

D06

F/TH/21/0144

PROPOSAL: Erection of 2No two storey 3-bed semi-detached dwellings

LOCATION: Land Rear Of 4 To 10 Station Road BIRCHINGTON Kent

WARD: Birchington South

AGENT: Hume Planning Consultancy Ltd

APPLICANT: Mr Dickinson and Mr Retallick

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 P01 Rev D (received 11/05/21), P02, P03, P04, P05 and P06 Rev B (received 11/05/21).

GROUND

To secure the proper development of the area.

3 Prior to the construction of the external surfaces of the development hereby approved samples of the materials, including flint panels, roof slates, brick work and sills to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

GROUND

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

4 Prior to the installation of any external windows and doors, joinery details at an appropriate scale of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

GROUND

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with advice contained within the National Planning Policy Framework.

5 Prior to the installation of the rainwater goods, details including the material and a sectional profile shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall be installed in accordance with the approved details.

GROUND

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with advice contained within the National Planning Policy Framework.

6 No development shall take place until details of the means of foul drainage have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND

To protect the district's groundwater, in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

7 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- the treatment proposed for all hard surfaced areas beyond the limits of the highway
- 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, neighbour amenity and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

9 Prior to the commencement of development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

The development shall be carried out in accordance with the details as agreed.

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.

10 Prior to the construction of the development a highway condition survey for highway access routes shall be undertaken and submitted to the Local Planning Authority. Following the construction of the development, a further highway condition surveys for highway access routes shall be undertaken and submitted to the Local Planning Authority with full details of works to rectify any damage caused by construction vehicles related to the development. The works as agreed shall be carried out prior to the first occupation of the dwellings hereby approved.

GROUND

In the interests of highway safety, in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

11 Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the first occupation of the dwellings hereby approved.

GROUND

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

12 No further hardstandings (other than shown on the approved plans) whether approved by Schedule 2 Part 1 Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

GROUND

In the interests of highway safety, in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

13 Prior to the commencement of development, a non-native species plan will be submitted to, and approved by, local planning authority. The plan will detail the containment, control and removal of the non-native species identified in the Preliminary Ecological

Appraisal (Native Ecology July 2020). The measures shall be carried out in accordance with the approved plan.

GROUND

To protect against invasive species and in the interest of improving biodiversity in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the National Planning Policy Framework.

14 From the commencement of works (including site clearance), all precautionary mitigation measures for hedgehogs will be implemented in accordance with the details contained in sections 9.6 and 9.7 of the Preliminary Ecological Appraisal (Native Ecology July 2020).

GROUND

In order to safeguard protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and advice as contained within the NPPF.

15 Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section of the Preliminary Ecological Appraisal (Native Ecology July 2020). The approved details will be implemented and thereafter retained.

GROUND

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

16 The glazing to be installed in the windows of bedroom 3 of unit 1 shall be fitted with acoustic glazing (or other agreed type) and acoustic trickle vents. These measures should be maintained for the life of the development.

GROUND

To safeguard the residential amenities in accordance with Policy QD03 of the Thanet Local Plan.

17 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.

18 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.

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

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

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. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

SITE, LOCATION AND DESCRIPTION

The application site relates to land to the rear of nos. 4-10 on the southern side of Station Road, Birchington. The site is accessed between nos. 10 and 12 Station Road (Village Bakery and Funky Divas), by an unmade track. At the present time the site has an unkempt

appearance and has two existing buildings at the western end of the site, one is constructed in flint and brick work with a corrugated roof the other is a timber shed.

To the northern side of the site is the back of properties that front Station Road, these predominantly have commercial at ground floor and residential above. To the western side of the site is Alma Cottages. The site is bounded to the church - All Saints Parish Church, by an existing brick wall (southern boundary of site). This building is listed (Grade II *). Furthermore the southern (rear) and western boundary of the site abuts the Birchington Conservation Area.

RELEVANT PLANNING HISTORY

F/TH/15/0646 Erection of 1no. two storey dwelling with associated parking and access
Granted 15.10.2105

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of 2no two storey 3 bed semi-detached dwellings.

The proposed dwellings are positioned so that they have a staggered front elevation - forming a z shape. The dwellings do not have identical front and rear elevations - one having a gable to the front (unit 1) and other flush (unit 2), however, the rear elevation is the opposite unit 1 being flush and unit 2 with the gable projection. The proposed properties both have chimney detailing to the roof and also brick arches and quoins. The plans indicate that the materials to be used in the construction would be blue/grey slates, flint panels, stock bricks and white timber doors and windows. Each dwelling would comprise a hall, WC, utility room and open plan kitchen/living area on the ground floor with 3 bedrooms and a bathroom on the first floor.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP01 - Spatial Strategy - Housing
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
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
HE02 - Development in Conservation Areas
HE03 - Heritage Assets

TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

Four representations were received (two representations from one resident). The concerns raised can be summarised as follows:

- Close to adjoining properties
- Development too high
- Inadequate access
- Inadequate parking
- Increase in traffic
- Increase of pollution
- Loss of light
- Loss of privacy
- Loss of parking
- More open space needed on development
- Noise nuisance
- Not enough info given on application
- Out of keeping with character of area
- Strain on existing community facilities
- Traffic or Highways
- Concerns about the state of the access
- Access not owned by the applicants
- Development will breach a covenant
- Not acceptable or in keeping with the conservation area
- Concern about fire safety
- Affect on ecology
- Loss of church views
- Concerns where site notice posted (Station Road)
- Impact on residents who have disabilities

Birchington Town Council: A request will be made for the application to be called in.

CONSULTATIONS

Historic England: On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Environment Agency: We have not received any information on the foul drainage proposed for this development.

Drainage may be restricted in a source protection zone or over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible. If alternatives are being explored the developers should check the .Gov website for Binding Rules information for small scale non mains discharges. Submissions to the LPA should include all relevant information on foul drainage proposals.

Developments where there is available connection to foul sewer cannot generally use non mains drainage.

We would require details of all proposed foul and surface water drainage to be clarified and submitted with this application. Otherwise we would seek a foul drainage strategy condition.

Southern Water: 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 175mm and 225mm diameter gravity foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

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 foul sewer to be made by the applicant or developer.

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.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

KCC Highways: Final comments - Further to my previous comments dated 22nd March on the above planning application and additional consultation I am satisfied with the plans as now presented, which is a proposal for a car-free development. Given the issues previously raised with the access and the highly sustainable nature of the site, I would consider this arrangement to be appropriate. I can therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority.

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management /signage

Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.

Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

Removal of permitted development rights to prevent the future creation of hard standing areas to the front of the properties for the purpose of vehicle parking serving the dwellings.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

Initial Comments - I note that although the application land is currently used for informal parking, this is not a trip generator in its own right, as opposed to the proposed dwellings. I therefore recommend that this application be refused on highway grounds for the following reason(s) -

The pedestrian visibility available over land within the applicants and/or the highway authority's control is insufficient for the development proposed, to the detriment of highway safety.

The proposals will result in an increase in use of the existing sub-standard access which also precludes the two-way movement of vehicles, to the detriment of highway safety.

The road providing access to the site is not of the condition nor maintained to the standard necessary to accommodate the volume and type of traffic likely to be generated by the proposed development.

Whilst I have objections to the current proposals in respect of highway matters it may be possible to overcome those objections if the following amendments were made -

The development offered as a car-free development owing to its highly sustainable location, with proximity to shops, services, schools, employment and public transport.

KCC Ecological Advice Service: We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided.

Whilst we consider a lighting condition (for foraging and commuting bats) excessive for this application, as recommended in the report, consideration should be given to light spill regarding the southern boundary of the site.

Thanet and Canterbury SAMMS

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 Strategy (SAMMS) 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 SAMMS there is a need for an appropriate assessment to be carried out as part of this application.

Invasive Species

Virginia creeper, an invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act (WCA) 1981 (as amended), has been identified as present on-site. As it is an offence to introduce, plant or allow the spread of any Schedule 9 species, the report recommends that measures should be taken to remove this species from site.

To secure compliant removal of this species, we advise that a condition is attached to any granted planning permission. Suggested wording:

Prior to the commencement of development, a non-native species plan will be submitted to, and approved by, local planning authority. The plan will detail the containment, control and removal of the non-native species identified in the Preliminary Ecological Appraisal (Native Ecology July 2020). The measures shall be carried out in accordance with the approved plan.

Hedgehogs

As a priority species (under the NERC Act 2006) with the potential to be on-site, the report has recommended that precautionary mitigation measures are enacted for hedgehogs. This includes carefully removing dense vegetation and providing escape from/coverings of excavations overnight during construction.

To secure these measures for hedgehogs, we advise that a condition is attached to any granted planning permission. Suggested wording:

From the commencement of works (including site clearance), all precautionary mitigation measures for hedgehogs will be implemented in accordance with the details contained in sections 9.6 and 9.7 of the Preliminary Ecological Appraisal (Native Ecology July 2020).

Breeding Bird Informative

Habitats are present on and around the site that provide opportunities for 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, mitigation measures need to be implemented during construction. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent:

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. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. The ecology report recommends suitable enhancements, such as native planting and provision of bird/bat boxes.

To secure the implementation of enhancements, we advise that a condition is attached to any granted planning permission. Suggested wording:

Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section of the Preliminary Ecological Appraisal (Native Ecology July 2020). The approved details will be implemented and thereafter retained.

TDC Conservation Officer: Land Rear to 4 - 10 Station Road is a small site behind the main commercial thoroughfare of Birchington, which is currently somewhat ill maintained and

unused. Although not directly cited within Birchington Conservation Area it is adjacent to it as well as also neighbouring the Grade II* All Saints Church.

Thanets recently adopted Local Plan, policy HE02, states 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."

Under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 1 states "when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

This application is for the construction of two dwellings upon the proposed site. Previously an application was authorised for the site, reference F/TH/15/0646, which was for one singular dwelling. The site as it currently exists is poorly maintained and cluttered with a variety of waste items.

The scale of the proposed dwelling is reflective of the application which had already received approval, as well as the neighbouring terrace Alma Cottages. This approach of matching the scale of the existing built form of the street scene assists somewhat in its effective incorporation without appearing out of place. The scale is also somewhat subservient to that of the houses fronting Station Road itself.

The design of the proposed is that of a more traditional influence with the use of sympathetic materials which would be expected within the conservation environment. Originally in 2015 a more contemporary design approach was taken initially, this was adapted before it was approved to be more reflective of the traditional environment too. Although not directly cited within the conservation area, this approach further assists in improving any perceivable views to the surrounding environment, again improving its successful integration. Given the constraints of the site and its confined access abilities I believe that this is a much more effective approach rather than that of a contemporary nature. Overall I would consider that there is reduced impact to the neighbouring conservation area caused through this application and that appropriate materiality and design have been proposed to reduce the harm here where possible.

I do however consider there to be a somewhat greater level of impact caused to the nearby Grade II* listed church given that this proposal is sited directly adjacent to its boundary wall and whilst being somewhat visible to its setting. This is largely caused through the general presence of the development and that it will be visible from within the church grounds. It would also be in filling a void that otherwise would have been empty space, as far as evidence suggests has not ever been substantially constructed upon. That being said, as mentioned above the area as it currently exists is of general poor maintenance, and although not developed structurally, still appears poor and somewhat neglected. The implications from

this development are imposed to the rear of the church site and do not impact its approach and fronting visual splays, or the views of its front or side elevations. It is not until the site is circulated through that the proposed scheme will be visible and therefore I do not consider its setting to be substantially negatively affected.

Overall I consider this application to be one of balance in terms of positive impacts outweighed by negative implications of the proposed semi detached development. The scheme will most definitely be visible from within the church grounds, somewhat altering the setting of the listed asset. However I would be of the opinion that mitigation measures have been made to reduce this harm where possible through the appropriate use of scale, design and materiality. The existing boundary wall is being retained through the development and no substantial harm is being caused to the setting of the nearby listed asset. Therefore I believe that the proposed scheme meets with national and local guidance and I do not object to the application proposed.

If this application was to be authorised the following should be met with condition -

Any details of proposed landscaping or hardstanding should be provided

Details of proposed windows and doors should be met through scaled drawings

Details of flint panels, roof slates, brick work and sills should be provided through samples.

Details of rainwater goods or drainage materials should be provided

TDC Environmental Health: The application is to build two dwellings on a piece of redundant land to the rear of Birchington HighStreet (Station Road).

When visiting the site my only concern is the planned development's proximity to the rear garden of 2 Station Road Birchington. This appears to be a garden (No.2) connected to a hospitality use and has the benefit of a premises licence under the licensing act 2003. The licence itself runs until midnight. To protect the amenity of the new occupant of the planned development I request the following measures.

Firstly, the boundary between the planned development and the garden of No.2 Station Road is to be separated by a 2 metre close-boarded fence (or other agreed barrier). This should be erected before occupation of the planned development and maintained for the life of the development.

Secondly I request that the glazing in the windows of bedroom 3 of unit 1 are fitted with acoustic glazing (or other agreed type) and acoustic trickle vents are also fitted to that window. These measures should be maintained for the life of the development. This window in particular will face onto the garden of No.2 at close quarters more than any other and so requires a higher level of protection. The trickle vent will allow an exchange of air without the need for windows to be opened in most situations.

TDC Biodiversity and Horticultural Officer The site clearly has little implication for existing trees and as the tree report indicates the only tree on site has been previously badly pruned and is, therefore, of minimum value in relation to a development going forward.

It would be good to see some fastigate/columnar trees being added within the development, for example, along the boundaries where the lawn is specified and within the car park area

boundary points away from the houses specified. tree examples *Betula pendula fastigiata* 'Obelisk', *Prunus* 'Spire' *Fagus sylvatica* 'Dawyck'. These being columnar/fastigate in habit will have limited light implication to the site but achieve softening structural elements and aesthetic values.

The points raised below in the Native Ecology/Ecological Appraisal are positive recommendations that would be great to see enshrined within the soft landscaping elements of the development as they will both clearly enhance biodiversity and increase the aesthetics of the site.

10. SUGGESTED ENHANCEMENT MEASURES NATIVE AND NECTAR RICH PLANTING PLAN 10.1 It's Recommended that any planting plans around new buildings include native, flower rich species, including those that flower in the late and early seasons to enhance the biodiversity value of the site. **10.2** The inclusion of climbing plants would add sheltering opportunities for invertebrates and birds. They can also produce nectar rich flowers for butterflies, bees and hoverflies and fruit for birds and small mammals. **10.3** The inclusion of herbs, such as lavender and sage, would provide nectar for an array of invertebrate species, including bees, butterflies and moths. Providing a range of herb plants would ensure flowering throughout the seasons. The inclusion of plants that produce scent at night would attract night flying invertebrates and as such would also provide foraging opportunities for bats.

BATBOXES 10.4 Development provides an opportunity to enhance the site for bats via provision of roosting opportunities. **10.5** Integrated bat boxes, such as a 1FR Schwegler Bat Tube, or similar, could be installed on new buildings within the Site. Integrated bat boxes should be primarily located on the south and west facing aspects but can also be installed on different elevations to provide a variety of different environmental roost conditions. Alternatively, bat access tiles can be incorporated into roof elevations of the new houses.

BIRD BOXES 10.6 Bird boxes, including for house sparrow and starlings, could be integrated into new houses. **10.7** Woodcrete exterior or integrated terrace boxes for house sparrows could be incorporated into the new houses. Boxes should be located 2-4m in height and arranged so that loose colonies of house sparrows are encouraged. Open fronted woodcrete nest boxes could also be installed on house elevations. Bird boxes should be located close to eaves and on the north or east elevations to avoid direct sunlight

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Braidwood, for Members to assess the impact of the proposed development on the special architectural and historic importance of the character and appearance of the conservation area. The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, impact upon designated heritage assets, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

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 NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact upon the countryside, sustainability of the site, character and appearance of the proposed development and highway safety.

The site lies within the urban confines, in a highly sustainable location, to the rear of shops and services in Station Road, Birchington; the main shopping street in Birchington.

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The application site is located within the urban confines of Ramsgate and would therefore accord with Policy HO1.

The principle of the development is therefore considered to be acceptable, subject to the consideration 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.

The site is located behind commercial properties in Station Road, Birchington, accessed along a single lane track leading to Alma Cottages - a terrace of 4 flint cottages. The site is located to the east of these cottages. The site is bounded by the Conservation Area to the west (which includes Alma Cottages), to the east and south (including the churchyard of the Grade II* Listed church). The site is screened to some degree by trees and vegetation at the boundary with the churchyard, and cannot be seen from Station Road given the intervening buildings fronting Station Road.

The proposal is for two semi-detached two storey dwellings. The proposed units would have both front and rear gardens - the front gardens mainly being laid to grass and the rear having hardstanding for a patio area. Parking for the units has now been removed from the scheme. The semi-detached houses have been designed to be of the same height as the terrace that it would be seen in conjunction with, having a traditional appearance and proposing vernacular materials, including flint. In terms of positioning in the plot, the two dwellings are staggered partially to one another; with unit 1 being slightly further forward. In terms of internal layout the dwellings have open plan living/kitchen/dining room areas at ground floor and a W.C. and utility room. On the first floor there are three bedrooms and a family bathroom.

As detailed above the units will not be visible from Station Road due to their position behind buildings which front Station Road. Views of the dwellings would be seen from the access leading to Alma Cottages. Unit 2 which would be seen in context with 4 Alma Cottages would be in-line with this dwelling and terrace which it forms part of, this is considered appropriate. The proposed dwellings are not a mirror image of each other; unit 1 having a projecting gable to the front elevation, but have a traditional form, with chimney detailing, a vernacular material palette and appropriate cottage style fenestration to accord with the general design context. It is therefore considered that the design and appearance of the dwellings would accord with policy QD02 of the Local Plan.

The site is not within the Birchington Conservation Area - but is adjacent to it. Furthermore the site is adjacent to the Grade II* listed church - All Saints.

Policy SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic or archaeological significance of Heritage Assets. Policy HE02 relates specifically to new developments in conservation areas. It states that within conservation areas, development proposals which preserve or enhance the character or appearance of the area will be permitted and when relating to proposals to extend existing buildings within the conservation area that the character, scale and plan form of the original building are respected and the extension is subordinate to it and does not dominate principal elevations and appropriate materials and detailing are proposed and the extension would not result in the loss of features that contribute to the character or appearance of the conservation area. Policy HE03 states proposals that affect both designated and non-designated heritage assets, will be assessed by reference to the scale of harm, both direct and indirect, or loss to, the significance of the heritage asset.

In line with paragraph 192 of the NPPF (2019) and the Planning (Listed Buildings and Conservation Areas) Act (1990), there is a legal duty to protect listed buildings and their setting. S.66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historical interest which it possesses." The setting of a heritage asset is defined in the glossary of the NPPF (2020) as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

The NPPF makes it clear that the extent of the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve.

Setting of the Listed Building

Consideration has been given to any impact upon the Grade II* listed church located to the south of the application site. Both units 1 and 2 would be adjacent to the boundary wall to the church/graveyard which would be retained as part of the proposal. It is appreciated that the site is screened to some degree by trees and vegetation at the boundary with the churchyard. When the site visit was conducted it was apparent that the site is currently not maintained - and was partly overgrown. Given the scale of development that is reflective of both Alma Cottages and a dwelling approved on the site in 2015 (F/TH/15/0646) and traditional design and materials of the proposed dwellings it is considered that it assimilates well in terms of its position adjacent the Conservation Area. The Conservation Officer has confirmed that the design approach taken on this current application reduces the harm to the adjacent Conservation Area in comparison to the earlier approved scheme.

In terms of the listed building, the built form will be closer than the existing buildings on site to the Grade II* listed church and the boundary wall and, thereby, the perceived level of harm to the designated historic asset is greater than the current situation. The Conservation Officer considers that this is largely caused through the general presence of the development and that it will be visible from within the church grounds.

Weight is attached to the fact that the proposal is to the rear of the church and it would not impact its approach or front or views from its sides which are seen from the road. The proposed development would only be visible to the rear upon entering the site and, as such, it is not considered that the proposed development would have a significant adverse effect on the setting of the listed church. It is appreciated that the approval of this development would alter the setting of the church, it is however, considered, that the carefully designed scheme is appropriate in terms of its scale, design and materials. The Conservation Officer concurs with this view.

In summary the proposal is considered to accord with the character and appearance of the area and would not harm the adjacent Conservation Area. Whilst there would be some harm to the Grade II* listed church this would be less than substantial as it would be to its rear and would still safeguard the principal views and vistas of the church from its main approaches. It is therefore considered that the proposal is acceptable in terms of Local Plan policies SP35, SP36, QD02, HE02 and HE03 together with the advice contained within the National Planning Policy Framework.

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 relates to living conditions and states 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 proposed dwellings would not be served by any parking spaces, but would have a front and rear garden area. The parking spaces for the units were negotiated out of the scheme due to highway concerns; see highway section.

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. The dwellings would have modest rear amenity spaces, however, they are of a sufficient size to incorporate an outside seating area and play area, and thus considered to comply with the policy requirements. The front properties have integral refuse and bicycle storage areas.

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. It is considered that the rooms within the proposed dwellings would be light and well ventilated and meet the space standards required by policy QD04.

The drawings submitted show there is approximately at least 11 metres from the forward most part of the dwellings to the rear of dwellings in Station Road, however, these are the single storey elements at ground floor that serve the commercial elements. At first and second floors the distance is greater with a minimum of nearly 18m of separation between residential windows. This level of separation is considered acceptable and would not result in a direct overlooking into habitable rooms which would result in harm to the residential amenities of adjoining occupiers

It is also considered that there is sufficient separation space and given the orientation not to result in loss of light or overshadowing to the properties which front Station Road.

With regard to no. 4 Alma Cottages, this has no windows at the first floor within its flank elevation. The proposed property adjacent to tno. 4 (unit 2) is also in-line with this property in terms of its front and rear wall. Given the positioning of the dwellings to one another and that neither the proposed dwelling or the existing, have first floor openings would result in an acceptable relationship in terms of overlooking, loss of light or overshadowing.

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.

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.

The original plans showed that each dwelling would have a parking space to its frontage. Whilst the site area is sometimes used for informal parking, currently KCC Highways advised that this is not a trip generator as would be the case for the proposed dwellings. Due to this layout and the access into the site an objection was raised by KCC Highways on the basis that the pedestrian visibility available over land within the applicants and/or the highway authority's control is insufficient for the development proposed, to the detriment of highway safety, the proposal would result in an increase in use of the existing sub-standard access which also precludes the two-way movement of vehicles, and the road providing access to the site is not of the condition nor maintained to the standard necessary to accommodate the volume and type of traffic likely to be generated by the proposed development.

Due to this objection the applicant revised the plans removing off street parking for the properties. Given the location of the site- to the rear of the main shopping street in Birchington, close to public transport links and other services it is considered that the site is highly sustainable and therefore would not require any parking.

The plans were amended to make the development car-free as such all the issues raised have been resolved. Conditions are recommended by KCC Highways including a construction management plan, highway condition surveys for highway access routes (to enable repairs resulting directly from the development to be carried out, cycle parking facilities and removal of permitted development rights to prevent the future creation of hard standing areas to the front of the properties for the purpose of vehicle parking serving the dwellings.

The proposed development is therefore considered to be acceptable in terms of highway amenity and highway safety, in accordance with Policy TP03 and TP06 of the Thanet 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 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.

This application includes a draft Unilateral Undertaking which provides the required financial contribution for the 2no three bed residential units to mitigate the additional recreational pressure on the SPA area. The applicant's agent has confirmed their commitment to provide this in due course.

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."

The application is accompanied with a Preliminary Ecological Appraisal, this concluded that there were no bats or signs of bats were found within the buildings, the existing buildings on site provide negligible suitability for roosting bats and the site offers low suitability for foraging. In addition it was concluded that dormice, otters, water voles, reptiles, great crested newts are unlikely to be present. The presence of the occasional badger could not be ruled out; it also appears that an animal burrow likely to be used by a fox is present within a building on site. Habitats within the site and surrounding area provide foraging and sheltering opportunities for hedgehog, which may be present. Whilst there are unlikely to be schedule 1 birds nesting on the site, it is suitable for common and widespread bird species as well as those listed as red and amber within the Birds of Conservation Concern. In addition the site is likely to provide suitable habitat to support a range of common and widespread invertebrates, but protected or rare invertebrates are unlikely to be present. The appraisal also concludes that it is not necessary to carry out further survey work for flora although a Virginia Creeper (invasive species) is present within the site.

KCC Ecological Advice Service have advised that sufficient information has been provided, they advise that a condition is attached to any consent granted that requires the removal of the Virginia creeper, site clearance, ecological enhancements and an informative relating to breeding birds

Conditions are 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.

In respect of trees, the application is supported by a tree report, this details 5 of the trees surveyed are outside of the site (T1-T6) and one within the site (T6 Prunus spp). The report details that T6 is small, poorly formed, moribund specimen that has been unsympathetically pruned and will be removed for the development. The report also notes that a new hard surfacing will partially occupy the root protection area of T2, T4 and T5- but will be designed for light pedestrian traffic and be dry jointed in order to allow the ingress of adequate air and moisture to the soil profile.

The Councils Tree Officer accepts the report submitted but advises that some fastigate/columnar trees being added within the development, for example, along the boundaries where the lawn is specified and within the car park area boundary points away from the houses specified would be beneficial. He also advises that the recommendations within the Ecological appraisal should be included within any approval.

A third party has raised the issue of disabled access, reference is made to policy QD05 (Accessible and Adaptable Accommodation) this requires:

- 1) 10% of new build developments will be expected to be built in compliance with building regulation part M4(2) accessible and adaptable dwellings;
- 2) 5% of the affordable housing units on housing developments will be expected to be built in compliance with building regulations part M4(3) wheelchair user dwellings.

Given the size of the proposal two dwellings- there is no requirement to provide affordable housing and furthermore it is not considered appropriate to require one dwelling (50%) to comply with building regulation part M4(2).

It is confirmed that a covenant on the land which may preclude development would be a civil matter. It is also confirmed that there is no right to a view.

Conclusion

The site is sustainably located within the urban confines. The proposal for the erection of 2no. dwellings are considered to be in accordance with Policy HO1 of the Thanet Local Plan. The amended scheme is considered to be a suitably compatible form of development adjacent to the Conservation Area and Grade II* listed church, which has an acceptable impact upon the living conditions of adjacent neighbours, highway safety and amenity, and provides a satisfactory standard of amenity for future occupiers. On this basis it is recommended that the application is deferred and delegated to officers for the completion of a unilateral undertaking to secure the SAMM contribution.

Case Officer

Gill Richardson

TITLE: F/TH/21/0144

Project Land Rear Of 4 To 10 Station Road BIRCHINGTON Kent

