of land is too small to hold the scheme proposed and for that reason it will endeavor to appear over bearing and jarring to the character and appearance of the surrounding conservation area, despite the attempts to amalgamate it to the historic environment. I do not believe that there is a perceivable public benefit to this scheme that outweighs the harm that will be inflicted to the prevailing character of the conservation area whilst also lacking a positive contribution to local character and distinctiveness. This proposal in my opinion does not meet with local or national guidance and therefore I object to this application.

## COMMENTS

This application is brought to the Planning Committee, as the application has been at the request of Cllr. Bambridge and Cllr Ashbee for Members to consider the impact of the proposed development on the character and appearance of the area and its conservation area setting

The main consideration with regard to this application is the consideration of the impact of the proposed development on the character and appearance of the Conservation Area, the residential amenity of neighbouring property occupiers, and highway safety.

## **Background Information**

The area surrounding this particular parcel of land has been developed over the years with the result of creating a comprehensive redevelopment in the form of a courtyard development. Parking and amenity areas formed part of this redevelopment scheme. The ethos behind the previously approved schemes was to create a square enclosed by relatively high density new build and converted apartments appropriate for such a sea front location. The application site would utilise the informal amenity space for the surrounding development and a relatively small section of the car park.

As can be noted from the planning history listed above there have been previous attempts to establish residential development on this parcel of land, all of which have been refused and when appealed they have been dismissed by the Planning Inspector. It is noted that these

decisions are in excess of 16 years old and planning policies have changed within this time at both National and Local level with the replacement of Planning Policy Guidance notes (PPG's) with the National Planning Policy Framework (NPPF) and the Council's new Local Plan.

The 2004 application (three, two storey dwellings) was refused on the following grounds:

"The proposed development, if permitted, would result in a development out of keeping with the originally permitted, and as yet not fully implemented, open landscaped courtyard pattern of development, severely detracting from the character and appearance of the street scene, contrary to Isle of Thanet Local Plan Policy CB1.

The proposed development would result in the loss of passive open landscaped recreation space required to be provided with the comprehensive residential development, now nearing completion to ensure relief from continuous built development, detrimental to the amenities enjoyed by the occupiers of those properties, contrary to Policy H20 of the Isle of Thanet Local Plan."

In dismissing the appeal, the Inspector stated:

" ...The development of sites within sustainable urban areas such as this is encouraged by Government guidance in PPG3. However, the guidance makes clear that the provision of additional housing should not be at the expense of the established townscape and should have regard to the principles of good design and the wider context, which in this case would include the residential development surrounding the site.

In my opinion, the erection of the three houses as proposed would offend the principles of good design encapsulated in PPG3 and also in the earlier PPG1, to which I have made reference above. The houses would impact upon the current openness of the space enclosed by the series of tall buildings which I have described. The siting of the three new houses in the southwest corner of the open area would be unrelated to any of the other buildings and would, to my mind, appear incongruous and out of character with the surrounding area.'

'The area of amenity open space proposed by the approved 1988 layout of 531 sqm would be reduced to 465sqm as a result of the current proposals. In my opinion, this would be adequate to serve the overall development in quantitative terms, given the proximity of the site to the promenade and seafront. Nevertheless, in qualitative terms what is currently a rectangular area would become less effective, given its somewhat convoluted shape and the fact that it would be screened in views from a number of the houses in Waterside Drive and some of the flats in Sussex Mansions. This factor adds weight to my decision upon the principal issues that the scheme is unsatisfactory and contrary to the objectives of good design and layout enshrined in both national guidance and the policies of the Development Plan."

Within the intervening 16 years as detailed above planning policies have changed at both National and Local levels. Of particular relevance at local level is the inclusion of this site within the Strategic Housing Land Availability Assessment (SHLAA) which has fed into the

now adopted Local Plan. The SHLAA suggested that 12 residential units could be accommodated on the site, this is carried forward within Policy HO1- Housing Development.

### **Principle of development**

The principle of residential development of this site has been found acceptable by the fact that the site is allocated for housing development in the current adopted Local Plan 2020 policy HO1. It is recognised that the allocation identifies this site for 12 residential units, a figure more than double what consent is sought for. It is considered that the only way to achieve this type of number of units would be through a scheme that proposed flats.

The main issue for consideration in the determination of this application is therefore the impact of the proposed five dwellings in terms of character and appearance, including impact upon the Conservation Area, residential amenity and highway safety.

### **Character and Appearance / Impact on Conservation Area**

The development is located within a Conservation Area, and therefore the Local Planning Authority must have regard to 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 National Planning Policy Framework (NPPF) paragraph 193 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF goes on to state in paragraph 196 that where a development proposal would 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.

Policy SP36 of the Council's Local Plan - Conservation and Enhancement of Thanet's Historic Environment seeks, amongst other things, to protect the historic environment from inappropriate development, support development that is of high quality design and sustainable development.

Policy HE02 - Development in Conservation Areas seeks to ensure new buildings:

- 1) They respond sympathetically to the historic settlement pattern, plot sizes and plot widths, open spaces, streetscape, trees and landscape features
- 2) They respond sympathetically to their setting, context and the wider townscape, including views into and out of conservation areas
- 3) The proportions of features and design details should relate well to each other and to adjoining buildings
- 4) Walls, gates and fences are, as far as possible, of a kind traditionally used in the locality
- 5) Conserve or enhance the significance of all heritage assets, their setting and the wider townscape, including views into and out of conservation areas
- 6) Demonstrate a clear understanding of the significance of heritage assets and of their wider context

Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design. Policy QD01 relates to sustainable design and sets out that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gasses and have resilience to function in a changing climate. Policy QD02 is a general design policy and sets out that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases.

In terms of the Conservation Area and the loss of this 'gap' site it is considered that it does not represent an important gap within the Conservation Area, as informed by the site's allocation for housing. Therefore the consideration of the loss of this open area has already been made by the Council through the policy-making process.

In terms of accommodating 5 residential units, the layout does not appear cramped within the parameters of the site and in officers' opinion makes efficient use of land (as required by paragraphs 117, 122 and 123 of the NPPF). It is considered to achieve the figure of 12 residential units as suggested by the policy a building containing flats would need to be situated on the site, which would be expected to result in a larger building that would have a greater impact on the Conservation area.

The site lies within a courtyard layout of buildings, as described within the site location section of this report. The buildings in-situ surrounding the site provide a wide variety of ages, scales, masses, materials and densities and make varying levels of contribution to the special character of the Conservation Area.

Amended plans have changed the proposal from that originally submitted with blind windows to the west and east elevation, timber balustrade to balconies rather than aluminum and an obscure window shown to plot 1 bedroom 3 (side facing).

The terrace of dwellings proposed takes reference from the surrounding built form, whilst not seeking to directly replicate any of the buildings that are in-situ. This can be seen for example in the proposed fenestration, gable features and balconies. It is considered that this design approach is acceptable and would add to the diversity of buildings in the locality of the site, whilst reflecting the local vernacular.

The layout is that of a comprehensive type development that encloses the existing square layout, by forming a more continuous built form. The mass of the terrace has been reduced and articulated by having a varied ridge level and providing some differences in appearance in terms of the front and rear elevations. The side elevation would be particularly prominent when approaching from Sussex Gardens, which was of initial concern. This elevation has been provided with blind windows (glazed windows would not be appropriate here due to the relationship with the neighbouring occupier) and decorative timber bargeboards, to provide visual interest. The Conservation Officer notes in her comments that these features appear traditional as well as appropriate to the Conservation Area.

In terms of the scale of the dwellings proposed, a site section plan has been submitted with the application (through the north and east elevations). The height of the buildings does not compete or dominate with the west, north or east (Sussex Mansions, Beach Court or St Mildred's Court) but would be comparable to the dwellings on the opposite side of Waterside Drive. It is therefore considered that this scale is acceptable.

Concern is however, raised by the Conservation Officer about the amount of construction proposed (footprint and number of storeys) on this relatively small and constrained site. Taking into account the views and concerns of the Conservation Officer it is acknowledged that there would be harm to the Conservation Area from the change in the character of this site and presence of development, but this harm is less than substantial, and therefore the proposal falls to be considered under paragraph 196 of the NPPF. Given the allocation of the site for residential development (policy HO1), the reduction in number of units in comparison to the allocation (5 compared to the allocated figure of 12) and the amendments to the design of the terrace of three storey dwellings, it is considered that this harm to the character and appearance of the Conservation is minimised.

### **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.

Policy QD03 of the Local Plan deals specifically with living conditions. This policy states that all new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.
- 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.
- 3) Residential development should include the provision of private or shared external amenity space/play space, where possible.
- 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The amenity of the neighbouring dwellings has been considered and a number of representations objecting to the development have been received from local residents.

The proposed dwellings would be set down at the same level as the existing car parking area, rather than being built on top of the raised grassed away.

Plot 1 would be located 14m to the east of 1 Sussex Mansions gardens, approximately 10m from the hardstanding and 16m of the dwellings opposite nos. 8 & 10 Waterside Drive. There are no proposed windows within the side elevation of plot 1.

Therefore, the proposal is considered at a sufficient distance that it would not materially overshadow any habitable rooms within the existing surrounding dwellings. The balcony to

the front elevation at second floor level would be fitted with a solid 1.8m high timber panel to protect the amenity of residents in Sussex Mansions. The side window within the front box window is annotated to be fitted with obscure glazing. While the dwelling may overshadow some areas of the gardens of Sussex Mansions when the sun is lower in the sky in the mornings. The proposal is not considered to overlook these dwellings or their private amenity space, nor overshadow them to the degree that would warrant a refusal.

Plot 5 would be separated from St. Mildred's Court by a visitor parking bay and the existing vehicular access leading to the existing car parking area and parking area that would serve the proposed dwelling. It would be located a minimum of 15m from the eastern side and the built form of St. Mildred's Court. No windows are proposed within the side elevation of plot 5. The balconies would be fitted within 1.8m high timber panels for privacy. The proposal is considered at a sufficient distance as to not create material overlooking or overshadowing of this dwelling.

The dwellings would be located in excess of 30m from the dwellings that form Beach Court. The proposal is considered at a sufficient distance as to not create material overlooking or overshadowing of these residential units.

The vehicular access remains as currently in situ. Given that this access serves a large parking area, it is considered that an additional use brought about by the provision of an additional 5 dwellings would not result in an unacceptable impact in terms of creation of noise and disturbance.

The proposed development is therefore considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and para 127 National Planning Policy Framework.

In terms of the living conditions of the future occupiers of the proposed dwellings, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Paragraph 127 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms. The proposed dwellings meet all of these criteria in terms of the overall floor space and window provision to habitable rooms and is therefore considered policy compliant.

Doorstep playspace is required for all 2-bed units or more under Policy GI04 of the Thanet Local Plan, along with refuse storage, clothes drying and cycle storage space. Each of the five dwellings has an enclosed doorstep playspace. Although the precise nature of the means of enclosure height and material is not specified. The space is considered to be adequate for the size of dwellings proposed and can easily accommodate clothes drying. Access to the space is provided through the respective dwellings and also from their car parking spaces. The submitted plans show cycle storage space. The doorstep playspace for the units is considered to be acceptable.

It is, therefore considered that on balance, the proposed development would have an acceptable level of impact on the residential amenities of surrounding occupiers and provide a good standard of accommodation for future occupiers in accordance with Local Plan policies QD03, QD04 and GI04 and the guidance of the NPPF.

## **Highways**

Paragraph 108 of the NPPF says that in assessing applications for development it should be ensured that:

Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;

Safe and suitable access to the site can be achieved for all users; and

Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The proposal would be served by an existing access which currently serves the parking area which is privately owned and managed by the applicant. The agent has confirmed that it is non-allocated parking and serves apartments that are owned and rented out by the applicant.

Each proposed dwelling is afforded two allocated parking spaces together with one visitor space. The number of spaces per dwelling is considered acceptable given that the dwellings are three and four bedrooms. There is considered to be adequate turning provision it is also recognised that this area for the allocated parking is currently used for parking. Cycle parking would also be provided to serve each proposed dwelling.

Given the nature of the proposed development it is unlikely to result in an increase in the demand for parking, it is not considered that the proposal will result in significant material harm to the local highway network or highway safety, in accordance with Policy TP06 of the Thanet Local Plan and the NPPF.

## **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.



A draft Unilateral Undertaking for the required financial contribution of £2,332 for the proposed three number 3 bedroom and two number 4 bedroom residential units to mitigate the additional recreational pressure on the SPA area has been received and is currently in the process of being finalised to comply with policy SP29.

## **Other matters**

### *Ecology*

The NPPF states at paragraph 170 that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF then states at paragraph 175 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." Policy SP30 of the Local Plan states that development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets.

A preliminary Ecological Appraisal accompanied the planning application. KCC Ecology has reviewed this and confirmed there is no requirement for specific species surveys. They do recommend conditions to secure the precautionary mitigation recommendations are incorporated into the construction management plan to ensure that they are implemented during site clearance and construction works and a condition relating to enhancements for biodiversity

### *Archaeology*

KCC's Archaeology officer has raised the potential for archaeology on the site, and has recommended that a programme of archaeology works should be secured prior to any development of the site occurring. This condition has been agreed.

### *Third party concerns*

It is confirmed that the site is not within a flood zone, furthermore, no objection has been raised by the Environment Agency- who deal with flood risk issues.

Concerns have been raised by local residents that the proposed dwelling would result in disturbance during any construction period and strain on existing community facilities. Each of these points will be considered in turn.

It is acknowledged that, there may be some disruption during the construction of development granted planning consent, this disruption is generally for a short period of time and controlled through the Control of Pollution Act (COPA) 1974, separate from planning legislation. .

It is also confirmed that there is no right to a view in planning terms, and the impact on neighbouring properties has been considered above.

## **Conclusion**

The application represents residential development of a site allocated for housing in the Local Plan and accordingly the principle of development on this site is acceptable. The development will contribute towards the Council's housing target providing social and economic benefits which weigh in favour of the development

The application, as amended, is now considered to be of appropriate scale and design and now takes sufficient reference from the local character of the surrounding townscape. It accords with the provisions of the NPPF and Local Plan Policies SP35 and QD02 in this regard. Further, the proposed residential development adequately responds to its local setting in a sensitive or sympathetic manner in terms of scale and massing, having due regard to Policy HE02.

The development, as amended, is considered to be of suitable quality, it is acknowledged to have some harm upon the character and appearance of the Conservation Area but not substantial, given the allocation of the site for residential development (policy HO1), the reduction in number of units in comparison to the allocation (5 compared to the allocated figure of 12) and the amendments to the design of the terrace of three storey dwellings.

Matters pertaining to residential amenity, highway safety, ecology are considered acceptable subject to condition.

Overall the harm to the Conservation area is considered to be outweighed by the public benefits of the provision of housing on this allocated housing site, subject to safeguarding conditions, and therefore the application is recommended to be deferred to officers for approval subject to the agreement of the unilateral undertaking to secure the SAMM contribution and safeguarding conditions.

## **Case Officer**

Gill Richardson

TITLE: F/TH/20/0543

Project Land On North Side Of Waterside Drive Westgate On Sea Kent

