

D12

F/TH/22/0634

PROPOSAL: Erection of part single and part two storey building to provide one bed maisonette following part demolition of existing building, retaining shop and frontage.

LOCATION: 4 York Street BROADSTAIRS Kent CT10 1PD

WARD: Viking

AGENT: Mr Ivan del Renzio

APPLICANT: Mr Rizwan Ali

RECOMMENDATION: Defer & Delegate

Defer and delegate the application for approval within 6 months, subject to safeguarding conditions and the receipt of a signed unilateral undertaking securing the SPA contribution:

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 451-PLN-100 Rev A (received 30/06/22), 451-PLN-200 Rev C (received 30/06/22) and 451-LOC-002 Rev D.

GROUND

To secure the proper development of the area.

3 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 Policies HE02 and QD02 of the Thanet Local Plan

4 Details of the biodiversity sedum roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. These details shall include:

- Precise details of the substrate base;
- Sample of the planted/seeded mix, shall be submitted to the Local Planning Authority. The agreed mix of species shall be sown within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum);and
- A landscape maintenance scheme.

The sedum roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The sedum roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

GROUND

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Policy SP30 of the Thanet Local Plan.

5 Prior to the first occupation of the first use hereby permitted, details of the secure bike and refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The details shall be provided in accordance with the approved details and thereafter maintained.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policies QD03 and TP03 of the Thanet Local Plan.

6 Notwithstanding the submitted drawings the existing flint wall on the western boundary of the site adjoining Serene Court shall be retained.

GROUND

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

7 The flat roof area hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the granting of a further specific planning permission.

GROUND

In order that the Local Planning Authority may retain control over the development in the interests of residential amenities of the locality in accordance with the National Planning Policy Framework.

8 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 standards 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

9 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.

10 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.

SITE, LOCATION AND DESCRIPTION

The application site is located within Broadstairs Town Centre, within the secondary frontage and within Broadstairs Conservation Area.

To the west of the site is Serene Court which is a four storey residential building containing flats although there is a commercial element fronting York Street at ground floor, directly to the east is a restaurant. Opposite the site there are some existing/vacant commercial elements with residential above.

The application site contains a single storey attached building in use as a retail shop which fronts York Street, with a yard to the rear accessed via an access to the west of the building. The application yard abuts properties that front Charlotte Street.

RELEVANT PLANNING HISTORY

F/TH/22/0050 Demolition of existing single storey building and erection of part single and part two storey building with first floor front roof terrace to provide a shop, bedsit and a two bed maisonette flat. Withdrawn.

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a part single and part two storey building to provide one bed maisonette following part demolition of the existing building, with the retention of shop facade.

The retail element within the proposed building at ground floor would be smaller than the existing retail unit. The first floor element would sit above the shop and be set back from the shop front. The development would have both pitched and flat roof elements. With the rear flat roof would be a flat green roof.

Since the submission of the application to make clear where the flint wall is being retained, clarification on window openings and acceptance of the Environmental Health suggested condition.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP12 - Broadstairs
SP13 - Housing Provision
SP14 - General Housing Policy
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP43 - Safe and Sustainable Travel
GI04 - Amenity Green Space and Equipped Play Areas
E04 - Primary and Secondary Frontages
HO1 - Housing Development
HE02 - Development in Conservation Areas
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
SP08 - Thanet's Town Centre
SP12 - Broadstairs
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan

BSP9 - Design in Broadstairs and St Peter's
BSP10 - Shopping Areas
BSP 12 - 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.

Six representations were received. The concerns can be summarised as follows:

- Close to adjoining properties
- Conflict with local plan
- Development too high
- General dislike of proposal
- Inadequate parking provision
- More open space needed on development
- Out of keeping with character of area
- Over development
- Not an enhancement to the Conservation Area
- Information missing from plans
- Loss of light
- Loss of privacy
- Not enough info given on application
- Loss of flint wall
- Safe access for residents of Serene Court
- Inadequate access
- Increase in traffic
- Loss of parking
- Noise nuisance
- Residential Amenity
- Encroachment of right of way over the application site
- Concern about potential roof terrace
- How will the green roof be maintained?

Broadstairs Town Council: The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend REFUSAL with the following concerns: This would be a complete over development and cramming within a conservation area. The application also has not given any details regarding the retention of the flint wall.

CONSULTATIONS

Southern Water: Final comments: In regard to further information provided by the developer regarding sewer position. We would wish to withdraw our comments regarding sewer diversion and substitute the comments below.

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

Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. Discharge of surface water runoff to public combined network can

be allowed only once full assessment of other alternative methods have been carried out and discounted and at the discharge rates agreed with Southern Water as not introducing detriment to downstream network.

Foul and surface water onsite network shall remain separate until the boundary of the site or final connection to public sewer.

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.

Initial comments: The proposed development will lie over an existing public combined sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus 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 gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout.

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

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 sewer to be made by the applicant or developer.

Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. Discharge of surface water runoff to public combined network can

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Foul and surface water onsite network shall remain separate until the boundary of the site or final connection to public sewer.

TDC Environmental Health: We have considered the potential for environmental health impacts. I note the application follows a previously withdrawn application under reference F/TH/22/0050.

I have the same noise concerns as previously raised in the earlier application due to the commercial nature of the area and therefore the applicant should mitigate these issues as part of the planning process.

A noise levels (both internal and external) condition should be added to safeguard future occupants from noise.

TDC Conservation Officer: 4 York Street is a traditionally fronted property located within Broadstairs Conservation Area.

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.' As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

Previously an application was submitted for the same site of which was very contemporary in its approach to design. This was withdrawn following concerns being raised regarding possible implication to the conservation area as well as how close it was to neighbouring buildings.

This application now being reviewed has largely been amended following these previously stated concerns. The design is still somewhat contemporary in its approach however it is much more appropriate and responsive to the constraints of the site and the form of the existing building. It sits subserviently back in response to the adjacent roof form and appears to have also considered its scale against this reference. This improves the cohesion between the proposed and existing and subsequently makes the scheme acceptable.

A concern to flag, which I believe can be met through condition, is the retention of the flint wall and the details of its integration into the scheme. The wall is considered to contribute well to the character and appearance of the surrounding conservation area and as such should be retained.

Secondly to this the structure that is left exposed at the forefront of the development could be construed for use as a roof terrace, which I would have concerns with given its position in the historic environment as well as it appearing out of place and having a distracting presence. Ideally this should be conditioned that it should not be used as such.

Overall I believe that the application has considered possible implications to the appearance of the surrounding conservation area and as such meets with the above legislation. Subsequently I do not object to the proposal provided that more information is submitted regarding the flint wall and its retention.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Bailey due to concerns that the development would be out of keeping in the area, highway issues and consultee comments from previous application have not been addressed.

The main considerations with regard to this planning application will be the consideration of the principle of development, the impact of the proposed development on the character and appearance of the Conservation Area, the residential amenity of future occupants and neighbouring property occupiers and highway safety and amenity.

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.

Policy SP12 seeks to support proposals that maintain and enhance the role and character of Broadstairs as a popular attractive small seaside town, with main town centre uses directed to the town centre area. Policy SP08 outlines Thanets retail centre hierarchy and states provision is made for main town centre uses which reflect the role, character and heritage of the town centre. Policy E04 states that residential and other main town centre uses will be permitted at ground and upper floor level where this would not fragment or erode the active frontages to a degree that would undermine the function of the centre.

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies.

Broadstairs Neighbourhood Policy BSP10 - Shopping Areas details that main town centre uses will be supported at ground floor and residential above only.

As the application proposes to retain the existing commercial unit and shopfront to the front portion at ground floor level, with the extension and alteration of the building to provide 1No. residential unit at ground and first floor level, this would accord with the above policies.

The proposed development is therefore considered to be acceptable in principle, subject to the assessment of all other material planning considerations.

Character and Appearance

The site is located within the Broadstairs Conservation Area. The Council must therefore take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' Paragraph 197 of the National Planning Policy Framework (NPPF) requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF requires that where a development causes substantial harm, or less than substantial harm but where the harm is not outweighed by public benefit, permission should be refused.

Policy HE02 of the Thanet Local Plan requires that appropriate materials and detailing are proposed and that developments would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

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.

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals which demonstrate that they reflect the design characteristics of the area will be supported. Therefore, development should be well designed, respect and enhance the character of the area paying particular attention to context and identity.

No. 4 York Street is a single storey attached building with what appears to be a part replacement, partly historic timber shopfront. The building adjoins a similar part single storey part two storey building on the corner with Charlotte Street with a timber shopfront and is sited adjacent to a large deep four storey building which appears relatively modern, with a traditional pattern of fenestration.

The surrounding area is characterised by predominantly two and three storey Victorian buildings, many of which contain commercial units with historic shopfronts at ground level. Whilst there is variation in the built form and design of the surrounding built form, the surrounding area largely comprises traditional regular building forms characterised by vertical proportions, timber sash windows and hipped or pitched slate roofs, some of which contain parapets.

The Conservation Officer has confirmed that concerns raised in the earlier application relating to design and proximity to neighbouring properties have been addressed within this re-submission. Overall she has confirmed that the revised application is acceptable in design and conservation terms subject to condition.

The proposed development would introduce new built form at a highly visible and prominent level and position within the Conservation Area by virtue of introducing a part single part two storey building in the location of the current single storey building. It is, however, recognised that the set back (between 0.9-2.9m due to the angle of the ground floor) of the first floor element is similar to the attached property at no. 2 York Street.

As such there is some variation in built form and a stepped approach to the adjoined building at first floor/roof level, although it is acknowledged the surrounding built environment largely comprises common, regular traditional built forms, set under hipped or pitched slate roofs. The proposal would be viewed in direct conjunction with no. 2 York Street as such I consider the roof configuration to be acceptable to the character and appearance of the Conservation Area.

Whilst the fenestration pattern of the proposed building does not seek to replicate a traditional sash window, the windows within the front elevation have a strong vertical emphasis which is a characteristic of traditional fenestration. Given this and its set back position of the first floor element, it is not considered that it would be overtly harmful to the Conservation Area.

The proposed materials include slate tiles, green roof, both buff and black painted reclaimed bricks, timber shop front windows and doors, the windows would be aluminium (black) to the rest of the windows in the building aside from the shopfront. Samples of materials can be conditioned to ensure their appropriateness in the Conservation Area as well as details of the green roof. As such I consider these materials to be acceptable in principle.

It is considered the proposed development and takes references to the surrounding built environment which would integrate with its surroundings.

The attractive historic flint wall to the west of the yard is to be retained as part of this scheme, it is considered that this was an important aspect of the site and adds to the overall scheme retaining and preserving this historic built form of the wall.

In regard to the flat roof area created by the set back of the first floor element this could potentially be used as a balcony area- accessed from the first floor bedroom. The presence (including balustrade) and activity from users if used as a roof terrace and any associated equipment/furniture at this prominent elevated level would be visible and apparent from views within the public realm, and is considered to be inappropriate and incompatible with the wider character and appearance of the Conservation Area. As such it is considered reasonable to attach a condition to prohibit this. Furthermore it could result in views back into the first floor window of no. 2 York Street.

The proposal is, therefore, considered to be acceptable in terms of the character and appearance of the area, in accordance with Policies SP35, SP36, HE02, QD01 and QD02 of the Thanet Local Plan policy BSP9 of the Broadstairs and St Peter's Neighbourhood 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.

Policy QD03 of the Local Plan deals specifically with living conditions. This policy states that all new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to 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.

A daylight and sunlight assessment was carried out and submitted to support the application. It concludes that the proposed development will have a low impact on the light receivable by its neighbouring properties. The only windows which do not pass the BRE numerical tests are situated underneath overhangs. It went on to demonstrate that the overhangs are the main factor in loss of light by carrying out additional calculations without these obstructions in place and highlighting that the windows passed the test using the additional calculation with the overhangs removed.

Firstly with regard to the relationship with the flats forming part of Serene Court development, this has openings; windows and doors at ground, first, second and third levels.

The ground floor is used for storage, parking of vehicles and access to the flats. The flats are on the upper floors.

The proposal would extend the single storey element further back into the site. The side of the building (single storey element) would extend above the existing boundary wall at a height of approximately 3.5m. Given that the ground floor of Serene Court is not habitable accommodation, I do not consider there to be a harmful impact on the ground floor of Serene Court and the proposed development. With regard to the upper floors of Serene Court there is a distance of separation between proposed built form and the side elevation of Serene Court of approximately 0.6m at the widest part- this tapers in further into the site. Whilst it is appreciated that the outlook from these upper floor windows would change- looking in part at the wall of the single storey element and green roof - it is not considered harmful given the separation and the pitch of the first floor element.

With regard to the two storey element, this is set in from the site boundary and thus there is a greater degree of separation to Serene Court; approximately between 5.2m - 5.5m. The roof of this part would pitch away from Serene Court. Due to its positioning it would impact two windows within the side elevation; the 3rd and 4th window back at first floor. Again it is acknowledged that the outlook from these windows would be altered. I do not consider, however, that there would be unacceptable overshadowing or loss of light. Whilst there would be some sense of enclosure it is not considered to be materially harmful due to the separation and the relatively small expanse. There are no windows proposed within the side elevation. In summary it is considered that the relationship between the proposal and Serene Court is acceptable.

With regard to the adjoining property, no. 2 York Street, at ground level this has a rear single storey projection constructed in flint and some red brick with a flat roof. This element does not have any windows within it. The property does however have a first floor side window, this is clearly glazed. This window would face out onto the existing flat roof of the aforementioned single storey element and beyond this the green roof of the proposal. As such I consider there to be no harmful impact from the proposed development on the occupiers/users of no. 2 in terms of loss of outlook, light or overshadowing.

As stated in the character and appearance section of the report there is potential for a roof terrace at first floor level over the flat roof area. This could have an ability to look back into the first floor front window of no. 2 York Street, as such it is considered appropriate to attach a condition to any consent to prevent this happening. In addition the agent has confirmed that the larger window will be fixed shut. This would serve a bedroom, however there would be two other smaller windows also serving this bedroom.

With regard to the impact to no. 12 Charlotte Street (Shoe repairs) this building has its rear elevation facing directly onto the rear of the yard currently. It is understood that the owner of this property has a right of access over this site; there is a wooden door allowing this right of access. In addition this property has two at ground floor and one first floor window. One of which is fitted with obscure glazing, the others have bars fitted on the inside of the windows. These do not serve habitable areas but areas in association with the shoe shop/workshop. The single storey element would be adjacent to the rear of no. 12. There would be a distance of separation of approximately 0.9m to allow for pedestrian access (the building at

some points are set in from this access creating a courtyard). The wall of the flat green roof building at this point would be approximately 3.4m. It is acknowledged that this would lead to a loss of outlook and reduce daylight into this area, however it is not a habitable room. On balance, therefore, this relationship is considered acceptable.

In terms of the impact to no. 14 Charlotte Street, it appears to have retail at ground floor with residential above). There are first and second floor windows facing the site, but these are set away from the boundary. The proposal would only be single storey (approximately 2.9m) at this point and, therefore, I do not foresee any material harm through overlooking, overshadowing or loss of light/outlook and corresponding sense of enclosure

As detailed above this area of York Street has both residential and commercial uses. The site retains a commercial use and also immediately abuts commercial uses. As such due to potential noise concerns, the Council's Environmental Health team were consulted as these uses are existing; it is for this application proposal to mitigate these issues as part of the planning process. Paragraph 187 of the NPPF details planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Environmental Health have advised that they feel that this can be achieved and recommend a condition to secure the details to safeguard future occupants from noise within the residential units and the external noise levels in gardens prior to occupation of the premises and be retained thereafter. Given the context of the site this is considered reasonable. The applicant has agreed to this condition.

The proposed development is, therefore, considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 130 National Planning Policy Framework.

In terms of the living conditions of the future occupiers of the proposed dwellings, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Paragraph 134 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms. The proposed one bedroom two person maisonette meets all of these criteria in terms of the overall floor space and window provision to habitable rooms and is, therefore, considered policy compliant. Whilst a bedroom window is shown as being fixed shut this room has two other windows as such I do not consider the residential amenities of future occupiers of the maisonette to be unacceptable.

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 says that in assessing applications for development it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Local Plan Policies TP02 and TP03 concern walking and cycling respectively. They require that new development will be expected to be designed to facilitate safe and convenient movement by pedestrians and the safety of cyclists and facilities for cyclists. Policy TP06 states that proposals for development will be expected to make satisfactory provision for the parking of vehicles, including disabled parking. Suitable levels of provision will be considered in relation to individual proposals taking account of the type of development, location, accessibility, availability of opportunities for public transport, likely accumulation of car parking, design considerations.

This part of York Street is subject to traffic regulations - double yellow lines. The application site is located within Broadstairs Town Centre and, as such, development is not required to provide off street parking provision due to its sustainable location and close proximity to public transport links and is sited close to a public car park. The impact upon highway safety and parking is, therefore, considered to be acceptable in accordance with Policy TP06 of the Thanet Local Plan and the NPPF.

In terms of policy TP03 (cycling) the plans annotate a bike storage area close to the ground floor entrance of the maisonette precise details are not given, but this would be expected to be covered and secure. These details can be secured by condition.

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

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.

The site currently comprises a single storey building and rear yard. The rear yard is hard surfaced. As such at present it offers little biodiversity value. The proposal involves the provision of greater built form on the site, however, the proposal also includes the provision of a green roof. This green roof offers the opportunity for biodiversity. As such the detail of this needs to be secured by condition together with its maintenance.

Drainage

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.

As part of the application Southern Water were consulted initially they confirmed that the proposed development will lie over an existing public combined sewer, which will not be acceptable to them. They advised that the exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

A drainage map and report which assess the drainage system at the site have been submitted as part of the application.

Following this additional information Southern Water have advised regarding sewer position they withdraw their comments regarding sewer diversion. Furthermore they confirm that they require a formal application for a connection to the public sewer to be made by the applicant or developer. In addition if 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.

The site is in Flood Zone 1 and is therefore at the lowest risk of flooding.

As such it is considered that this technical objection has now been adequately resolved. As the proposal will not increase the amount of hard surfacing on site it is considered that it should not increase surface water drainage issues to any other site. As such it is not considered that there would be any adverse effect on drainage or flooding from the proposed development and is acceptable in terms of the NPPF and policy CC02 of the Local Plan.

Contributions

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the '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.

The required financial contribution for the one bed residential units £202 to mitigate the additional recreational pressure on the SPA area. The applicant has agreed to this contribution, which will be secured through a Unilateral Undertaking. An appropriate assessment has been undertaken and accepted. This mitigation means that the Council has accorded with the Habitat Regulations.

Other matters

There is considered sufficient information submitted to assess this application.

The proposal should not affect safe access for residents for the residents of Serene Court and all aspects of Health and Safety legislation will need to be adhered to by the builder/developer.

A condition is suggested in relation to the green roof for its maintenance.

Access has been maintained to allow access to and from the clobbers premises.

Conclusion

The site is sustainably located within the urban confines, and therefore the proposed change of use from commercial to residential is considered to comply with Policy HO1 of the Thanet Local Plan.

The proposed ground and first floor extensions will have an acceptable impact upon neighbouring living conditions, and a limited impact upon the surrounding conservation area. The proposed flat development will achieve minimum space standards and be provided with suitable refuse storage and cycle storage. Given the sustainable location of the site there is no requirement for off street parking. Matters pertaining to ecology and drainage are considered to be addressed.

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

Gillian Daws

TITLE: F/TH/22/0634

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