

**D07**

**F/TH/21/1732**

**PROPOSAL:** Erection of 6no. dwellings (4no four bedroom dwellings and 2no three bedroom dwellings) with associated access, parking and landscaping

**LOCATION:** Land To The North Of Fairlawn Road And The West Of Northwood Road Broadstairs Kent

**WARD:** St Peters

**AGENT:** Mr Jaimie Watler

**APPLICANT:** Mr Bob Bridge

**RECOMMENDATION:** Defer & Delegate for approval subject to safeguarding conditions and the submission of a signed legal agreement within 6 months

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

- 2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised plan numbered 119A\_041.PL1.3 (hard surfacing), received 04 March 2022; the revised plans numbered 119A\_006.PL1.2 (site plan), 119A\_040.PL1.2 (site access), and 119A\_042.PL1.2 (soft landscaping), received 24 February 2022; the plans numbered 119A\_025.PL1, 119A\_026.PL1, 119A\_027.PL1, 119A\_028.PL1, 119A\_030.PL1, 119A\_031.PL1, and 119A\_032.PL1, received 07 February 2022; the plan numbered 119A\_011.PL1, received 25 November 2021; the plan numbered 119A\_050.PL1, received 10 November 2021; and the plans numbered 119A\_010.PL1, 119A\_012.PL1, 119A\_013.PL1, 119A\_014.PL1, 119A\_020.PL1, 119A\_021.PL1, 119A\_022.PL1, and 119A\_023.PL1, received 08 November 2021.

**GROUND:**

To secure the proper development of the area.

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND:**

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

- 4 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014 Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

**GROUND:**

In the interests of amenity for future occupiers in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

- 5 All hard and soft landscape works shall be carried out in accordance with the approved hard and soft landscaping plans. 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

- 6 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND:**

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

- 7 The ecological enhancements as identified on plan numbered 119A\_042.PL1.2 shall be provided prior to the first occupation of the development hereby permitted. The ecological enhancements shall therefore be maintained.

**GROUND:**

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

- 8 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) Routing of construction and delivery vehicles to/from site, which shall be from Northwood Road only (and at no time from Fairlawn Road)

(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

**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.

- 9 Prior to the first occupation of the development, the area shown on plan numbered 119A\_006.PL1.2 for the parking of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**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.

- 10 Prior to the installation of the boundary treatment to the northern boundary of the site, details of the height, design and materials of the boundary (which may include a retaining wall), and shall provide an opening for a pedestrian link as indicated on plan numbered 119A\_006.PL1.2 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved boundary details.

**GROUND:**

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

- 11 Prior the construction of the external surfaces of the development hereby approved samples 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 samples unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

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

- 12 No further rear extensions to plot 6, whether approved by Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

- 13 The refuse storage facilities as specified upon the approved drawing numbered 119A\_006.PL1.2 shall be provided prior to the first occupation of the dwellings hereby approved and shall be kept available for that use at all times.

**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.

- 14 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.

- 15 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND**

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

## INFORMATIVES

**Please 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/>**

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

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, 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 by the Highway Authority. 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 Highway and Transportation to progress this aspect of the works prior to commencement on site

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made on submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

## SITE, LOCATION AND DESCRIPTION

The site is currently accessed from Northwood Road, and physically forms part of a much larger site, all of which is previously undeveloped land that has historically been used as an orchard and agricultural use. The application site is in separate ownership to the adjoining northern larger site, but there is no physical boundary treatment between them. The two sites form part of one allocated housing site within the Thanet Local Plan.

The site is located at the end of Fairlawn Road, with a fence preventing either vehicular or pedestrian access onto the site from Fairlawn Road. Fairlawn Road is a cul-de-sac, containing semi-detached 2-storey dwellings.

To the west of the site is Broadstairs Retail Park, located within Westwood Town Centre. The site backs close onto the rear service yard area serving The Range retail unit.

To the east of the site are existing residential properties that front Northwood Road, including a bungalow and 2-storey detached and semi-detached dwellings.

The site is a green undeveloped area of land. Historically a few boundary trees were located within the site but these have since been removed. The site does not fall within a conservation area and the trees were not covered by a TPO, so consent for their removal was not required.

## RELEVANT PLANNING HISTORY

No relevant planning history for this site, but there is a pending application for the adjoining site to the north :-

F/TH/21/0671 - Erection of 12No 3-bed dwellings, 26No 4-bed dwellings, 3No 1-bed flats, and 3No 2-bed flats, together with associated access, parking and landscaping, following demolition of existing structures.

## PROPOSED DEVELOPMENT

The application is for the erection of 4no. 4-bed 2-storey semi-detached dwellings, with accommodation at roof level, and 2no. 3-bed 2-storey detached dwellings. Access to the dwellings is from Fairlawn Road, with a turning head for cars and small delivery vehicles provided at the end of Fairlawn Road.

Each unit is provided with 2no. off-street parking spaces to the front of the property (with two spaces in the parking court for the detached dwellings), and a garden area to the rear, measuring between 7.5m and 23.5m deep.

A parking court is provided at the end of the access road to the rear of plot 4, which accommodates 2no. visitor parking spaces, as well as the parking for plots 3 and 4 as mentioned above.

The potential for a pedestrian link to the adjoining northern application site is illustrated on the plan.

The dwellings are proposed to be constructed using bricks and tiles to match the existing properties in Fairlawn Road. The proposed timber cladding is 'western red cedar', and cedar cladding is proposed to the dormers. Windows and doors will be aluminium framed.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

SP01 - Spatial Strategy - Housing  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP43 - Safe and Sustainable Travel  
SP45 - Transport Infrastructure  
HO1 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
HE01 - Archaeology  
CC02 - Surface Water Management  
SE04 - Groundwater Protection  
SE06 - Noise Pollution  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

A site notice has been posted and neighbouring occupiers notified. Eleven letters of objection have been received raising the following concerns:

- Fairlawn Road is too narrow for additional vehicles serving the development, and won't support construction vehicles;
- Don't want a through road to northern site, needs to remain a cul-de-sac;
- Illegal activity has been carried out on the site, including burning toxic waste, and loss of animal and plant life;
- On-street parking is likely to increase, which can block pavements;
- Increased security/vandalism risk, litter from proposed through route;
- Loss of farmland;
- Overdevelopment;
- Concern regarding access for emergency vehicles;
- No drainage details provided;
- Archaeology dig is needed due to significant artefacts being found nearby;

- Loss of privacy to nearby houses;
- Strain on GP surgeries, drainage, refuse collection services, and school places.

## CONSULTATIONS

### **KCC Highways and Transportation -**

#### ***(Final comment)***

Further to previous comment dated 16 February 2022, I note that further details have been received whereby the bin collection points have been altered to be as close to the existing dwellings to reduce carry distances.

Confirmation was requested from Waste and Recycling regarding the extension of the existing refuse collection strategy whereby operatives reverse back along Fairlawn Road. I accept that fire tenders would be required to adopt the same strategy (as existing), albeit a slightly longer route.

I can confirm that I am satisfied that is Waste and Recycling have agreed to reverse the slightly increased distance, I would expect Kent Fire & Rescue to adopt the same view.

I suggest that a pedestrian link to the current application is secured by way of a Condition.

I note that there is an existed access on Northwood Road, which should be utilised for construction vehicles. The use of Fairlawn should be avoided due to the width and proximity to existing residential units. Gates for the access on Northwood Road access should be set back from the highway sufficiently to ensure no vehicles wait on the highway. This can be fully addressed in a CMP.

In line with the above, I confirm that I raise no objection n behalf of the LHA, subject to safeguarding conditions.

#### ***(Initial comment)***

Thank you for your consultation in relation to the above planning application.

The application provides an access point via Fairlawn Road, whereby the existing carriageway is proposed to be extended to serve the 6 dwellings. This includes the extension of the existing footway.

Two visitor parking spaces are proposed to the east of the dwellings, with a 1.5 metres footway between Plots 4 and 5. One parking space is provided for both Plots 3 and 6 within this parking area.

A current planning application (LPA ref: 21/0671) is pending a decision immediately to the north of the application site. I understand that an extension of the pedestrian access into the adjoining site is being explored. This is clearly out of the ownership of the applicant, but this is an opportunity that should not be overlooked. The potential link is illustrated adjacent to Plot 3.



The neighbouring application is currently awaiting a decision, whereby KCC Highways have objected to the proposal due to the level of car parking.

All dropped kerb driveways should demonstrate pedestrian visibility of 2 metres x 2 metres from either side of the access, with no obstruction above 0.6 metres within the splays. This can be secured by way of a suitable condition. However, it appears that such splays may be obstructed by the bin stores located adjacent to the footway.

It is understood that refuse freighters currently reverse along Fairlawn Road, and the current proposal seeks to maintain this strategy. Confirmation should be sought from Waste and Recycling as to whether this strategy is appropriate for the increased distance.

Should the refuse strategy be acceptable to Waste and Recycling, tracking is required to ensure that fire tenders can enter and site and turn within the turning area.

**KCC Archaeology** - Thank you for consulting on the above application for residential development on this piece of agricultural / farm land. I provided advice in November 21 on the site immediately north and I repeat that advice for this site concerning archaeology though I note the former barns are not included in this site.

The submission for the site to the north included a desk based study compiled by MOLES Archaeology that provided a good account of the rich archaeological potential of the site and the surrounding area. It also illustrated that the site was the location of a former farm since at least the beginning of the 19th century and possibly the 18th century according to historic maps. The farm appears on the Kent Historic Farmsteads survey and in the Kent Historic Environment Record. Of the present buildings on the site, a couple of barns, the southern one appears to date to the late Victorian period according to historic maps. Significant multiperiod archaeology has been found in the area of the business park to the north including remains of Neolithic, Bronze Age and Iron Age date. A Palaeolithic hand axe was found in brickearth deposits in the college site to the north. A Bronze Age gold penannular ring was found by a detectorist in the area of the site according to Portable Antiquities Scheme database. The site has been generally open land and relatively undisturbed.

Given the above archaeological potential and the potential impacts of groundworks from the development across the site, it would be appropriate to make provision in any forthcoming planning consent for a programme of archaeological works. A safeguarding programme of archaeological work condition would be appropriate.

**KCC Biodiversity** -

***(Final Comment)***

We have reviewed the further ecological information submitted in support of this planning application (revised soft landscaping plans) and advise that sufficient information has been provided to satisfy the requirements for ecological enhancements. We advise that if planning permission is granted, the approval be made subject to implementing the submitted ecological enhancements as shown in the submitted soft landscaping plans.

**(Initial Comment)**

Summary - Sufficient Information Provided

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

If planning permission is granted, we advise that the following conditions securing ecological avoidance and mitigation measures and the implementation of ecological enhancements are attached.

Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

Thanet and Canterbury SAMM

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.

Biodiversity losses and net gain

The application site has been cleared of vegetation in the recent past and prior to the submission of the current planning application. Figure 1 below shows the application site in April 2017 illustrating that the site was covered in what appears to be semi-improved grassland and there is a significant group of mature deciduous trees forming a small woodland in the south-east corner. The current application if approved would result in further losses of biodiversity, including the mature hedgerow along the southern boundary.

The mandatory requirement for new developments to deliver a minimum 10% net gain in biodiversity does not come into effect until November 2023. However, in the meantime the current NPPF, July 2021 requires that:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. In a very recent Appeal decision dated 5 January 2022 (Ref: APP/Y3940/W/21/3278256) (CD 6.23) the Inspector stated the following:

"Full on-site mitigation is not achievable. Compensation for residual harm is therefore required.

In this regard, although The Environment Act 2021 has now passed, secondary legislation is required for it to be implemented. Therefore, the 10% biodiversity net gain requirement set out in the Act is not yet law and is not applicable to these appeals. Policy CP50 of the CS, and Paragraph 174 of the Framework, both seek a net gain in biodiversity without identifying a specific percentage. A net gain of just 1% would be policy compliant in these circumstances. This could be secured by a planning obligation."

We note that some hedge and tree planting is proposed within the submitted scheme.

However, we would advise that further ecological enhancements are required and therefore advise that a safeguarding condition be applied to any planning permission.

**Natural England** - Thank you for your consultation on the above dated 24 January 2022 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION**

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied

that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

**TDC Waste and Recycling** - As we have said before we have issues with collection points. If the developers ensure that the road is not block paving and is suitable to take a 26tonne vehicle we will ask the crews to reverse the extra length of the road. However as I said this is not something that we are particularly happy about. A vast number of the accidents that occur happen when the vehicles are reversing and it is something that we try to eliminate wherever possible.

**TDC Environmental Health** - Thank you for consulting Environmental Protection on the above planning application for which we have considered the potential for environmental health impacts and offer the following comments.

The proposed dwellings are in close proximity to major retail use and this has a potential impact on amenity use of future occupants, therefore noise mitigation measures will need to be assessed. I would recommend the following condition is added:

Prior to the commencement of the development hereby approved, an Acoustic Design Statement in accordance with ProPG Planning & Noise 2017 scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

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

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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.

## COMMENTS

The application is brought before members as it had been called in by Cllr Mike Garner, on grounds of impact upon biodiversity and overcrowding.

### **Principle**

The site lies within the urban confines. The site is sustainably located within close proximity of facilities and services and the bus stop, and is walking distance of Westwood Town Centre. The site is allocated for housing under Policy HO1 of the Thanet Local Plan, for a notional 45no. dwellings (when combined with the neighbouring site to the north). The proposal therefore complies with Policies SP01 and HO1 of the Thanet Local Plan.

The principle of development is therefore considered to be acceptable, subject to other material considerations.

### **Character and Appearance**

The proposed layout follows the pattern of development present within Fairlawn Road, with the proposed front building line following the existing front building line of properties. Two pairs of semi-detached properties are proposed, along with two setback detached properties, which will appear in keeping with the character of the road. The plots are similar widths to the existing plots within the road, and each dwelling fronts onto Fairlawn Road. The location and size of the plots is therefore considered to be in keeping with the surrounding pattern of development.

A parking court has been located to the rear of plot 4, which contains 2no. visitor parking spaces, and an additional parking space for each of plot three and plot five. The parking court will have limited visual impact due to its backland location, and it is intended to construct using permeable paving, which is supported. A turning head is provided at the end of Fairlawn Road, and this is also intended to be constructed using paving of a different colour.

Within each plot parking provision is provided to the front of the site, and a soft landscaped garden to the rear. Concern was originally raised with the lack of soft landscaping proposed, and amended plans have since been submitted that introduce shrubs, tree planting and raised planters to the frontage of each property either side of the parking spaces. Native hedge planting has also been introduced along boundaries. Overall, it is intended to plant 10no. Trees, and it is intended to retain the woodland shrubs and hedges along with the western boundary of the site. The proposed layout and landscaping is considered to be in keeping with the character of the area, with potential enhancements resulting from the additional tree planting.

In terms of the unit design and materials, the units are slightly deeper than existing properties within the street, but they are all pitched roof with a similar eaves level. A street elevation has been submitted that shows that whilst the ridge height of the properties is slightly higher than the existing ridge height of properties within the road, this is due to the increase in land level across the site, with the proposed dwelling at the greatest land level 1.3m above the existing ridge level of properties within the road. This increase is not considered to be significant, and the proportions of the dwelling will appear similar to those properties in the street, with the ground level increase being the reason behind the increase rather than the dwelling size.

The proposed dwellings do not replicate the design of existing dwellings in Fairlawn Road, but reference has been made to the detailing and palette of materials used on the existing neighbouring properties. The proposed dwellings have a different fenestration arrangement, the roof pitch is steeper, and a small flat roof front extension is proposed to the front of each property; however, the ground floor window proportion and brick soldier detailing mimics those on the neighbouring properties, the brick is proposed to match the existing, and timber cladding has been used on the front extensions to tie in with the cladding detailing used between ground and first floor windows on the neighbouring properties. The proposed units are sympathetic to the local character, but appropriate innovation in the design of the units has taken place, therefore complying with paragraph 130 of the NPPF, subject to conditions requiring details of the brickwork and cladding to ensure they appear similar to the existing properties on Fairlawn Road

Overall the proposed development is considered to respect the surrounding pattern of development, and appear in keeping with the character and appearance of the existing dwellings within Fairlawn Road. The layout, scale and design, along with the proposed landscaping, are considered to be acceptable, and in accordance with Policy QD02 of the Thanet Local Plan, and the NPPF.

### **Living Conditions**

Policy QD03 of the Thanet Local Plan states that 'all new development should be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light'.

The proposed development is located on land adjacent to existing residential properties in Fairlawn Road. No. 12 Fairlawn Road extends close up to the boundary with the development site, but no. 11 is distanced from the application site by an existing substation and associated access.

The proposed dwellings follow a similar pattern to existing dwellings within the street, with each of the 6no. proposed units fronting onto Fairlawn Road. As such the main issue is whether the proposed depth of the building impacts upon the light to and outlook from the existing neighbouring dwellings.

No.12 is located 2m from the proposed development, with the rear of plot 6 extending 3.8m beyond the rear elevation of no.12. A 45 degree line has been shown on the submitted site plan, which is taken from the closest window within no. 12. The 45 degree line does not

extend into the proposed development, and taking into account the siting of the proposal, the impact upon the outlook from the nearest habitable room windows is considered to be acceptable. Furthermore, the existing neighbouring properties are located south of the proposed development, and therefore loss of sunlight is not an issue. There are no side windows proposed so there will be no loss of privacy. All first floor windows will face either to the road or down the rear garden, thereby not resulting in any direct overlooking or loss of privacy. The impact upon the living conditions of the occupiers of no.12 is therefore considered to be acceptable.

No.11 is located 4.5m from the proposed development, with the rear of plot 1 extending less than 1m beyond the rear elevation of no. 11. Given the distance and the limited projection there is considered to be no impact upon neighbouring light or outlook. No side windows are proposed, with a similar arrangement to the proposed opposite with first floor windows at the front and rear, so there will be no loss of privacy. The impact upon the living conditions of the occupiers of no.11 is therefore considered to be acceptable.

For the future occupiers of the development doorstep playspace for each unit has been provided, in accordance with Policy GI04 of the Thanet Local Plan, and each unit has been designed so that it meets the minimum nationally described space standards, as set out within Policy QD04 of the Thanet Local Plan. Refuse storage has been provided to the front of each unit, and there is space for cycle storage and clothes drying.

The impact upon the living conditions of existing neighbouring properties, and future occupiers of the development, is therefore considered to be acceptable, and in accordance with Policy QD03 of the Thanet Local Plan and the NPPF.

## **Transportation**

The existing access to the site is from Northwood Road. The proposal seeks to relocate the access so that the site is served by Fairlawn Road, as an extension of the existing cul-de-sac. The road will extend up to the northern boundary of the site, including the footway, and then further extend to the east to provide access to the rear parking court. In providing this access road adjacent to the northern boundary of the site it has been possible to achieve a turning head for cars, small delivery vehicles, and small emergency vehicles. The provision of a turning head will be beneficial for future residents, as well as existing residents within the road.

Off-street parking for each dwelling has been provided, with 2no. spaces per unit and 2no. visitor parking spaces, which complies with the maximum parking standards, and Policy TP06 of the Thanet Local Plan. Off-street parking provision to serve the proposed development is therefore considered to be acceptable, subject to 2m by 2m pedestrian visibility splays being achieved to either side of each access (with no obstruction above 0.6 metres within the splays).

Refuse freighters currently reverse along Fairlawn Road. The current proposal seeks to maintain this strategy, with increased reversing to collect from the additional 6no. Units. Waste and Recycling have been consulted. Concern was initially raised with the increased reversing of the waste vehicles, however the creation of a turning head to serve a 13m long

waste vehicle will result in a large area of hard surfacing being required that is likely to impact upon unit numbers. Amended plans have been submitted relocating the refuse storage location for each proposed unit so that it falls within a 15m carry distance of Fairlawn Road as existing. The proposed plans, as amended, comply with Policy QD03 of the Thanet Local Plan, which states that all new development should provide 'waste disposal or bin storage, with a collection point for storage containers no further than 15m from where the collection vehicle will pass'. Waste and Recycling have been re-consulted on the amended plans and advise that if the developers ensure that the road is not block paving and is suitable to take a 26tonne vehicle, the refuse vehicles could reverse the extra length of the road. Further amended plans have been submitted showing the access road finished with tarmac to suit the requirements of waste and recycling. On this basis the waste collection provision is considered to be acceptable and in accordance with Policy QD03 of the Thanet Local Plan.

Policy TP02 of the Thanet Local Plan states that 'the Council will seek to approve proposals to provide and enhance safe and convenient walking routes including specifically connection to and between public transport stops, railway stations, town centres, residential areas, schools and other public buildings'.

The proposed site plan shows the location of a potential pedestrian link to the adjacent northern site. Concerns have been received from residents regarding this potential link, with residents keen for this to remain a cul-de-sac. The potential link would be for pedestrians only, and is not currently intended as a vehicular link so the cul-de-sac layout of the road would remain. There are benefits to a pedestrian link, with the overall strategy for the allocated housing sites being a pedestrian link that extends from Fairlawn Road and Northwood Road up to Millenium Way where there is direct access to the town centre. KCC Highways has commented that this pedestrian link is an opportunity that should not be overlooked. Until the layout plans for the neighbouring site to the north are finalised it is not clear whether a definite pedestrian connection between the sites is achievable, but such a link is considered to be of benefit, and given the provision of this on the plans this could be secured through condition. The proposal is therefore considered to comply with Policy TP02 of the Thanet Local Plan.

Concerns have been raised by residents regarding construction traffic in Fairlawn Road. The agent has advised that it's possible to use the Northwood Road entrance for construction traffic. Advice has been sought from KCC highways who advise that the use of Fairlawn should be avoided due to the width and proximity to existing residential units. A construction management condition is proposed, which requires the details to be submitted to include the use of the Northwood Road access only for construction vehicles. This requirement is on the grounds of both highway safety and neighbouring amenity. Should this not be possible then a variation of condition application will be required.

Subject to safeguarding conditions, the impact upon highway safety is considered to be acceptable and in accordance with the Thanet Local Plan and NPPF.



## **Archaeology**

KCC Archaeology has been consulted and they've advised that the archaeology submission for the adjacent site to the north included a desk based study that provided a good account of the rich archaeological potential of the site and the surrounding area. It also illustrated that the site was the location of a former farm since at least the beginning of the 19th century and possibly the 18th century according to historic maps. The farm appears on the Kent Historic Farmsteads survey and in the Kent Historic Environment Record. Of the present buildings on the neighbouring site, which include a couple of barns, the southern one appears to date to the late Victorian period according to historic maps. Significant multiperiod archaeology has been found in the area of the business park to the north including remains of Neolithic, Bronze Age and Iron Age date; a Palaeolithic hand axe was found in brickearth deposits in the college site to the north; and a Bronze Age gold penannular ring was found by a detectorist in the area of the site according to Portable Antiquities Scheme database.

The site has been generally open land and relatively undisturbed, and therefore given the above archaeological potential, and the potential impacts of groundworks from the development across the site, it would be appropriate to make provision in any forthcoming planning consent for a programme of archaeological works through a safeguarding condition.

Subject to this safeguarding condition the impact upon archaeology is considered to be acceptable, and in accordance with Policy HE01 of the Thanet Local Plan.

## **Biodiversity and Trees**

Historically there have been trees on the site, but these were not covered by a TPO, and were removed prior to the application being submitted. Only a few trees along the north western boundary (just outside of the site) remain, which are being retained. The site is currently undeveloped, and there is the opportunity for biodiversity within the site. However, the site is allocated for housing, so the loss of the biodiversity needs to be managed, and balanced with new opportunities for biodiversity.

A Preliminary Ecological Appraisal has been submitted with the application. The report found that Reptiles, Great Crested Newts and Badgers are not likely to be found within the site as it does not form suitable habitat; and the site is unlikely to be of significant value to foraging and commuting bats, with limited harm if the trees along the north western boundary are being retained. For hedgehogs precautionary mitigation is proposed during construction, and for nesting birds the loss of some native hedgerow to the site boundary means that careful consideration needs to be given to the timing of works. Within the report enhancement measures were recommended, including the planting of new native hedgerow, planting around buildings, the integration of bird boxes to the new buildings, and the incorporation of bee bricks.

KCC Biodiversity have been consulted and they advise that they have reviewed the ecological information submitted in support of this planning application and are satisfied that sufficient information has been provided. They advise that the current application, if approved, would result in further losses of biodiversity, including the mature hedgerow along

the southern boundary; and that whilst some hedge and tree planting is proposed within the submitted scheme, further ecological enhancements are required.

An amended soft landscaping plan has been submitted, which shows the retention of the existing hedge along the western boundary, and the planting of a new native hedge along the side boundary of plots 1 and 3, the side and rear boundaries of plots 5 and 6, and the part side boundary of plot 4. In addition bird boxes, and incorporated bird/bee holes have been shown for each of the units.

KCC Biodiversity has been consulted and have advised that they are satisfied with the ecological enhancements proposed, subject to them being conditioned.

The impact upon biodiversity is therefore considered to be acceptable, and in accordance with Policy SP30 of the Thanet Local Plan, and paragraph 174 of the NPPF.

### **Drainage**

The application proposes a main sewer connection. Southern Water has advised that they require a formal application for a connection to the public foul sewer to be made by the applicant or developer, but they raise no objections to this proposed approach.

Southern Water has advised that it is possible that a sewer now deemed to be public could be crossing the development site; however they've again raised no concerns and advised of the process for if a sewer is found within the site during construction works.

The Environment Agency has classed the application as low risk and raise no concerns.

The impact upon groundwater is therefore considered to be acceptable.

### **SAMM Contribution**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' 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. The proposed development is within close proximity of the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for the C3 units to contribute to the district wide mitigation strategy, as agreed by Natural England.

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £424 per 3-bed units, and £530 per 4-bed (plus) unit, resulting in a total of £2,968 for this development. The applicant has agreed to this contribution, which will be secured through the submitted legal agreement.

An appropriate assessment has been undertaken and accepted. This mitigation means that the Council has accorded with the Habitat Regulations.

## **Other Matters**

Concerns have been raised by residents regarding the lack of infrastructure and GP Services to serve the proposed development. The proposed development falls below the threshold of development that would seek an off site contribution by the CGG towards health provision, or a KCC contribution towards community, youth, social care or education provision. Whilst the additional units will add pressure to existing infrastructure, the impact will be minimal given the modest number of units being applied for.

## **RECOMMENDATION**

The proposed development is located on an allocated housing site within the urban confines. The layout and design of the development is considered to be in keeping with the character and appearance of the area, with limited impact upon neighbouring living conditions and highway safety. Soft landscaping is proposed to soften the appearance of the development, whilst also achieving ecological enhancements. The proposal is therefore considered to form sustainable development that complies with the development plan.

It is therefore recommended that members defer and delegate the application for approval, subject to safeguarding conditions and the receipt of a signed unilateral undertaking securing the SPA contribution.

## **Case Officer**

Emma Fibbens

TITLE: F/TH/21/1732

Project Land To The North Of Fairlawn Road And The West Of Northwood Road,  
Broadstairs Kent

Scale:

