

D13

F/TH/22/1341

PROPOSAL: Variation of condition 2 of planning permission F/TH/20/0575 for the "Erection of 4No. two storey 4bed detached dwellings

LOCATION: with associated access, parking and landscaping" to allow removal of trees and change to finished floor levels

16 Sowell Street BROADSTAIRS Kent CT10 2AT

WARD: St Peters

AGENT: Mr Daniel McCarthy

APPLICANT: Mr Laurence Waitt

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to receipt of a legal agreement securing the required planning obligation/confirmation of payment of obligation under F/TH/20/0575 and the following safeguarding conditions:

- 1 This consent shall be implemented no later than the 3rd February 2024.

GROUND

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 02 H (received 16/05/23), 04 A (received 30/07/20), 05 A (received 30/07/20), 06 A (received 30/07/20), 07 A (received 30/07/20), 08 A (received 30/07/20), 09 A (received 30/07/20) and 10 A.

GROUND

To secure the proper development of the area.

3 The materials to be used for the development hereby approved shall fully adhere to the details agreed under application reference number CON/TH/22/1368.

GROUND

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

4 The first floor ensuite windows in plots 1 & 4 hereby approved shall be non-opening below 1.73m above the finished internal floor level, shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

GROUND

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

5 The implementation of ecological enhancements as detailed within Section 4.10 of the submitted ecological report shall be carried out concurrently with the development and thereafter retained.

GROUND

To incorporate biodiversity improvements in accordance with paragraph 174 of the National Planning Policy Framework.

6 The development shall be carried out in accordance with the approved Arboricultural Method Statement and associated documents agreed under application reference number CON/TH/22/1368; condition 6.

GROUND

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

7 The development shall be carried out in accordance with the approved hard and soft landscaping as agreed under application reference number CON/TH/22/1368; condition 7.

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

8 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

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.

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 110 litres/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 110 litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

11 The development shall be carried out in accordance with the Construction Management Plan as agreed under application reference number CON/TH/22/1368.

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

12 The area shown on the approved plan numbered 02E for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

SITE, LOCATION AND DESCRIPTION

The application site is located on the eastern side of Sowell Street, Broadstairs. The site also has part of the rear boundary directly fronting onto Crawford Road. The site was garden land associated with a property known as Green Lawns (to the north of the site boundary). At present the application site is overgrown with vegetation and trees mainly around the perimeter of the site. Three trees on site are covered by an area Tree Preservation Order (B/TPO/2(1974) A1). The site is enclosed on Sowell Street by a red brick wall. The site is rectangular in shape and measures approximately 41m x 45m. It is surrounded by residential development to the north, south and east and to the west is St Joseph's Catholic Primary School.

RELEVANT PLANNING HISTORY

F/TH/20/0575 Erection of 4No. two storey 4 bed detached dwellings with associated access, parking and landscaping. Granted 03/02/21

F/TH/17/0572 Erection of 3 No 4-bed dwellings. Granted 13.09.2017

F/TH/09/0505 Erection of 8 no dwellings with associated parking and landscaping works. Refused 18/08/2011. Appeal Dismissed

PROPOSED DEVELOPMENT

Planning consent was previously approved under planning reference F/TH/20/0575 for the erection of 4 detached dwellings on the 3rd February 2021.

Planning consent is sought for the removal of 4 no trees (all of which are Sycamores) around the proposed driveway layout; these trees were identified for retention in the previous consented scheme, as the applicant advises that the existing tree bases and roots will prevent the construction of the proposed driveways. The submitted tree report classes these as BS Category Grade 'C' and 'U' trees. Initially a further tree was proposed for removal to the side of unit 1 and adjacent to existing dwelling no.4 Crawford Road owing to health and safety concerns in relation with the adjacent property; No4. Crawford Road. This has since been omitted from this application.

In addition it is proposed to raise the finished floor level (FFL) by 225mm to match the FFL of unit 3 which is set at +37.230 AOD. The application details that this is required by the drainage consultant in order to allow a connection to mains sewer by gravity.

The trees for removal are shown on an amended plan together with an updated Arboricultural Method Statement (both received 16th May 2023).

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP13 - Housing Provision
SP14 - General Housing Policy
SP27 - Green Infrastructure
SP28 - Protection of the International and European Designated Sites
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP43 - Safe and Sustainable Travel
H01 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan

BSP3: Protecting and Providing Important Trees

BSP9: Design in Broadstairs & St. Peter's

BSP12: Full Fibre Broadband Connections

NOTIFICATIONS

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

Three representations have been received, one of which supports the application due to damage to their property. The concerns can be summarised as follows:

- Inadequate access
- Inadequate parking provision
- Increase danger of flooding
- Increase in traffic
- Traffic or Highways
- Would like to know why so many trees are being removed
- No pavement on this side of the road
- Nature of Sowell Street will be lost by the removal of the trees

Broadstairs Town Council: The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend REFUSAL on the grounds that the trees play a significant role in Sowell Street.

Broadstairs Society: The application makes reference to a tree report. Where is it? Until the Society sees it, to make comment, it cannot support the application.

CONSULTATIONS

KCC Highways: Non-protocol application and, therefore, no comments to make.

Environment Agency: This application relates to condition(s) that was/were not requested by us, we therefore have no comments to make with regards to the discharge/variation of condition(s).

TDC Tree Officer: The submitted revised Site Plan Block (their reference 02 F) appears to show five existing trees to be removed, annotated as "trees removed as per tree report", presumably referring to the LaDellWood tree survey submitted with the original application (F/TH/20/0575). The trees are not numbered, so not directly relatable to the tree survey. The plotted location of four of these five trees appears to be close to proposed internal driveway and parking, the other is close to Unit 1 and the southern boundary. There would likely be significant incursion into their root protection areas (rpa) and on this basis removal appears reasonable.

There are a number of other trees shown on the plan, annotated as "trees retained as per tree report". Again, the trees are not numbered, so not directly relatable to the tree survey. I

note comments in the Officer Report for 20/0575 that revisions allow for trees to be retained, as shown on the applicant's previously revised Site Block Plan (ref. 02 E), but the tree report as submitted shows almost all trees on the site to be removed. For the sake of clarity, I suggest the current plan be amended to remove reference to the tree survey.

The proposed driveway and parking areas make significant incursions into the rpa's of many of the retained trees, also a small part of the footprint to Unit 1. As the tree survey and report was based on the assumption that all trees were to be removed, I've not seen any assessment of the impact on tree roots and health, nor any mitigation (e.g. construction above existing levels).

The tree report makes reference to existing soil levels being apparently raised around the base of trees and across the site. It says this is shown on their drawing 2338/15/B/1, but not as far as I could see. I couldn't find any reference to whether the proposed development requires existing levels to be raised/lowered, with any consequent implications for trees.

I note Condition 6 of the 20/0575 consent requiring submission and approval of an Arb Method Statement before works commence on site. This is a potentially important document now, particularly as I understand some of the trees are TPO'd, and must address these last two points.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Garner, for Members to assess the impact of the proposed loss of trees.

The main considerations in assessing the submitted scheme are the impact upon the character and appearance of the area, and impact upon trees and ecology.

Principle

The principle of the residential on the site was agreed under the consent F/TH/20/0575, which is still extant. As such, there is no in principle objection to this residential development of the site.

Character and Appearance

Paragraph 130 of the National Planning Policy Framework (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.

Paragraph 130 of the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 135 of the NPPF states that "Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being

made to the permitted scheme (for example through changes to approved details such as the materials used)."

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.

As stated above, this application seeks to raise the finished floor level (FFL) of unit 4 by 225 mm to match that of unit 3. A proposed site section and front elevations plan has been submitted that indicates that this marginal increase in FFL would not have a significant visual impact upon the amenities of the area as the increase would not be perceivable given the limited increase.

As such it is not considered that the proposal would conflict with the aims of the NPPF or policies of the Local Plan or Broadstairs and St. Peters Neighbourhood Plan.

Trees

The site contains a number of trees covered by a Tree Protection Order (TPO) (under reference B/TPO/2(1974)A1). The Order covers the entire site for those trees that were present in 1974.

The previous application F/TH/20/0575 included a Tree Survey paragraph 4.1 of the Tree Survey submitted to support the previous application and carried out March 2020, stated that "The proposal is to construct four dwellings with access using the southern entrance to the site from Sowell Street. The existing wall on the Sowell Street frontage will be retained in the proposals. As recommended, trees 1 and 3 to 15 will be removed. Tree 16 will also be removed. The details of the construction following BS5837:2012 are shown on plan 2338/15/B/2C. All the tree protection fencing will be erected before work starts on site and this will ensure that the trees are properly protected during construction and will not be affected by these works."

A total of the 15 trees of the 16 trees on site were proposed to be removed under application F/TH/20/0575. Following concerns expressed by the officer during the consideration of application F/TH/20/0575 the agent confirmed that all trees would be retained.

In addition under the original application concerns were raised about the impact of hard surfacing on the root protection areas of the retained trees, the site block plan had been amended (02E) to show remove the reference to any hard surfacing material pending the outcome of further assessments to ensure that the root protection areas of the trees to be retained are taken into account.

Since this time it is now considered by the applicant that 4 trees will need to be removed in order to make provision for the driveway, these are trees T1, T7, T8 and T15 all Sycamore trees and all category C except for T15. Hence the submission of this variation of condition

application. Category C is classed as low quality trees expected to have a lifespan of over 10 years and U is unsuitable for retention. All these trees are indicated as being mature with the exception of T15 which is identified as over mature. Given that the TPO dates back some 51 years it is unlikely that these Sycamore trees were present on the site when the order was made and, therefore, not covered by the Order. As such, whilst these four trees may give some presence and a more verdant nature to the front of the site it is considered that their removal would not result in significant harm to the area or amenity. Given that they are unlikely to be covered by the TPO it is recognised that they could be removed if this condition had not been attached. On balance therefore it is not considered that an objection could be sustained.

Conditions 6 on the original application related to the submission of an Arboricultural Method Statement and landscaping details. The details contained within the documents submitted with the discharge of condition application (reference CON/TH/22/1368), were considered acceptable, this also included the planting of 5 new trees along the eastern boundary with a mix of Acer Campestre and Betula Pendulas. In order to safeguard this a condition can be attached to this consent to ensure the planting of these trees, should Members resolve to approve.

Given the above limited removal of 4 trees that appear too young to be covered by the TPO and planting of 5 new trees along the eastern boundary the proposal is considered acceptable.

Living Conditions

Policy QD03 (Living Conditions) states that all new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The removal of trees would not harm living conditions as it would not reduce light to neighbouring occupiers.

In terms of the increase in FFL the increase is marginal (225mm) and would not have an impact on the property to the north of unit 4, as this modest change would not be perceivable or increase harm to such a level that would be unacceptable.

Therefore the changes proposed in this application would have a neutral impact on future occupiers and comply with national and local policies.

Transportation

The proposed amendments will not have an impact on the siting or location of the dwellings. As such, there would be no adverse impact on highway safety or parking as a result of the proposed changes of window material.

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. The previous application included an obligation to pay towards the Strategic Access Management and Monitoring Plan (SAMM) in accordance with Policy SP29 of the Local Plan.

The proposed amendments do not vary the amount of SAMM contribution required for the development under F/TH/20/0575. It appears, however, that this contribution has not yet been received. If this application to vary condition 2 was approved, either the payment of the contribution would need to have been paid prior to issuing the decision or a new obligation entered into for payment of the SAMMs, otherwise the proposal would contribute towards a significant effect on the designated sites, contrary to Policy SP29 and the Habitat Regulations. Clarification has been sought if this payment has been made, however, no response has been received to date. If the payment has not been received a new Unilateral Undertaking will be required to secure the payment as well as monitoring fee.

Other Matters

A discharge of condition application has been submitted against the 2020 application. It is confirmed that conditions 3 (materials), 6 (arboricultural method statement), 7 (landscaping) and 11 (construction management plan) have been agreed. This will need to be reflected in the new conditions for the scheme should Members resolve to approve the proposal.

Conclusion

It is considered that the changes to the finished floor levels of unit 4 would not impact negatively on the street scene or neighbour amenity. Since the submission of the application the number of trees to be removed has been reduced to 4. These trees are all sycamores and are all category U with the exception of 1. Their removal is required specifically to accommodate the driveway to the dwellings approved. Taking into account their maturity as detailed within the Arboricultural Report submitted with the application it is considered that they are unlikely to have been in situ at the time of the Tree Preservation Order being confirmed some 51 years ago. As such it is considered that the loss of these four trees is acceptable, with 5 additional trees agreed to be planted on site. Therefore it is recommended that the variation of condition application is deferred and delegated for approval subject to safeguarding conditions and receipt of a legal agreement securing the required planning obligation/confirmation of payment of obligation under F/TH/20/0575.

Case Officer

Gillian Daws

TITLE:

F/TH/22/1341

Project

16 Sowell Street BROADSTAIRS Kent CT10 2AT

