

**D09**

**F/TH/20/0575**

PROPOSAL: Erection of 4No. two storey 4bed detached dwellings with associated access, parking and landscaping

LOCATION:

Green Lawns 16 Sowell Street BROADSTAIRS Kent CT10 2AT

WARD:

St Peters

AGENT:

Mr Daniel McCarthy

APPLICANT:

Mr Laurence Waitt

RECOMMENDATION:

Defer & Delegate

Defer and Delegate for approval subject to the satisfactory completion of unilateral undertaking within 6 months securing the required planning obligations as set out in the report 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 and the approved drawings numbered 02 E (received 12/01/21), 04 A (received 30/07/20), 05 A (received 30/07/20), 06 A (received 30/07/20), 07 A (received 30/07/20), 08 A (received 30/07/20), 09 A (received 30/07/20) and 10 (received 07/01/21).

**GROUND;**

To secure the proper development of the area.

3 Prior to above ground works of the dwellings hereby approved, details and manufacturer's specification of the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

4 The first floor ensuite windows in plots 1 & 4 hereby approved shall be non-opening below 1.73m above the finished internal floor level, shall be provided and maintained with obscured glass to a minimum level of obscurity 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 residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

5 The implementation of ecological enhancements as detailed within Section 4.10 of the submitted ecological report shall be carried out concurrently with the development and thereafter retained.

## **GROUND**

To incorporate biodiversity improvements in accordance with paragraph 175 of the National Planning Policy Framework.

6 Prior to the commencement of works hereby permitted (including demolition and site clearance), an Arboricultural Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The method statement shall include details of the tree protection measures during construction (to accord with BS 5837 2012), works to be carried out within the root protection areas; a scheme for auditing tree protection during construction and subsequent reporting of this to the Local Planning Authority, and construction details of any hard landscaping within the root protection areas of the trees identified for retention on plan 2338/15/B/2D. The development shall be carried out in accordance with the approved details and methodology.

## **GROUND**

To protect existing protected trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

7 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, to include consideration of the impact of proposed materials on trees identified for retention.

- 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 QD02 and GI04 of the Thanet Local Plan

8 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the 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 and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

9 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes.

#### **GROUND**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

10 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**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

11 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 and should be carried out in accordance with the approved details.

- (a) Parking and turning areas for construction and delivery vehicles and site personnel
- (b) Timing of deliveries
- (c) Temporary traffic management / signage
- (d) Measures to control noise affecting nearby residents
- (e) Dust control measures

#### **GROUND**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

12 The area shown on the approved plan numbered 02E 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**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

## SITE, LOCATION AND DESCRIPTION

The application site is located on the eastern side of Sowell Street, Broadstairs. The site also has part of the rear boundary directly fronting onto Crawford Road. The site was garden land associated with a property known as Green Lawns (to the north of the site boundary). At present the land is grassed (overgrown) with vegetation and trees mainly around the perimeter of the site. Three trees on site are covered by an area Tree Preservation Order (B/TPO/2(1974)A1). The site is enclosed to Sowell Street by a red brick wall.

## RELEVANT PLANNING HISTORY

F/TH/17/0572 Erection of 3 No 4-bed dwellings. Granted 13.09.2017

F/TH/09/0505 Erection of 8 no dwellings with associated parking and landscaping works. Refused 18/08/2011. Appeal Dismissed

## PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of four detached dwellings within the site. The dwellings would be set back from the Sowell Street frontage by approximately 20m.

Units 1 and 3 are two storey with a hipped roof (clay roof tiles), and a feature gable to the front and rear which projects slightly forward of the rest of the dwelling. The dwelling has a mock tudor style to the upper floor. The ground floor is proposed to be constructed of red stock brick. The dwelling has four bedrooms on the first floor.

Units 2 and 4 have a similar appearance to unit one, although the gable elements are handed and instead of a mock tudor style to the first floor tile hanging is incorporated.

In terms of vehicular access, an existing vehicular access would be utilised. Each dwelling would have two car parking spaces.

A Tree Survey is submitted with the application (March 2020). This details report recommends trees 1 and 3 to 16 will be removed. Following negotiations the trees along the frontage have been retained (trees 1-15)

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

- SP01 - Spatial Strategy - Housing
- SP13 - Housing Provision
- SP14 - General Housing Policy
- SP27 - Green Infrastructure
- 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  
SP43 - Safe and Sustainable Travel  
H01 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

### **Broadstairs Neighbourhood Plan**

BSP3: Protecting and Providing Important Trees  
BSP9: Design in Broadstairs & St. Peter's  
BSP12: Full Fibre Broadband Connections

### NOTIFICATIONS

Letters were sent to adjoining occupiers, and a site notice posted close to the site. Five representations were received in relation to the initial plans. The concerns can be summarised as follows:

- Affect local ecology
- Increase of pollution
- Out of keeping with character of area
- Over development
- Loss of roadside trees
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Information missing from plans
- Not enough info given on application
- Over development
- Traffic or Highways
- Boundaries between properties not clearly defined
- Potential overlooking
- Noise Nuisance
- Could access not be through Crawford Road?
- Conflict with local plan
- Out of keeping with character of area

Further comments on revised plans (one representation):

- Information missing from plans
- Not enough info given on application in relation to trees and root protection areas

**Broadstairs Town Council:** *Initial comments* - The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend REFUSAL with the following concerns: Loss of healthy, mature trees and damage to ecology.

The Committee request that Kevin Pressland, Thanet District Council Tree Officer, Town Council Volunteer Tree Warden, Karen Mackenzie and the St. Peter's Ward Councillors undertake a site visit with the developer to review whether the application could be modified to make it more sensitive to the environment.

*Further comment* - The Planning Committee of the Town Council has considered this amended application and resolved unanimously to recommend NO OBJECTION with the following concerns:

Lack of planning for protection of trees during the build. Request that TPO's are made for the trees already in place and a condition required that the developer replaces trees if they die within 10 years of the development. No TDC Tree Officer report uploaded to the Planning Portal.

**Broadstairs Society:** Initial comments - Objects to this proposal on the Grounds of Habitat Loss (policy QD02) and not in keeping with the local area. Additional concern is raised in relation to:

- Affect local ecology
- Increase in traffic
- Over development
- Strain on existing community facilities
- Traffic or Highways

## CONSULTATIONS

**KCC Highways:** Non-protocol application and therefore no comments to make.

**Environmental Health:** Given the proximity to a number of sensitive receptors I would recommend a construction environmental management plan is attached to any consent granted.

**KCC Ecology:** *Initial comment* - No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development.

Habitats and features (including buildings, trees, rough grassland and shrubs,) are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines - the PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the PEA report, or, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought as part of the planning application. This is in accordance with paragraph 99 of 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 decision". An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". We advise that Thanet District Council should seek to ensure that ecological enhancement measures are delivered within the proposals, with the applicant's ecological advisor providing site-appropriate recommendations in the submitted ecological reports.

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.

*Further comment* - We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements is attached. Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

#### Statutory 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.

#### Protected Species

We have reviewed the submitted Preliminary Ecological Appraisal and we are satisfied with the conclusions. In summary:

#### Bats

No bats nor signs of bats were found during the internal/external inspection of the garages. They were judged as offering negligible suitability for roosting bats, being of single skin construction with no suitable cavities. Therefore, we are satisfied that no further surveys or mitigation is required for roosting bats.

#### Breeding Birds

Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, then mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged. Whilst we agree that a full breeding bird survey will not be necessary due to the size of the site, a precautionary mitigation methodology should be adhered to prevent any offences being committed. We advise that a planning informative is attached to any granted planning application.

#### Other Protected Species

We are satisfied with the assessment as outlined for reptiles, badgers, dormouse, and amphibians which are considered to be likely absent.

#### Protection of retained habitats.

We advise that all hedgerows and trees to be retained within the proposed development shall be protected during construction in line with standard arboriculture best practice (BS5837:20121) and in line with any submitted arboriculture report. This will involve the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees / hedgerows.

#### 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. Suggestions have been made in Section 4.10 of the submitted ecological report and we advise that these are implemented. We advise that measures to enhance biodiversity are secured as a condition of planning permission, if granted. This is in accordance with Paragraph 175(d) of the NPPF "opportunities to incorporate biodiversity



improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity".

**Natural England:** Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that

site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

**Tree Officer:** *Initial comments* - The plan that indicates all the trees are for removal and this is unacceptable because they provide a high Amenity Value along the nearby road and local residential properties they are of high stature and beauty and the canopies intermingle together beautifully. All trees should be retained and any works should only 'Fill in Around Trunks' only with the tree butts current levels with the existing ground.

The Ash T16 has a lovely shape and form and is in good health and has high amenity value as it is overlooked by nearby residential houses and can be seen from the nearby road, it should be kept.

*Further comment* - It's good to see the existing trees are being retained. However there is one existing tree that is not included and that is the Ash identified in the previous plan as 16B. This is a healthy semi mature Ash on the boundary that will not impact the buildings apart from some shade in the longer term. I would recommend this tree also be retained.

Relating to the soft landscaping proposed under the existing trees to be retained as specified. This looks like pavements? My question and concern is that pavements should not go up to the tree butts. There should be soil with surface mulch and ideally low planting underneath so water penetrates, I appreciate pavements will let a degree of water through but a clear reduction in moisture/rain getting to the wide root zone of these trees and with the increasing periods of hot weather we are and will experience could impact the trees negatively long term

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

**Southern Water:** *Initial comment* - The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised.

- The 600 mm public combined trunk sewer requires a clearance of 3.5 metres on either side of the trunk sewer to protect it from construction works and to allow for future access for maintenance. No development or new tree planting should be located within 3.5 metres on either side of the external edge of the public combined trunk sewer.
- The 300 mm public combined sewer requires a clearance of 3 metres on either side of the trunk sewer to protect it from construction works and to allow for future access for maintenance. No development or new tree planting should be located within 3 metres on either side of the external edge of the public sewer.
- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public combined sewers.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting.

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.

Southern Water requires a formal application for a connection to the public combined sewer to be made by the applicant or developer. We request that should this application receive planning approval, an informative is attached advising that consent is required.

Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. Discharge of surface water runoff to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted and at the discharge rates agreed with Southern Water as not introducing detriment to downstream network. Foul and surface water onsite network shall remain separate until the boundary of the site or final connection to public sewer.

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

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.

Further comment - The submitted drawing (02-C) shows 3 meters protection easement on either side of the 300mm public combined sewer which is satisfactory to Southern water.

**Natural England:** On the basis of the appropriate financial contributions being secured to the relevant scheme. NE 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.

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr Garner due to concerns that the development would represent an over development of the site, out of keeping with the area and the unnecessary removal of healthy trees and effect on local ecology.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers, the impact upon highway safety and impact upon trees and ecology.

### **Principle**

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The site is located within the urban confines, although not previously developed land within close proximity of existing facilities and services. The principle of residential development on the site accords with Policy H01 of the Thanet Local Plan.

Given the location of the application site within the urban confines, and the previous consent to develop the site for housing, which is a material consideration, the proposed development is considered to be acceptable in principle, subject to the assessment of all other material planning considerations.

### **Character and Appearance**

Paragraph 127 of the 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 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 place that are safe, inclusive and accessible. 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.

Number 16 Sowell Street, which this land was its associated curtilage, is two storey in height with gable features. The dwelling's principal elevation faces south rather than west (facing Sowell Street).

The area is mixed in terms of residential character, Sowell Street has a rural feel to it, with significant landscaping and detached properties set back from the road, whereas Crawford Road is more suburban in character, with a mixture of detached, semi-detached houses and bungalows fronting the street.

The application site is currently enclosed to Sowell Street by an existing brick wall and recessed gate opening towards the southern end of the application site. The boundary wall continues to number 14 Sowell Street.

Since the original submission of the application the plans have been revised to include a reduced depth to dwellings on plots 1-4 and positioned further west to create a deeper private amenity space. The height of the proposed dwellings are considered to be in keeping with the surrounding area, being a mixture of two and single storey. The dwellings have a greater depth in comparison to their width, enabling clear visual gaps between the proposed dwellings.

The front gable projection to each dwelling will break up the bulk of the building, and the combination of siting and materials will reduce their prominence in the street-scene. The garden areas are sufficiently large and, given the dwelling to plot ratio and the extent of the garden area, the proposal is not considered to be a cramped form of development or overdevelopment of the plot. The proposal will also retain the existing front boundary wall which contributes to the character of the area. The overall impact in the street-scene on Sowell Street is considered to be acceptable.

In regard to the impact on the development from Crawford road, the simple form of the proposed dwellings, together with the separation distance between properties, will mean the proposal won't appear incongruous in the street scene or result in significant harm to the established form and character of the area.

The proposal is therefore considered to be acceptable in terms of the character and appearance of the area, in accordance with Policies SP35, QD01 and QD02 of the Thanet Local Plan and the National Planning Policy Framework. Furthermore the proposal is considered to comply with the policies set out within the Broadstairs Neighbourhood Plan

## **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 properties directly adjacent to the development are 4 Crawford Road and 16 Sowell Street. The dwelling proposed to be located adjacent to 4 Crawford Road has a similar depth of that property and located at an angle to this property; the distance of separation varying between approximately 5- 7m between built forms. Given this distance I consider plot 1 would not have any impact in terms of loss of light, outlook or sense of enclosure. There is one window proposed in the first floor facing this property, serving a non-habitable room (en-suite), this can be conditioned to ensure it is provided and maintained with obscure glazing and shall be non-opening below 1.73m above the finished internal floor level. On this basis there is, therefore, no potential for overlooking or subsequent loss of privacy.

With regard to the impact upon 16 Sowell Street, the proposed development is located to the rear and side of this dwelling at the closest point being approximately 6 metres away. The proposal will not have any significant impact in terms of loss of light, outlook or sense of enclosure.

In terms of windows there is one first floor window serving an en-suite, a non-habitable room. The use of obscure glazing to this window can be secured by condition to ensure there is no potential for overlooking or subsequent loss of privacy. It is also recommended that this window shall be non-opening below 1.73m above the finished internal floor level. Whilst there are windows in the rear elevation these will not be directly overlooking the private garden area of no. 16 Sowell Street.

To the rear of the site is St. Joseph's Catholic Primary School and dwellings located on the opposite side of Crawford Road, given the degree of separation I consider that no material harm will occur to either the school nor houses on the opposite side of the road.

The proposed development is therefore unlikely to impact upon the living conditions of the occupiers of neighbouring dwellings. 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.

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 proposed dwellings has an enclosed doorstep playspace which is reasonably sized.

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. Conditions would be imposed to ensure that the development achieves a water efficiency standard of 110litres/person/day and energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes as required by policies QD01 and QD04 of the Thanet Local Plan.

## **Transportation**

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.

Parking standards require two independently accessible parking spaces for four bedroom units and cycle storage provision. The proposal accords with these requirements, provisioning two spaces at the front of each dwelling by utilising the existing vehicular access into the site. Whilst not ideal as this is an existing vehicular access and it is considered material harm would not occur. Secure cycle and bin storage is annotated on the plans, and is easily accommodated within the garden area. On this basis there is no objection to the proposed development on the grounds of highway safety

The impact upon highway safety is therefore considered to be acceptable.

## **Trees**

The site contains a number of trees covered by a Tree Protection Order (TPO) (under reference B/TPO/2(1974)A1). The Order covers the entire site for those trees that were present in 1974. Paragraph 4.1 of the Tree Survey carried out March 2020, stated that "The proposal is to construct four dwellings with access using the southern entrance to the site from Sowell Street. The existing wall on the Sowell Street frontage will be retained in the proposals. As recommended, trees 1 and 3 to 15 will be removed. Tree 16 will also be removed. The details of the construction following BS5837:2012 are shown on plan 2338/15/B/2C. All the tree protection fencing will be erected before work starts on site and this will ensure that the trees are properly protected during construction and will not be affected by these works." A total of the 15 trees of the 16 trees currently on site were proposed to be removed. Following concerns expressed by the officer the agent has confirmed that all trees will be retained.

In addition since concerns were raised about the impact of hard surfacing on the root protection areas of the retained trees, the site block plan has been amended (02E) to show remove the reference to any hard surfacing material pending the outcome of further assessments to ensure that the root protection areas of the trees to be retained are taken into account. A condition would be added to any permission requiring an arboricultural method statement to be submitted for approval prior to clearance and construction, to include details of protection to trees during construction and impact on root protection areas from any hard surfacing (with the precise materials to be agreed at condition stage).

## **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."

Initially no ecological information accompanied this application. However upon request additional ecological information (Preliminary Ecological Appraisal) was provided. KCC Ecological Advice Service have advised that they have no objection to the proposal, based on this report as no bats nor signs of bats were found during the internal/external inspection of the garages. The buildings were judged as offering negligible suitability for roosting bats, being of single skin construction with no suitable cavities. In terms of removal of vegetation it is considered reasonable that this should be carried out outside of the bird breeding season, and this can be addressed through an informative to any granted planning application.

KCC recommends a condition to secure the implementation of ecological enhancements as detailed within Section 4.10 of the submitted ecological report. This is considered appropriate in accordance with Policy SP27 of the Local Plan.

## **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 on the basis of an Appropriate Assessment carried out in relation to the proposal.

This application includes a draft Unilateral Undertaking which provides the required financial contribution for the 4no four bed residential units (£530 x 4) to mitigate the additional recreational pressure on the SPA area. Clarification on a number of points is being sought at the time of writing this report.

### **Other matters**

Given the proximity to a number of sensitive receptors Environmental Health recommend a construction environmental management plan is provided prior to the commencement of any works on site. This condition has been agreed with the applicant to manage potential noise/disturbance.

### **Conclusion**

The principle of development is acceptable, and the proposed dwelling would not cause significant harm to the form and character of the area or to neighbour amenity or highway safety.

The proposal therefore complies with policies of the Thanet Local Plan, the provisions of the National Planning Policy Framework (2019), and the policies within the Broadstairs Neighbourhood Plan. It is therefore recommended that planning permission be deferred subject to an acceptable Unilateral Undertaking being submitted.

It is therefore recommended that Members defer the application subject to safeguarding conditions.

### **Case Officer**

Gill Richardson



TITLE:

F/TH/20/0575

Project

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