

D04

F/TH/21/0710

PROPOSAL: Erection of single storey 2-bed detached dwelling together with creation of vehicular access

LOCATION: 49 St Peters Court BROADSTAIRS Kent CT10 2UU

WARD: St Peters

AGENT: Mr David Dorman

APPLICANT: Mr David Brown

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 as amended by the revised drawings numbered 495PC-P01A, 495PC-P02A, 495PC-P03A, 495PC-P04A received 24, June 2021.

GROUND;

To secure the proper development of the area.

3 The brickwork, roof tiles and cladding hereby permitted shall be constructed using materials to match number 49 St Peters Court in accordance with the amended plan numbered 49SPC-P03A.

GROUND;

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

4 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.

5 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

SITE, LOCATION AND DESCRIPTION

The site is located in the south eastern corner of St Peter's Court and currently forms the side garden of number 49. Number 49 is a detached two storey dwelling with a staggered front elevation and porch canopy that is set forward of the neighbouring dwellings to the east and west. The application site is located to the west of the existing dwelling and is currently occupied by a number of small trees, soft landscaping and a brick boundary wall. To the west of the site number 51 St Peter's Court is set back from the highway and has a detached garage on the boundary with number 49. The surrounding area is made up of dwellings that share similar design characteristics including gabled front elevations, brick walls, tiles roofs and small areas of cladding to the elevations.

RELEVANT PLANNING HISTORY

TPO/TH/21/0725 - B/TPO/2(1969)A1 - 5No Sycamores (T1, T2, T3, T4, T5) - Crown reduce by 7 to 9 metres. Granted 30 June 2021

TPO/TH/21/0099 - B/TPO/2(1969)A1 - 4No Sycamore (G1) - Reduce right codominant stem by approximately 8 metres to good outer branch growth, and reduce left codominant stem by approximately 9 metres to good outer branch growth. Granted 22 March 2021.

OL/TH/04/0129 - Erection of a detached bungalow, and provision of associated means of vehicle access on land to be severed from the side of No. 49 (Outline Application). Granted 25 March 2004.

PROPOSED DEVELOPMENT

The proposed development is the erection of single storey 2-bed detached dwelling together with creation of vehicular access.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP13 - Housing Provision
SP14 - General Housing Policy
SP22 - Size and Type of Dwellings
SP27 - Green Infrastructure
SP29 - Strategic Access Management and Monitoring Plan
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP37 - Climate Change
SP44 - Accessible Locations
CC01 - Fluvial and Tidal Flooding
HO1 - Housing Development
GI06 - Landscaping and Green Infrastructure
SE05 - Air Quality
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
TP03 - Cycling
TP06 - Car Parking

Broadstairs Neighbourhood Plan Policies

BSP9 - Design in Broadstairs & St. Peter's
BSP12 - Full Fibre Broadband Connections

NOTIFICATIONS

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

Eleven letters of objection have been received raising the following concerns:

- Close to adjoining properties
- General dislike of proposal
- Out of keeping with character of area
- Over development
- Loss of open space
- Inadequate access

- Highway safety
- Increased demand for on street parking
- Design of the proposed bungalow
- Similar applications have been refused
- Infill development
- Loss of trees
- Loss of a view
- Loss of outlook
- Conflict with the local plan
- Loss of privacy
- Precedent for future development
- Increased noise and disturbance
- Impact upon ecology and biodiversity

The Broadstairs Society - The Broadstairs Society writes in OBJECTION to this proposed development. Grounds: 1. The design is out of keeping with the original design concept of this area, of which this open space is a fundamental part. 2. Inevitable loss of vegetation. 3. Vehicle access placed at a tricky location.

CONSULTATIONS

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

KCC Highways - It's in a low speed environment at the end of a cul-de-sac so I don't think there is an issue with the access. They appear to be providing at least 3 parking spaces (including the one in front of the garage) so on-street parking shouldn't be an issue either.

Southern Water - Southern Water requires a formal application for a connection to the public 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.

The proposed development would lie in very close proximity to a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. The applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern Water of the outcome of this consultation.

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.

TDC Biodiversity and Horticulture Officer - Assessing the tree survey and the position of the proposed bungalow and the position of Bay T7 it seems feasible that the Bay T7 could be retained as it will retain an additional mature shrubby element within the back garden and

seems sufficiently away from the proposed buildings. It's good to see the Sycamores T1 to T6 are all being retained.

COMMENTS

This application is brought before members by Cllr Garner to consider the impact of the development upon the character and appearance of the area and ecology.

Principle

Policy HO1 of the Thanet Local Plan states permission for new housing development will be granted on non-allocated sites within the confines of the urban area subject to meeting other relevant Local Plan policies.

Following the publication of the results of the 2020 Housing Delivery Test in January 2021 the Council is now in the presumption in favour of sustainable development as the required number of completed new dwellings was not achieved. Therefore the tilted balance applies and the Council must approve applications for housing development unless the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The principle of development is, therefore, considered acceptable and the benefits of providing new housing to the district will therefore be weighed against the impacts of the development if an application is made.

Character and Appearance

Paragraph 127 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place.

Policy QD02 of the Thanet Local Plan provides general design principles for new development and states 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.

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines. Proposals which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported.

The proposed bungalow would have a pitched roof design with a gable to the front and rear, similar in appearance to numbers 61 and 63 St Peter's Court which are located directly to the north of the site and numbers 19 and 21 St Peter's Court which are located to the east. The front elevation of the dwelling would be set back from the front boundary of the site with

the highway by 9.8m, the main body of the dwelling would be set off the western boundary by 3.7m and there would be a separation of 2m to the side elevation of number 49. There is some variation to the spacing between the dwellings in this section of the road with the corner plots set further away from their neighbours than the other dwellings. The separation between number 49 and the new dwelling would be similar to the separation between numbers 61 and 63, however unlike these properties, the proposed dwelling would be set back from the front elevation of number 49 by 3.5m, retaining an open frontage. Furthermore the setback of the dwelling would limit views of the property from the east and provide a transition to number 51 which is set further back from the highway.

Following concerns raised by Officers an amended plan has been submitted altering the proposed materials for the dwelling. This amended plan has altered the proposed materials to yellow stock bricks, brown concrete tiles, a small area of cladding and white framed windows to the front and side elevations. This would give the proposed dwelling a similar appearance to the existing properties in the street scene. White render and grey windows are proposed to the rear elevation, however due to the location this elevation would have limited visibility from the public realm.

The amended plan has also provided further information regarding the proposed landscaping to the site which includes the retention of the Bay tree on the western boundary of the site. Soft Landscaping including native trees and shrubs are proposed to the rear garden and the amount of grass has been increased to the front garden.

There are a number of small trees and bushes within the side garden of number 49 that would be removed as part of the proposed development. Due to the age of these trees they would not be covered by the existing TPO on the site which was applied in 1969 and due to their scale would not be suitable for preservation. The amended plan includes replacement planting on the site and due to the setback of the dwelling would retain the open frontage in this area of the cul-de-sac.

It is therefore considered that whilst some open space would be lost, given the setback of the dwelling and following the submission of the amended plan which alters the proposed materials, the proposed development would not result in significant harm to the character and appearance of the area and would comply with policies BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The proposed dwelling would be set off the new eastern boundary with number 49 St Peter's Court by 1m and there would be a total separation distance of 2m between these properties. On the western side the dwelling would be set off the boundary by 3.7m and the attached garage would be set off the boundary by 0.2m. A number of windows are located in the ground floor western side elevation of number 49, however these appear to be secondary windows or to serve non-habitable rooms. Furthermore a new 1.8m high boundary fence would be erected between the existing property and the proposed dwelling. One window is located in the rear elevation on the western side serving a living room, however the ground floor plan is open plan and this room extends across the full width of the property.

There would be a total separation distance of 10m to the closest point on number 51 St Peter's Court. At the rear of the site a new boundary would be formed and the existing garden for number 49 would wrap around the garden for the new dwelling giving a total separation distance of 20m to the boundary with the properties on Selwyn Court.

Given the single storey height of the dwelling, its location and the separation distances to the neighbouring properties it is not considered to result in any significant overlooking, loss of light or sense of enclosure to the neighbouring dwellings.

The proposed dwelling would exceed the floor space standards set out in policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light and ventilation. The rear garden is considered to be of an adequate size and would be sufficient to accord with the requirement for safe doorstep playspace set out within policy GI04 of the Thanet Local Plan. Clothes drying, refuse storage and cycle storage could all be accommodated within the curtilage of the dwelling.

It is therefore considered that the proposed dwelling would not result in any significant harm to the living amenity of the neighbouring property occupiers and would provide an acceptable standard of accommodation for the future residents, in line with policies QD03, QD04 and GI04 of the Thanet Local Plan and the National Planning policy Framework.

Transportation

The site is located in a sustainable location and there are no restrictions for on street parking in the area. The proposed dwelling would be set back from the highway and a garage and driveway would be provided with off street parking for at least three vehicles. A new vehicular crossing would be formed to access the new dwelling. Whilst this access is located on the corner of a turning head it is located close to the end of a cul-de-sac where vehicles are likely to be travelling at low speeds. The access is considered to be of sufficient width for vehicles to easily turn onto the driveway and no boundary treatments are proposed at the front of the site ensuring that sufficient visibility could be obtained. The KCC Highways Officer has raised no objection to the proposed development and as St Peter's Court is not a classified road planning permission is not required for the formation of a vehicular access. It is therefore considered that given the location of the site and the amount of off street parking proposed, the proposed dwelling would not result in any significant increase in demand for on street parking or harm to highway safety.

Financial 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).

and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The applicant has agreed to submit a unilateral undertaking securing the required financial contribution to mitigate the additional recreational pressure on the SPA area. Therefore subject to the submission of a completed and signed unilateral agreement, the impact upon the SPA is considered to be acceptable.

Other Matters

The applicant's agent has confirmed that the proposed dwelling would meet the water and energy efficiency standards required by policies QD01 and QD04 of the Thanet Local Plan. These standards would be conditioned.

Reference has been made to an application for a dwelling in the side garden of number 59 St Peter's Court (Application reference F/TH/10/0017). Number 59 is located in a different position to the application site and this application proposed a dwelling two storey dwelling similar in appearance to numbers 53, 55 and 57 St Peter's Court and located along a similar building line to these dwellings. The proposed dwelling is located in a different location and has a different design to this previous application, furthermore a significant period of time has elapsed since this previous decision and there have been changes to both local and national policy in this time. It is therefore considered that limited weight should be given to this previous decision.

Loss of a view is not a material planning consideration and cannot be considered in the determination of this application.

Concern has been raised regarding this application setting a precedent for future development. Each application is considered on its own merits and in accordance with the local and national policies and therefore does not set a precedent for future development on other sites.

The existing front and side garden is a managed residential garden and therefore in line with the standing advice is not considered to provide any significant opportunity for protected species.

Conclusion

The proposed development would only contribute one dwelling to the district's housing supply, however the amended development is not considered to result in any significant harm to the character and appearance of the area or the living conditions of the neighbouring property occupiers and would provide an acceptable standard of accommodation for the future occupiers. Therefore when any harm resulting from the development is weighed against the current need for housing in Thanet, this harm is

considered to be outweighed and it is recommended that this application is deferred and delegated for approval subject to the receipt of the legal agreement within 6 months securing the SAMM contribution.

Case Officer

Duncan Fitt

TITLE:

F/TH/21/0710

Project

49 St Peters Court BROADSTAIRS Kent CT10 2UU

