

D05

F/TH/21/0384

PROPOSAL: Erection of a 1 storey 1 bed detached dwelling with basement level following demolition of the existing garages

LOCATION: Old Moorings Grenham Bay Avenue BIRCHINGTON Kent CT7 9NN

WARD: Birchington North

AGENT: Mr Adrian Sykes

APPLICANT: Mr Ian Hamilton

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 development hereby approved shall be carried out in accordance with the amended drawings numbered Floor Plans, Elevations, Cross Section 2 received 19th July 2021, and the site plan received 1st April 2021.

GROUND;

To secure the proper development of the area.

3 No development excluding demolition of the existing garages on site shall take place until details of the means of foul water disposal for the new dwelling, and the measures to divert the public sewer on the site to accommodate the construction of the dwelling if required, 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 foul water, without impacting detrimentally on the existing drainage network, in accordance with Policy SE01 of the Thanet Local Plan and paragraph 130 contained within the National Planning Policy Framework.

4 The area shown on the approved plans 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 National Planning Policy Framework.

5 Prior to the commencement of any development on site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements
- (i) Hours of construction

GROUND:

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

6 Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

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

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

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

Grenham Bay Avenue is predominantly a residential road with some commercial and community uses near the application site. Whilst there are a variety of residential dwellings in terms of age, style and form, it is noted that there is a sense of openness to corner plots such as the application site. Built form on such plots is single storey and retains a large degree of space around it creating a sense of space.

The application site itself is currently occupied by 3 single storey garages with a gravel parking area to their front surrounded by walls to its northern and southern flanks and part of its frontage. To the rear of the site sits a terrace of dwellings known as Coastguard Cottages.

RELEVANT PLANNING HISTORY

F/TH/20/1137 - Erection of 1 no two storey 3 bed house following demolition of existing garage block. Refused 21st October 2020 for the following reasons:

The proposed dwelling, by virtue of its location, siting, scale and design, would introduce a built form which would appear unduly prominent within the area, whilst harmfully eroding the spaciousness of this part of Grenham Bay Avenue and the contribution it makes to the wider character and appearance of the area, contrary to Policy QD02 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.

The proposed dwelling, by virtue of its siting, scale, design and location forward of the established building line of Coastguard Cottages, would lead to a sense of enclosure to the occupants of no. 8 Coastguard Cottages, resulting in unacceptable harm to their living conditions, contrary to the provisions of Policy QD03 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.

The proposed development will result in additional pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to policy SP29 of the Thanet Local Plan and paragraph 177 of the National Planning Policy Framework.

F/TH/92/0700 - Erection of a block of 3 garages. Approved 21st October 1992.

F/TH/90/0771 - Use of yard for the open parking of cars. Refused 23rd August 1990.

PROPOSED DEVELOPMENT

Planning permission is sought for the erection of a two storey 1 bed dwelling, with one floor located over ground and the other at basement level. The basement would house the open plan living area, utility room and WC with the ground floor housing the bedroom and

bathroom. There would be an open courtyard at basement level to provide amenity space to serve the future occupiers of the dwelling and two vehicular parking spaces would also be provided.

Originally this application was for a three storey dwelling (2 floors and a basement) with two bedrooms. The application was, however, amended during the course of the application following concerns raised by officers about the impact of the proposed dwelling on the character and appearance of the area.

DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing
SP14 - General Housing Policy
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP35 - Quality Development
SP37 - Climate Change
H01 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
CC02 - Surface Water Management
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to adjoining residents and a site notice posted close to the site.

Ten representations were received objecting to the scheme as originally submitted, with a further three objections being received after the amendments to the scheme.

The comments received to the original scheme can be summarised as follows.

- Close to adjoining properties;
- Development too high;
- Loss of Light;
- The existing foul drainage for Coastguard Cottages and other properties all link up on the application site;
- More open space needed on the development - Basement courtyard is too small to serve the proposed development;
- Out of keeping with the area;
- Overdevelopment;
- General dislike of the proposal;
- Inadequate parking provision,
- Increase in traffic;

- Loss of parking,
- Lots of uses in the surrounding area generate parking on this road;
- May create a hazard with vehicles arriving and leaving the nearby church halls;
- Increase in pollution;
- Proposed property is out of keeping with the existing mid 19th century Coastguard Cottages;
- Proposed development is not in keeping with the local vernacular architecture - conflict with local plan policy QD02;
- Loss of privacy;
- Noise nuisance;
- Strain on existing community facilities;
- Concerns about the construction of the basement - details of foundations etc are missing from the planning application; and
- Developers seem unphased by the previous refusal for the site.

The comments received after the application was amended are summarised below.

- The existing foul drainage for Coastguard Cottages and other properties all link up on the application site;
- Close to adjoining properties;
- Loss of parking,
- Out of keeping with the area;
- Whilst this application has been amended to lower the height of the proposed dwelling, it is likely that another application would be put in to increase the height again;
- May create a hazard with vehicles arriving and leaving the nearby church halls; and
- Amendments have not addressed our original comments.

Birchington Parish Council: "Birchington Parish Council supports on the understanding that, as per Southern Waters' report, the developer needs to work with Southern Water to relocate the sewage pipe."

CONSULTATIONS

Environment Agency: Assessed this application as having a low environmental risk, therefore have no comments to make.

Southern Water: The attached plan shows that the proposed development will lie over an existing public foul sewer which will not be acceptable to Southern Water. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- The 150 mm diameter public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
 - No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable sewers.
 - All existing infrastructure should be protected during the course of construction works.
- Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Please refer to: southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf

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

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

COMMENTS

This application has been called to Planning Committee by Cllr Braidwood for Members to consider whether the proposal would result in the overdevelopment of the site.

Principle

Policy SP01 states that the primary focus for new housing development in Thanet is the urban area. Policy H01 refines this approach stating that permission for new housing development will be granted on sites allocated in the plan for residential development and non allocated sites within the confines of the urban area and villages.

The application site is not allocated for residential development within the local plan, but lies within the urban confines of Birchington. As such, there is no in principle objection to residential development on the site.

Character and Appearance

The NPPF states that planning decisions should aim to ensure that development should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping (paragraph 130).

Policy SP35 of the Local Plan states that new development will be required to be of high quality and inclusive design. Policy QD02 - General Design Policies - 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.

Grenham Bay Avenue consists of bungalows and two storey, predominantly detached dwellings, with single storey buildings immediately opposite and to the north of the site. The current garages on the site are single storey and are not considered to contribute to the character of the area. To the south and west of the site are two storey properties. The site is viewable from the access alley which runs adjacent to Coastguard Cottages and the church, the lane to the rear of properties on Alfred Road and the road Grenham Bay Avenue itself.

The proposed dwelling as originally submitted was for a three storey dwelling (two storeys above ground together with a basement area). Following concerns raised by officers about the open nature of the corner plots within Grenham Bay Avenue, the application was amended and is now two storey - a ground floor with a basement.

The amendment to reduce the proposal to single storey from street level is welcomed by officers as it retains the low level built form on the site and maintains its open feel, whilst creating a more attractive building on the site. The proposal would not appear cramped on the site even though it would be sited forward of the current garages, with the low level structure viewed ancillary to the prominent terrace row of the 2 storey cottages. As such, it is considered that the proposed development respects the spaciousness of this part of Grenham Bay Avenue and the contribution it makes to the wider character and appearance of the area.

Concerns have been raised by local residents that the proposed dwelling is out of keeping with the mid 19th century Coastguard Cottages and the vernacular architecture of the area. It is noted that there is no fixed style of development within the surrounding area and especially Grenham Bay Avenue itself, which has a mix of dwellings, commercial and community buildings within it, of varying styles, sizes and ages. It is, therefore, considered that the proposed dwelling would add to that mix, but take its cue from materials, (such as brickwork with a limited amount of render) found in the Avenue and the surrounding area. A condition would be imposed to ensure the brickwork matches the yellow stock brickwork in adjacent properties. Overall, officers consider that the proposed development will add interest to this application site, when compared to the flat roofed garage block currently located on the site.

The proposal, is therefore, considered to enhance the character and appearance of the area, in line with Policy QD02 of the Local Plan and the NPPF.

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. Paragraph 130 states that planning decisions should ensure that all developments (a) function well and add to the

overall quality of the area for the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) are sympathetic to local character and history including the surrounding built environment and landscape setting, (d) establish or maintain a strong sense of place, (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and (f) create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

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).

As set out above the proposal as originally submitted was three storey with two storeys above ground and a basement, although of a smaller footprint than the previous application and the main built form of the proposed dwelling located away from the adjoining row of Coastguard Cottages. Following concerns raised by officers as to the impact on the residential amenities of the occupiers of no. 8 Coastguard Cottages, the scheme has been amended to be two storey - a ground floor and a basement.

The nearest properties are Old Moorings and no. 8 Coastguard cottages. The proposed development would bring built form at single storey level along the full width of the Old Moorings with a basement underneath. It is, however, noted that there are no windows proposed in the flank elevation facing Old Moorings. There would be some 7m between the flank walls of the proposed dwelling and the Old Moorings and it is understood that the existing boundary treatment would remain in place on that side (a 2metre high fence). Given this, it is not considered that there would be an adverse impact on the residential amenities of the occupiers of the Old Moorings from the proposed development.

No 8 Coastguard Cottages sits to the west (rear) of the application site. The previous application which was refused (F/TH/20/1137) introduced built form at a 2 storey level the width of the plot to the footpath serving Coastguard Cottages, as opposed to the single storey flat roofed garages that currently occupy the site. The scheme now proposed following the amendments is single storey built form (above a basement) which would be next to the two storey element of no. 8. It is considered that this relationship would be similar to the relationship that exists currently between no 8 and the garages on the site and, therefore, it is not considered that the proposal would result in the enclosure or give rise to a sense of enclosure to the neighbouring property, nor loss of light or outlook from the existing relationship between the buildings currently on site. It is not considered that there would be any overlooking to the no. 8 given the location of the windows and boundary treatments for the proposed development.

The proposed dwelling would meet the required national space standards and, even though much of the proposed dwelling would be at basement level, it is considered that all habitable rooms would have a good standard of light and ventilation. Policy GI04 requires the provision of doorstep play space for family dwellings of two beds or more. The application now proposes a one unit, so there is no requirement for doorstep play space to be provided, but it is noted that a courtyard at basement level would serve the dwelling. The dwelling would also be served by two off road parking spaces.

Given the above, it is considered that the proposal would provide a good standard of accommodation for future occupiers of the proposed dwelling without having an adverse effect on the residential amenities of occupiers of adjoining dwellings.

Highways

The site lies in a sustainable location, close to local facilities and services and public transport links. It is also noted that there are limited restrictions on Grenham Bay Avenue and the immediate surrounding area. The proposal would provide 2 off-street parking spaces for vehicles for the dwelling.

Whilst the application would see the demolition of 3 garages, it is not considered that the addition of a single dwelling in this location would have an significant adverse impact on highway safety or parking in the surrounding area given the proposed parking on site provided by the proposal.

Drainage

Paragraph 155 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). The application site is not within an area prone to flooding and is designated as being of low risk; accordingly the development would not pose a flood risk issue to the wider environment. Policy CC02 states that all new development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible.

It is proposed that surface water disposal from the development would be via soakaway. No objection is raised on this basis.

It is, however, noted from Southern Water's comments that the proposed development would lie over an existing public foul sewer which is unacceptable to them. They advise that the exact location of the sewer must be determined and that the sewer needs clearance of 3m either side to protect it from construction works and allow for future maintenance and no soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable sewers.

The application site is roughly rectangular in shape and measures approximately 220sqm (10m by 22m). Given the restricted size of the site and the size of the proposed dwelling required to meet the National Technical Standards, it is unclear how the clearance required for the sewer could be provided in terms of future maintenance. Whilst diversion has been

put forward as an option, given the above it is unclear how this could occur within the site, potentially resulting in an impact on existing foul water drainage for existing dwellings but also the ability of future occupiers of the new dwelling to connect to the existing sewage network. Given this it is considered appropriate that a grampian condition is imposed to require details of how the foul drainage will work to comply with Southern Water's stated requirements, with a potential diversion if possible, prior to any development occurring on site at all. This will ensure that the existing drainage arrangements will be safeguarded (including those of existing residents), and to ensure no pollution results from the development through an effect on foul drainage. This will also be a matter for Building regulations approval in relation to the new proposed connection to the network.

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 mitigation is secured under policy SP29 of the Local Plan.

The applicant's agent has advised that his client will pay the required mitigation via the required undertaking, therefore any recommendation for approval will require the application to be deferred and delegated to officers to secure the mitigation through an acceptable undertaking.

Other Matters

Concerns have been raised by local residents about the following - the construction of the basement; Strain on existing community facilities, noise nuisance and increase in pollution and that it is likely that a future application will be submitted to increase the height of the proposed dwelling. These points will be considered in turn.

The details of the construction of the basement and things like foundation details and so forth are not normally a planning consideration. This is covered under building regulations.

It is not considered that the future occupants of a single 1 bed dwelling would be likely to place a significant strain on local facilities and indeed it could be argued that they would help to support local and community facilities.

It is not clear whether these concerns raised about noise and disturbance relate to the construction of the proposed dwelling should it receive planning permission or its day to day occupation. Noise and disruption during construction is often inevitable, but it is only for a temporary period. A condition can be imposed to secure a construction management plan for the development to be submitted to and agreed by the local authority to minimise the impacts of construction. It is unlikely that the future occupiers of the dwelling would generate noise and disturbance beyond that normally generated by residential occupants, but this would be covered by over legislation should that happen.

The determination should be made on the current planning application and not speculation as to what may come forward at a later date. An increase in height for the dwelling would require consent in its own right and any application, should it be submitted, would be reviewed at that time.

Conclusion

This application seeks planning permission for a 1 bed dwelling, 2 storey dwelling - ground floor and basement. The dwelling would make a contribution to the district's housing supply, albeit very limited, and provide a good standard of accommodation for future occupiers. Following amendments to the application, it is not considered that there would be an adverse impact on the character or appearance of the area, highway safety or parking, drainage, or the residential amenity of surrounding occupiers subject to the imposition of conditions.

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

Case Officer

Annabel Hemmings

TITLE: F/TH/21/0384

Project Old Moorings Grenham Bay Avenue BIRCHINGTON Kent CT7 9NN

