

D04

F/TH/20/0842

PROPOSAL: Erection of a three storey building containing 8no. 2-bed self-contained flats with underground parking, following demolition of existing dwelling

LOCATION: Seagulls Cliff Promenade BROADSTAIRS Kent CT10 3QY

WARD: Kingsgate

AGENT: Mr Chris Chambers

APPLICANT: Mr Leon Piper

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 343-02 Rev E (received 11/05/21), 343-03 Rev C (received 01/02/21), 343-04 Rev C (received 01/02/21), 343-05 Rev B (received 11/11/20), 343-06 Rev E (received 11/05/21), 343-07 Rev E (11/05/21) and 343-10 Rev A.

GROUND;

To secure the proper development of the area.

3 Prior to the first occupation of the development hereby permitted details of the cycle parking, which shall be in the form of covered and secure parking shelter shall be submitted to and approved in writing by the Local Planning Authority.

GROUND;

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

4 The vehicular access gates hereby permitted shall open away from the highway and be set back to a minimum of 6 metres from the edge of the highway.

GROUND;

In the interests of highway safety, in accordance with the advice contained within the NPPF.

5 The area shown on the approved plan numbered 343-02 Rev E 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

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

GROUND;

In the interests of highway safety, in accordance with the advice contained within the NPPF.

7 The first floor bathroom and utility store room windows in the north and south elevation and second floor dining/lounge window in the south elevation of the building hereby approved 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.

8 Prior to the first use of the roof terrace/balcony area that serves unit 8 hereby permitted, a privacy screen to the rear of a minimum height of 1.8m shall be installed along the west side, and thereafter maintained.

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.

9 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
- o walls, fences, other means of enclosure proposed (including refuse storage)

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

10 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

11 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light (to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals).

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND;

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

12 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) Measures to control noise affecting nearby residents
- (d) Dust control measures
- (e) Access arrangements

GROUND;

In the interests of highway safety and neighbouring amenity, in accordance with Policies QD03 and SP30 of the Thanet Local Plan and the advice contained within the NPPF.

13 Within 1 month of the development being occupied details shall be submitted to the Local Planning Authority, for written approval, assessing the impact of the adjacent Roadside Nature Reserve and providing full details of any restoration works that are required due to the construction works. Where restoration works are required they must be completed in full accordance with details agreed within 3 months of the submission of the letter.

GROUND;

In the interests of biodiversity, in accordance with Policy SP30 of the Thanet Local Plan and the advice contained within the NPPF.

14 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, 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, and to ensure the development is served by satisfactory arrangements for the disposal of surface water, in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the NPPF.

15 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

GROUND;

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

16 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, unless otherwise agreed in writing by the Local Planning Authority.

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.

17 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

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.

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

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

SITE, LOCATION AND DESCRIPTION

Seagulls is a modern two storey dwelling with a single storey front extension fronting Cliff Promenade within the defined settlement of Broadstairs. Cliff Promenade is a curving road running along the cliff top. The road is largely characterised by dwellings (of varying footprints and styles) set within fairly large, but varying sized plots on the western side of the road and no buildings to the eastern side. Whilst the properties in the road are predominantly single dwellings, there are some apartments within the road.

Seagulls is located on the inside of a curve in Cliff Promenade on the same building line as the dwelling to the north, Wayfaring, but is set back from the building line created by the dwelling to the south, Hucklow. The area to the front of the house and immediately to the rear of the property is essentially on one level with an area further to the rear of the property on a higher level with an access onto North Foreland Avenue.

RELEVANT PLANNING HISTORY

No relevant planning history.

PROPOSED DEVELOPMENT

Full planning consent is sought for the demolition of the existing dwelling and erection of a three storey building containing 8no. 2 bed self-contained flats.

At ground floor level there would be 3 flats, accessed from within the building via the front entrance door and communal hallway. At first floor level there would be a further 3 flats with the last 2 flats on the second floor. The flats all have an open plan dining/lounge and kitchen area as well as bathroom and en-suite facilities to at least one bedroom. The flats also have their own dedicated indoor store/utility room. Each flat has a roof terrace or balcony, in addition the building would have communal gardens to serve the residents.

The proposed development would be served by underground parking accessed off Cliff Promenade. The plans also indicate an area for bin and bicycle storage.

In terms of external appearance the building has a tiered appearance, with the ground floor having the largest floor area and this decreasing with each additional floor. The building has a contemporary appearance with a flat roof over.

With regard to external materials and schedule has been provided on one of the submitted plans this indicates TBS Lava bricks - multi mix, white render, rainscreen cladding - VM zinc - standing seam profile (vertical) and feature cladding being concrete wall panels. The roof would be fibreglass roof finish (grey pigmented topcoat. Windows and doors would be aluminium double glazed units and balustrades would be 1.1m frameless glass.

The application has been amended since the original submission in terms of the building form and scale and the number of reducing from 10 to 8 and that all the flats are now 2 bedroom instead of 3 bed.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP13 - Housing Provision
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
H01 - Housing Development
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
GI04 - Amenity Green Space and Equipped Play Areas
HE01 - Archaeology
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St. Peters Neighbourhood Development Plan

BSP4: Seafront Character Zones
BSP7: Areas of High Townscape Value
BSP9: Design in Broadstairs & St. Peter's
BSP12: Full Fibre Broadband Connections

NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site and the application publicised in a local newspaper. As a result of changing plans five consultations with neighbours were carried out.

13/07/20 Initially nineteen representations were received. The concerns can be summarised as follows:

- Close to adjoining properties
- Inadequate access
- Increase in traffic
- More open space needed on development
- Concern about the retained land and what will happen to it in the future and potential impact to neighbour amenity resulting from any access to the site
- Affect local ecology
- Concern about the impact upon the Roadside Nature Reserve - supports the Lizard Orchid
- Out of keeping with character of area
- Concern that other large plots will be developed into flats, if proposal allowed

- Concern about the impact of the underground carpark on the structural integrity and future stability of the cliff
- Increase of pollution
- A very large building of which will be an eyesore in such a prominent position
- General dislike of proposal
- Inadequate public transport provisions
- Inadequate parking provision
- Loss of privacy
- More open space needed on development
- Noise nuisance
- Not in keeping with an area of High Townscape Value
- Conflict with local plan
- Development too high
- Inadequate parking provision
- Loss of light
- More open space needed on development
- Noise nuisance
- Over development
- Concern about the position of the building - forward of the current building on site

26/10/20 A further consultation was carried out; following receipt of amended plans. two representations were received, the concerns can be summarised as follows:

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- Increase in traffic - during construction and post construction
- Noise nuisance
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Concern about cliff stability
- Impact upon ecology and biodiversity

23/11/2020 Following receipt of amended plans a further consultation was sent and as a result two letters were received. Concern can be summarised as follows:

- Affect local ecology and biodiversity
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of privacy
- More open space needed on development
- Noise nuisance
- Out of keeping with character of area- and area of High Townscape Value
- Over development
- Residential Amenity

- Concern about the rear of the larger plot

11/02/21 Further revised plans were received and a consultation was carried out, as a result three letters of representation were received (two from one objector). Concerns can be summarised as follows:

- Affect local ecology
- Conflict with local plan
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Out of keeping with character of area including area of High Townscape Value
- Over development
- Precedent for future overdevelopment and flat development
- Concern about the rear of the larger plot

12/05/21 A final consultation was sent to neighbours and as a result three representations were received. Concerns can be summarised as follows:

- Increase in traffic
- If approved would set a precedent for similar schemes
- Affect on local ecology and biodiversity
- Concern about stability of cliffs
- General dislike of proposal
- Inadequate parking provision
- Increase of pollution
- Loss of privacy
- More open space needed on development
- Noise nuisance
- Out of keeping with character of area
- Over development
- Residential Amenity

Broadstairs Town Council: 10/12/20 & 09/06/21- The Planning Committee of the Town Council has considered this amended application and resolved unanimously to recommend REFUSAL with the following concerns:

Overdevelopment, out of keeping with the street scene and any potential underground parking may cause considerable harm to the development and the neighbouring properties due to destabilising of the cliff face.

06/11/20 - The Planning Committee of the Town Council has considered this amended application and resolved unanimously to recommend REFUSAL with the following concerns: Overdevelopment, siting of building is out of keeping with the street scene. Clarification of the amendment is required, insufficient information provided.

06/08/20 - The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend REFUSAL with the following concerns: Overdevelopment, siting of building is out of keeping with the street scene.

Broadstairs Society: 24/07/20 -The Broadstairs Society are undertaking audits of all the Areas of High Townscape Value using a toolkit devised by Historic England who have been overseeing the audits and they will soon be presented to the Town Council for incorporation into the revised Neighbourhood Plan.

Mention is made of the draft Neighbourhood Plan stating the character and features of these areas vary but the separation between buildings, the open form of development and the contribution made by landscaping will often be the essential characteristics. It is important that they continue to be protected through planning policy so that any development proposals protect and enhance the special characteristics of these areas. Yet here we have a development of street scene contempt.

The Broadstairs Society accordingly OBJECTS to this proposal.

CONSULTATIONS

KCC Flood and Water Management: 21/07/20 - The application is supported by a Drainage Design Philosophy Statement (Salluz, 10 July 2020).

It is proposed that surface water runoff will discharge into geo-cellular soakaway system. There is however not sufficient information for us to assess the feasibility of the Proposal.

We would therefore recommend the application is not determined until a surface water drainage strategy has been provided for consultation. At a minimum, a drainage strategy submission must comprise:

- o A location plan
- o A site layout
- o A drainage proposal schematic or sketch
- o A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
- o Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)
- o Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic
- o Drainage strategy summary form (from our Drainage and Planning Policy Statement)
- o Consideration of key questions and / or local authority planning policy requirements.

KCC Highways and Transportation: 24/07/20 - Referring to the above description and bearing in mind the development is served off a private road, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Kent Police: 01/12/20 - We cannot recommend approval for this application as shown on the planning portal at 30.11.20.

There is a carbon cost for crime and new developments give an opportunity to address it. The outstanding points to be addressed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998 are:

1. An acceptable detailed boundary treatment plan to include the access control and height of the vehicle and the pedestrian gate, gates must avoid creating a secluded recess.
2. Confirmation of the height, access control system and design of the "high wall and gates".
3. Details of security to the bin/cycle store and who will move the bins to the pick-up point?
4. Security is also required for Motorbikes, Mopeds, E bikes and similar.
5. A lighting plan is crucial as the access to the flats is at the rear, potentially hidden behind vehicles, a significant concern should anyone tailgate in a vehicle or on foot.
6. We await door and window (Inc. bifold) standards. PAS 24:2016 UKAS certified standard, STS201 or LPS2081 Security Rating B+. PAS 24:2012 is not suitable for this development.
7. Access control details to the lift and stairwell access to be controlled separately to prevent unrestricted access onto residential landings risking ASB or criminal activities.
8. Unrestricted egress from a landing into the stairwell and from the stairwell to the communal lobby/emergency fire exit must be provided at all times.
9. Details required of suitable communal mail delivery.

04/08/20 - We cannot recommend approval for this application as shown on the planning portal at 04/08/20.

The points below are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. The development layout shows open access to either side of the building to the private and secluded communal gardens at the rear, this could attract criminality. The perimeter treatments must not reduce the security to the neighbouring properties, therefore we require an acceptable detailed boundary treatment plan.
2. The vehicular gates require full access control and must be designed to deflect attempts of unauthorised access to the parking area.
3. The underground car parking/bin/cycle store area requires appropriate security, lighting, access control and management to minimise the opportunity for crime. We require security to minimise the opportunity of vehicle crime in the underground parking area. Security is also required for Motorbikes, Mopeds, Electric bikes and similar, ground or wall anchors can help provide this.
4. The lighting plan should be approved by a professional lighting engineer, especially in the parking area.
5. We recommend that the communal doorset be dual fire and security certified
6. All external, communal, each apartment and all balcony/patio doorsets should meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. PAS 24: 2012 for ADQ has been superseded. Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard.
7. Lift and stairwell access to be controlled separately to prevent them providing unrestricted access onto a residential landing. Access to stairwells from the communal lobby should be restricted to residents to reduce the risk of anti-social behaviour or criminal activities.

8. Unrestricted egress from a landing into the stairwell and from the stairwell to the communal lobby/emergency fire exit must be provided at all times.
9. Communal mail delivery for the apartments needs to be "through the wall" or sited at the front in an air lock within the lobby, have CCTV coverage, be of robust construction (SBD or Sold Secure standard) and have anti-fishing design.
10. If approved, site security is required for the construction phase. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

KCC Ecological Advice Service: 28/05/21 - We have reviewed the ecological information submitted with the planning application and we have the following comments to make:

Bats

The survey details that the building has been assessed as having negligible potential to be used by roosting bats. However when we previously commented we raised concerns that insufficient information had been provided as the report states: It was judged as offering negligible suitability for roosting bats, having no suitable cavities (tight roof and hanging concrete tiles and well-sealed soffits).

The further information submitted has satisfied us that bats are unlikely to be roosting within the building and no further surveys are required.

While bats are unlikely to be roosting within the site they are likely to be foraging and therefore we recommend that if planning permission is granted a bat sensitive lighting scheme is implemented - it is also likely to benefit the adjacent designated sites. We recommend that the site wide lighting condition requires the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

Designated sites

The proposal is within 10m of the Thanet coast SAC and SSSI and Thanet Coast and Sandwich Bay SPA and Ramsar and therefore consideration must be given to whether the construction or operational phase of the proposed development will have an adverse impact on these sites.

As the proposal is only 10 metres from the proposal we advised that we would expect a more detailed consideration of the operational and constructional impacts of the proposed development on the locally, nationally and internationally designated sites. The submitted information must specifically refer to the reasons that the sites have been designated.

Additional information has been submitted addressing the impacts on the designated sites and we are satisfied that other than recreational pressure and noise associated with the construction period we are satisfied that the proposal is unlikely to have an adverse impact on the designated sites. Due to the need to contribute to the SAMM (as detailed below) and implement an appropriate construction management plan (therefore considered mitigation) we advise that there is a need for TDC to carry out a HRA as part of this application.

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. Other than confirming that the payment will be made the applicant does not need to provide any other information on this point regarding the production of the AA.

Roadside Nature Reserve

Roadside Nature reserve TH01 is directly opposite the proposed development and therefore there is a need to ensure that it is not damaged during construction and we are happy that this can be addressed via a construction management plan.

We also recommend that following construction there is a need for a monitoring survey to be carried out. If the survey identifies that the verge has been damaged during construction it must provide details of the restoration works which will be carried out within 3 months of works being completed.

31/03/21 - We have reviewed the ecological information submitted with the planning application and we advise that further information is required prior to determination in terms of the assessment of the potential for roosting bats in addition we expect a more detailed description of the building, internal and external, to support the conclusions within the report.

Designated sites

The proposal is within 10m of the Thanet coast SAC and SSSI, Thanet Coast and Sandwich Bay SPA and Ramsar and a Roadside Nature Reserve and therefore consideration must be given to whether the construction or operational phase of the proposed development will have an adverse impact on these sites.

The ecological report has detailed the following: Given the type of proposal, direct impacts to the qualifying features are unlikely and can easily be mitigated via Construction Management Plan to avoid an increase in dust, noise and light during construction.

As the proposal is only 10metres from the proposal we would expect a more detailed consideration of the operational and constructional impacts of the proposed development on the locally, nationally and internationally designated sites. The submitted information must specifically refer to the reasons that the sites have been designated.

We highlight that if the submitted information identifies that there is a need for mitigation to avoid an impact on the SPA/SAC (over and above the mitigation required for recreational pressure) there will be a need for an appropriate assessment (AA) to be carried out. The Local Authority must carry out the AA but the applicant must provide the information to inform the AA.

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. Other than confirming that the payment will be made the applicant does not need to provide any other information on this point regarding the production of the AA.

03/08/20 - 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.

We have taken this view as the proposed development is within 10m of the Thanet coast SAC and SSSI, Thanet Coast and Sandwich Bay SPA and Ramsar and a Roadside Nature Reserve and therefore consideration must be given to whether the construction or operational phase of the proposed development will have an adverse impact on these sites.

We are aware that there is a strategic approach to mitigating the impact from recreational pressure on the wintering birds associated with the Thanet Coast and Sandwich Bay SPA and Ramsar. However we highlight that due to the distance from the designated sites to the proposed development site there will need to be a wider assessment of potential impacts from the proposed development.

The proposal will result in the demolition of an existing building and if there are suitable features it may be used by roosting bats or breeding birds.

As such, a preliminary ecological appraisal (PEA) must be undertaken that assesses 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 the PEA/EclA must make site specific recommendations to enhance the site for biodiversity.

KCC Archaeology : 13/01/21 - The proposed development lies in an area that is particularly rich in archaeology. The North Foreland Estate occupies a plateau that was the focus of a substantial Iron Age settlement, possibly a hill fort. It was also an area rich in bronze Age burial mounds, the ring ditches of which have been found in a number of properties nearby. Bronze Age and Iron Age Burials have also been found less than 100m from the property.

The development proposals involve considerable excavations for the new building including the excavation of a basement within the new block. While there may have been some previous impact in the area of the new building from the foundations and hardstanding of the present building it is possible that significant archaeological remains may survive on the site and could potentially be affected by the development. I would therefore recommend that in any forthcoming consent provision is made for an archaeological evaluation to be followed by appropriate mitigation through a condition.

KCC Contributions I have reviewed the revised plans in more detail. As the revised drawings specify a total of 8 flats and the total development area is less than 0.5 ha, this development now falls below our threshold for developer contributions.

We therefore withdraw our request for contributions towards county services for this application.

Southern Water: 03/08/20 - Environment Agency shall be consulted directly regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

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 design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

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.

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).

Notwithstanding this, Natural England's 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 (as amended).

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 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

TDC Environmental Health: 26/08/21 - Environmental Health have confirmed that given the reduction in flats there is now no requirement for the conditions detailed below.

20/08/20 - The application for Erection of a three storey building containing 8no. 2-bed and 2no. 3-bed self contained flats with underground parking, following demolition of existing

dwelling will require installation of EV points serving all allocated parking spaces and low NOx boilers.

I recommend the following condition is added:

Air Quality

Standard air quality mitigation

Residential of 10 or more units:

All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh

1 Electric Vehicle charging point per dwelling with dedicated / allocated parking.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Bob Bayford, due to concerns that the development would represent an over-development of the application site.

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 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 application site is part previously developed land (the part with the existing buildings) and part non previously developed land (the rest of the site). The site lies within the urban area. Policy SP01 of the Local Plan (Spatial Strategy - Housing) states that the primary focus for new housing development in Thanet is the urban area. Policy H01 (Housing Development) states that permission for new housing development will be granted on sites allocated for this purpose and on non allocated sites within the confines of the urban area and villages.

At the current time, the District Council has not met its Housing Delivery test. Consequently, the Council's policy SP01, which focuses housing development within the urban area, is considered out-of-date and the weight attached to this policy is limited. In accordance with paragraph 11 of the NPPF, applications for housing should be considered in the context of the presumption in favour of sustainable development. Paragraph 11 of the NPPF describes the presumption in favour of sustainable development and closes by saying that where development plan policies are out of date, planning permission should be granted "unless 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 or specific policies in this Framework indicate development should be refused".

The application site is not allocated for development in the Local Plan, but it is surrounded by existing residential development.

Given that the Council has failed the Housing delivery test, the site lies within the urban area, that there would be some social and economic benefits from the provision of the dwellings towards the NPPF's aims of sustainability and the fact that they would make a contribution to the District's housing supply (albeit a minor one), the principle of housing development on the site is considered acceptable.

Character and Appearance

Paragraph 130 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 or maintain 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 places that are safe, inclusive and accessible. Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

Policies BSP3 (Protecting and Providing Important Trees, BSP7 (Areas of High Townscape Value) and BSP9 (Design in Broadstairs and St Peter's) of the Broadstairs and St Peters Neighbourhood Plan are also relevant to this application. These state that proposals for new development which would have an adverse impact on protected trees and other significant trees in the Plan area will not be supported, within the areas of High Townscape Value, the conservation or enhancement of the local character will be the primary planning aim. In furtherance to this aim, development will be supported only where the design, scale of development, separation between buildings, use of materials and landscaping are complementary to the special character of the area and development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged respectively.

The application site is located in an area that is characterised by residential development. The surrounding area largely comprises two and two and a half storey dwellings fronting Cliff Promenade.

The road is largely characterised by dwellings (of varying footprints and styles) set within fairly large, but varying sized plots. Whilst the properties in the road are predominantly single dwellings, there are some apartments within the road. The property known as Seagulls is set back within its plot and due to its design appears less prominent than the surrounding built form. The proposal involves the total demolition of the existing dwelling on site, whilst this building has a pleasing design, it is not of high architectural merit. It is confirmed that there is no objection to its demolition in principle.

The proposed building also incorporates space between the built form, to either side of the site which maintains a sense of space within the plot. It is therefore considered that the proposed development would respect the density of the surrounding area and not appear cramped within the locality.

The application proposes the demolition of the existing building on the site and the erection of 8no. flats within a three storey building on the site. The proposed building has a flat roof design and has a maximum of three floors. This building would be seen in the context of two storey and two and a half storey residential dwellings along Cliff Promenade. Dwellings within the area have traditional pitched roof design and the proposed building has a flat roof, there are no other examples of a flat roof building in close proximity to the site. There are some examples in Northforeland Avenue and may be granted in the new plots along Cliff Promenade Plot 7 - 19/0332- this is flat roofed and 3 storey (approved May 2019). 19/1594 approved Feb 2020 and 21/0331 approved August 2021 are not flat roofed, but are 3 storey.

During the application process the building has been amended to take into account officer concerns, as a result the scale, footprint; including width of the built form has been reduced resulting in a reduction in the number of units proposed from 10 to 8.

The existing building has an overall height of approximately 7.3m and this would increase to approximately 9.4m with the proposal. It is noted whilst there are flat roof dwellings along Cliff Promenade these are not immediately adjacent to the site. It is accepted, if approved, this would be the only three storey flat roof building in this part of Cliff Promenade. There are examples within North Foreland area of three storey flat roof buildings. Furthermore it is noted that the individual design of properties within the area varies considerably, with a wide range of styles, proportions and materials. I however consider the height of the proposed building to be comparable with adjacent buildings (due to their roof height). I also note the flat roof building whilst not replicating the pitched roof styles within the street would have a greater degree of separation from pitched roof dwellings that would enable a different form not to appear visually dominant and out of keeping with the character and appearance of the area. It is therefore considered that the proposed building would not appear as an incrougrous feature and sit comfortably within the streetscene.

At present Seagulls is set back significantly within its own plot and behind the rear wall of the property known as Hucklow and approximately in line with the property to the north - Wayfaring. In terms of the buildings positioning within the plot, it would replicate the existing staggered positioning, that is evident on the existing form of dwellings to the south of the site. The proposed built form would still be set back behind Hucklow but in a more forward position to Wayfaring. Owing to its placement in the site the side elevation of the proposed building would be more readily apparent in the street scene when approaching from the north. In order to reduce the mass of the building its design has been articulated so that it has a tired appearance, in addition the materials used in this elevation are varied - brick, render and cladding to give visual breaks to the side facade. Given the articulated nature of the building and use of materials, on balance, I do not consider there would be harm resulting from its positioning.

There is a varied material pallet within the area. The proposed building would utilise the similar materials, giving a cohesive appearance to the overall scheme.

The building would be set in from the application site's eastern boundary (to the road) by approximately 15m at its closest point and from its western boundary by 1m again at the closest point. In terms of spacing to the adjacent properties the proposal would have a distance of separation of approximately 5m and 4.2m southern and north boundaries respectively.

It is considered that the degree of separation between the proposed building and the application site boundaries is comparable with the spaces around other dwellings in Cliff Promenade. It is, therefore, not considered that the proposed building would have an adverse effect on the spacing and openness of the area.

In summary it is considered that the proposal would overcome concerns in terms of design and appearance and the resulting buildings in terms of their form, height, density and character and appearance of the area, would accord with Policies SP35 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

Paragraph 119 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.

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03 (Living Conditions) 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. Policy QD04, which are the National Described Space Standards (March 2015). Policy GI04 states that new family dwellings (those with 2 or more bedrooms) will be expected to incorporate garden space in order to provide a safe "doorstep play area" for young children. With doorstep playspace being defined as playspace for young children which is immediately adjacent to, closely visible and safely accessible from the dwellings served.

The site is flanked by residential dwellings to its north and south and a rear amenity space to the west, which serves the existing dwelling on site - but will be severed as part of the development.

With regard to the property to the north of the site - Wayfaring - this property is set back roughly level in position to the existing property at Seagulls. Adjacent to the side boundary there is a pitched roof garage and to the side elevation of the main dwelling there is at first floor French doors that open out onto a balcony area that faces the sea and extends back into the site adjacent this side of the building. These doors appear to serve a habitable room

that is also served by the large front bay windows. A 2m high wall separates the two boundaries, and there has also been a fence erected within the grounds of Wayfaring that sits above part of this wall. The balcony is enclosed by glass balustrade to the front and timber close boarded fencing to the side boundary with Seagulls.

The proposed building would be positioned further away from the boundary than the current dwelling; approximately 4.2m compared to the 1m separation to the boundary that currently exists, although it is appreciated that the building is larger and projects further forward in the plot. In terms of openings the proposed building has at ground floor two openings directly facing the side boundary - both to non-habitable rooms- store/utility and bathroom - given the ground nature of these windows and their use I do not envisage any material harm. In addition there is a bedroom window, however, this is angled so that it does not directly face the boundary but across the front boundary between properties and garden area. At first floor level again there are bathroom and store/utility room windows, given their use I do not consider that material harm would occur- it is however recommended that a condition is imposed to ensure that they are fitted with obscure glazing. There is also a bedroom window, but this is forward facing. In terms of the top floor there is a window to the hallway, this is high level and therefore I do not foresee any issues relating to overlooking.

With regard to the impact of the building itself, whilst an additional floor is proposed the building would have a greater distance of separation to the boundaries with Wayfaring. Given this I do not consider that the property would be overbearing in nature nor would it lead to harm through loss of light.

The proposed flats also have roof terraces and balconies; the balconies are enclosed to the side and therefore I do not envisage that this will result in overlooking. The roof terraces at first floor would look out towards the sea and also have views across the front garden areas of neighbouring properties. The roof terrace to unit 8 wraps around the building, it is therefore suggested that the rear enclosure to this terrace is solid and a height of 1.8m to avoid mutual overlooking between the balconies of the new building and Wayfaring.

In terms of the impact to residential amenity upon the property to the south known as Hucklow, this property sits much further forward in its plot than both the existing property known as Seagulls or the proposed building. The proposed building would be adjacent to the boundary with its rear amenity space and its outdoor swimming pool. The proposed three storey building would be approximately 5.4m from the shared boundary. This property has windows within the side elevation, currently facing into the front garden areas of Seagulls. In addition there is a significant hedge that runs along the boundary and this then changes to timber close boarded fencing with concrete kickboards. Whilst there are ground floor windows which serve both non-habitable and habitable rooms, given their ground floor position I do not consider them to result in overlooking that would result in harm.

With regard to the first floor windows these serve non-habitable rooms, and could be conditioned to be fitted with obscure glazing. On this basis I would consider the relationship to be acceptable. With regard to the top floor there is a hallway window, but this is high level and therefore would not result in material harm. There is a further window at this level serving the dining/lounge area to the side and wraps around the front elevation. Given its

positioning that could have views into the garden, on this basis it is recommended that this window is fitted with obscure glazing.

With regard to the building itself, the proposal is directly to the north of the neighbouring property, and therefore I do not consider that it would result in a loss of light. Given that it is to the side and rear of Hucklow, views of the building would be gained from rear facing windows- as they are to some degree currently. It is acknowledged that a taller building would have more of an impact upon the outlook of the occupiers of this dwelling, but I do not consider it to be materially harmful.

At present the site, if developed, would back onto residential former garden land, this land will not be affected by the development.

Given that the land to the rear of the existing property (Seagulls) is not included within the proposed development and the change in levels of this area of land, it acts as a buffer to the properties to the rear of the site in North Foreland Avenue and therefore there would be no material harm to these properties.

The proposed dwellings would be spacious (meeting the Technical Standards for dwelling sizes) with good levels of light and ventilation. They would each be served by vehicle parking and private amenity areas. The flats have an area marked for bin and cycle storage within the communal gardens.

Concerns have been raised by Kent Police in relation to security measures and layout issues within the development. Details of the boundary treatments and gates would be required to be provided through a planning condition, and it is not considered that the presence of underground parking and the layout proposed creates an unsecure environment for future occupiers.

The proposal is therefore considered to be acceptable with regards to residential amenity in regard to existing residents, and in terms of space standards and provision of gardens for future residents in accordance with Policy QD03 and QD04 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

Paragraph 110 of the NPPF states that In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst other aims: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and b) safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 112 goes on to highlight that within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage

public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Under Policy QD01, all developments are required to: 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes (subject to HE05 where applicable), 2) Make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping, 3) Provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children, whilst Policy TP03 states new development will be expected to consider the need for the safety of cyclists and incorporate facilities for cyclists into the design of new and improved roads, junction improvements and traffic management proposals.

No objection has been raised by KCC Highways as the site is served off a private road.

In terms of parking for the development this is arranged under the flats and contains 10 spaces, visitor spaces are shown to the site frontage and could accommodate a further two spaces. One space per a one or two bed flat is required within a suburban area, accordingly this is considered to be acceptable. Cliff Promenade is also capable of accommodating any shortfall. Cycle parking to the flats is also provided- drawing 343-02 revision E. These will need to be secure- although the precise details are not submitted with this application, however this can be covered by condition.

Due to the location of the site, the majority of trips generated by any development will be by car, as the site is not within close proximity of local services and facilities to promote non-car use.

Cliff Promenade is a private road, subject to relatively low speeds. The development is for a building containing 8 flats and it is not considered likely to have a significant safety on the adopted highway network.

The proposal makes provision for on site car parking spaces as well within the site together with space for cycle storage. It is considered that there would be sufficient room on site in terms of areas for car parking and cycle storage to serve the proposed development. It is not, therefore, considered that the proposed development would have an adverse effect in relation to highways and parking.

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

Archaeology

Thanet is rich in archaeology and policy HE01 of the Local plan seeks to ensure that archaeology remains are adequately assessed, preserved and protected. Paragraph 189 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest Local Planning Authorities should require developers to submit an appropriate desk based assessment and, where necessary, a field evaluation. Paragraph 195 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 205 states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record the evidence of our past should not be a factor in deciding whether such loss should be permitted.

KCC Archaeology reviewed the application and advised that they consider the North Foreland Estate occupies a plateau that was the focus of a substantial Iron Age settlement, possibly a hill fort. It was also an area rich in bronze Age burial mounds, the ring ditches of which have been found in a number of properties nearby. Bronze Age and Iron Age Burials have also been found less than 100m from the property.

As a result they recommend that in any forthcoming consent provision is made for an archaeological evaluation to be followed by appropriate mitigation through a condition.

Given the above, Officers are satisfied that matters relating to archaeology can be dealt with via conditions attached to an approval of the application.

Ecology and biodiversity

Para 179 a) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the

impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

Initially when the application was lodged there was no ecology information submitted to support the proposal. KCC's Biodiversity team advised that information should be sought with regards to the potential for ecological impacts to arise as a result of the proposed development and given that the development is within 10m of the Thanet coast SAC and SSSI, Thanet Coast and Sandwich Bay SPA and Ramsar and a Roadside Nature Reserve consideration must be given to whether the construction or operational phase of the proposed development will have an adverse impact on these sites.

Following this request additional information was provided in the form of a Preliminary Ecological Appraisal (dated 8th March 2021). This stated that there was unlikely to be Great Crested Newts, reptiles, Hazel Dormouse, badgers, bats on site due to the habitat present. It was considered that the site has potential to support nesting birds within the hedges and hedgehogs. In terms of mitigation the report details that consideration must be given to the timing of the clearance works. The effect on birds can be avoided by undertaking any vegetation clearance outside of the nesting season (March - August inclusive) or after a survey has confirmed the absence of nesting birds. In terms of mitigation for hedgehogs any areas where mammals could be sheltering should be hand searched prior to disturbance. Excavations should not be left open for animals to fall into, or planks of wood should be placed to enable any animals which may fall into such a hole to escape.

This was later supplemented by additional information regarding bats.

With regard to ecological enhancements the report details that this could include the following:

Provision of integrated 'swift bricks' in new buildings (as these are often occupied by other small cavity-nesting birds). A ratio of at least two per residential dwelling, or one per 50sqm of commercial floor space is generally accepted now as good practice. It is suggested to install them in small groups of 2/6 at least one metre apart in suitable locations at a minimum height of 4 metres (5 metres is better).

Provision of integrated bat boxes on new buildings.

Establish climbing plants on walls and other vertical structures.

Establish wildflower plug/bulb planting in amenity grassland and private gardens.

KCC's Biodiversity Team have reviewed the submitted information and have confirmed that due to the sensitivity of the site that a bat sensitive lighting scheme is implemented as it is also likely to benefit the adjacent designated sites.

In terms of the impacts on the designated sites KCC confirm they are satisfied that other than recreational pressure and noise associated with the construction period the proposal is unlikely to have an adverse impact on the designated sites.

In terms of protecting the Roadside Nature Reserve (TH01) directly opposite the proposed development they are happy that this can be addressed via a construction management plan and following construction there is a need for a monitoring survey to be carried out. If the

survey identifies that the verge has been damaged during construction it must provide details of the restoration works which will be carried out within 3 months of works being completed.

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.

This application includes a draft Unilateral Undertaking which could provide the required financial contribution for the 8 no. 2 bed residential units to mitigate the additional recreational pressure on the SPA area, however at the time of writing this document requires amendments to make it acceptable.

Other matters

In terms of air quality initially requested conditions relating to air quality mitigation, gas fired boilers and electric vehicle charging points, however, Environmental Health have confirmed that given the reduction in flats there is now no requirement for the conditions.

Paragraph 159 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Policy CC02 (Surface Water Management) states that "New development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible. SuDs design, together with a robust long term maintenance plan should be included as an integral part of the master planning and design process for new development and should, wherever possible, incorporate multi-functional benefits for people and wildlife.

The application site lies within flood zone 1 as shown on the Environment Agency's Flood Risk Maps and as such, is considered to be at a low risk of flooding and given that the site is less than a hectare in size there is no requirement for the applicants to submit a Flood Risk Assessment.

The application form states that surface water from the development would be disposed of via a soakaway but the means of disposal for foul sewer is mains sewer. The submitted Drainage Design Philosophy Statement, however, indicates a different method for foul drainage. Following a discussion with the agent the drainage Design Philosophy Statement has been withdrawn, and he has agreed and pre commencement condition for drainage matters.

Concerns have been raised by local residents about cliff stability and the proposed development. It is considered that this relates to the creation of the basement area for parking which would require excavation. Officers are not aware that there are issues with land stability within Cliff Promenade and given that the application site is not adjoining on the seaward side of Cliff Promenade but on the opposite side where it is considered feasible that some dwellings may already have basement areas, it is not considered appropriate to request a land stability report. Given this, it is considered that the safe construction of the development is covered sufficiently by Building Regulations.

Conclusion

The proposal is for 8no. flats and given the need for housing in Thanet and the fact that the Council has failed the housing delivery tests the proposal is considered against the criteria of sustainable development within the NPPF with regard to other material planning considerations.

The NPPF 2021 has at its heart the presumption in favour of sustainable development as set out in section 2 of the NPPF 2021 Achieving sustainable development involves the pursuit of economic, environmental and social objectives. The relationship of this scheme to the objectives is summarised below and a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages:

In terms of the economic dimension of sustainable development the provision of 8 new flats would give rise to employment during the construction phase of the development, and is likely to result in an increase in the use of local services and facilities, both of which will be of benefit, albeit modest, to the local economy.

In terms of the social dimension of sustainable development paragraph 60 of the NPPF refers to 'the Government's objective of significantly boosting the supply of homes'. The NPPF points out that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly'.

The scheme brings forward modest benefits with 8 flats, a small contribution to market housing in the area, it is likely to support shops and services and it would allow increased social interaction between residents existing and new, and employment personnel albeit in a modest way. The scheme is considered to be well designed as sought by paragraph 8.b) of the NPPF.

In terms of the environmental dimension of sustainable development the environmental issues are assessed in earlier sections of this report but to summarise, it is considered that the proposal would not have an adverse effect on the character and appearance of the area.

It is therefore recommended that Members defer and delegate the decision for approval subject to safeguarding conditions and a Unilateral Undertaking to secure the SAMM contribution, within 6 months of this Committee.

Case Officer

Gill Richardson

TITLE:

F/TH/20/0842

Project

Seagulls Cliff Promenade BROADSTAIRS Kent CT10 3QY

