

**D07**

**F/TH/23/0266**

**PROPOSAL:** Erection of 2no. 2-storey 2-bed dwellings and 1no. 2-storey 4-bed dwelling, the erection of a detached double garage, together 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 Gary Bootes

**APPLICANT:** Mr Robert Bridge

**RECOMMENDATION:** Defer & Delegate

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 drawings numbered 167\_013.PL3.1, 167\_010.PL3.1, and 167\_100.PL3.3, received 11 August 2023; revised drawings numbered 167\_006.PL3.2, 167\_020.PL3, 167\_030.PL3, 167\_031.PL3, 167\_101.PL3.1, and 167\_103.PL3.2, received 10 August 2023.

**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 From the commencement of works (including site clearance), all precautionary mitigation

measures for hedgehogs will be carried in accordance with the details in sections 10 of the Preliminary Ecological Appraisal (Native Ecology October 2020).

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

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

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

**GROUND:**

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

6 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted,
- the retention of the mature hedgerow along the southern boundary of the site,
- the treatment proposed for all hard surfaced areas beyond the limits of the highway,
- walls, fences, other means of enclosure proposed,
- ecological enhancements to be provided within the site;

shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND:**

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

7 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

8 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.

9 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

10 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,
- (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.

11 Prior to the first occupation of the development, the area shown on plan numbered 167\_006.PL3.2 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.

12 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), 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

13 The refuse storage facilities as specified upon the approved drawing numbered 167\_006.PL3.2 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.

16 Prior to the first occupation of the dwellings hereby permitted a sprinkler system shall be installed within the dwellings, as agreed by the agent in correspondence received 10 August 2023. The sprinkler system shall be made operational and thereafter maintained.

**GROUND:**

To protect the safety of future occupiers, in accordance with Policy QD02 of the Thanet Local Plan.

17 The first floor window in the side elevation of the plot 1 hereby approved shall be non-opening below 1.73m above the finished internal floor level, and 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 the 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.

18 Prior to the construction of the external surfaces of the development hereby approved samples the materials to be used in the construction of the building(s) 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

19 No further extensions, alterations or insertion of windows to plots 2, whether approved by or 3 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.

**INFORMATIVES**

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

**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/>**

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 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/>

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

### 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

F/TH/22/0653 - Variation of condition 8 of planning consent F/TH/21/1732 Erection of 6no. dwellings (4no four bedroom dwellings and 2no three bedroom dwellings) with associated access, parking and landscaping to allow for the use of Fairlawn Road for construction traffic  
Granted - 21 October 2022

F/TH/21/1732 - Erection of 6no. dwellings (4no. Four bedroom dwellings and 2no. Three bedroom dwellings) with associated access, parking and landscaping  
Granted - 13 April 2022

There is also 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 was originally submitted for the erection of 4no. dwellings, but following negotiation the number of units have been reduced and the layout and design of the scheme amended.

The application is now for the erection of 3no. dwellings, including a 4-bed 2-storey detached dwelling and 2no. 2-bed 2-storey detached dwellings, with a continuation of Fairlawn Road to access the dwellings. The larger detached dwelling is located on the west side of Fairlawn Road, with a front driveway that contains a single detached garage and space for at least three vehicles to park, and a rear garden. The two smaller detached dwellings are setback on the eastern side of Fairlawn Road, and are of a chalet bungalow design with the first floor accommodation within the roofspace. Each property has a designated parking space, and a rear garden area. A further five parking spaces are provided opposite the dwellings, two of which are designated for the dwellings, with the other three available for visitor use.

### 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

### **Broadstairs and St Peters Neighbourhood Plan**

BSP9 - Design

### **NOTIFICATIONS**

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

- Loss of privacy,
- Should be no access provision to the site to the north,
- Five bed property will appear out of place,
- Roof terrace will overlook,
- Building is too high,
- Loss of trees and impact on wildlife.

**Broadstairs and St.Peters Town Council** - No comment

**Broadstairs Society** - No comment

### **CONSULTATIONS**

**KCC Highways and Transportation** -

(Final Comment)

The proposal has been reduced to 3 units as opposed to 4, whereby comments were previously made in relation to the parking.

The current arrangement of refuse vehicles reversing along Fairlawn Road is to remain to service the proposed dwellings, which is considered acceptable.



Tracking has not been provided to illustrate that a fire tender can access the site. It is understood that an integrated sprinkler system is to be installed in all properties, which is acceptable in line with Kent Fire & Rescue guidance.

Plot 1 proposes garages, which do not count towards parking standards. However, there is sufficient space for vehicles to be parked within the gates curtilage of the dwelling. Each dwelling proposes 2 independently accessible parking spaces, alongside a further 1 visitor space per dwelling. In line with this I am satisfied with the level of parking proposed.

While the gates for Plot 1 are not set back by 5 metres from the highway edge, it is considered that there is sufficient space available for vehicles to pass should one be waiting for the gates to open.

Bike storage is illustrated for Pots 2 and 3 which is acceptable.

In line with the previously approved scheme (F/TH/21/1732) a suitable Construction Management Plan should be secured by way of a suitable condition. Sufficient information will be required to mitigate disruption during the construction phase, which should include (but not limited to) timings of deliveries and the restriction of vehicle sizes.

In line with the above, I confirm that subject to safeguarding conditions that no objections are raised on behalf of the Local Planning Authority.

(Initial Comment)

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

I understand that prior application has been granted at this site (TH/21/1732) for 6 dwellings which could not be delivered. Therefore, the applicant is now seeking to erect 4 dwellings with an access point via Fairlawn Road, whereby the existing carriageway is proposed to be extended to serve the 4 dwellings. This includes the extension of the existing footway. In anticipation of a site to the North undergoing development (TH/21/0671), there should be submission and approval of a pedestrian link between the application site and the site to the North. Although the applicant has acknowledged that this site is yet to undergo construction, both sites should work cohesively and encourage pedestrian links upon completion. I would advise this be conditioned should the LPA be minded to grant this application.

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. If Waste and Recycling are not satisfied with this strategy and wish to enter and exit site in a forward gear, swept path analysis will be required to demonstrate that fire tenders can enter and site and turn within the turning area

The following matters require further clarification or amendment so that I may submit my further comments, for ease I have separated Plot 1 as this raises different concerns than Plots 2, 3 and 4.

Plot 1;-

As per the Kent Parking Standards, garages do not count towards parking provisions due to their under utilisation. 2 independently accessible parking spaces serving this dwelling should be provided measuring a minimum of 2.5m wide by 5m in length. This width should be increased to 2.7m if the bay is restricted by a hard boundary such as a wall on one side.

If the applicant intends to maintain the garage and provide an additional 2 bays, it should be noted that if situated in front of a garage, spaces should be 6m in length.

Plot 1 has been drawn with a gated access however this should be setback a minimum of 5m from the highway edge, allowing vehicles to pull off of the highway fully should the gates be closed.

Bound surface should be used for a minimum of 5m from the highway edge at the plot access, to ensure no debris is dragged onto the highway by vehicles.

All dwellings with private off-street car parking should have an electric vehicle (EV) charging point installed and this should be subject to a planning condition. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>. EV charging should be represented on an amended site plan.

Plots 2, 3 and 4;-

These plots have proposed car ports to provide 1 of 2 parking bays. As these ports are enclosed on three sides, they should measure a minimum of 2.9m in width and 5.5m in length to provide suitable space for one vehicle.

Additional bays provided opposite plots 2-4 should all measure a minimum of 2.5m in width and 5m in length.

All dwellings with private off-street car parking should have an electric vehicle (EV) charging point installed and this should be subject to a planning condition. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>. EV charging should be represented on an amended site plan.

To the best of my knowledge plot 3 has no cycle storage demonstrated. This should be shown on an amended site plan.

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.

**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 Comments)

We have reviewed the updated site plans and we advise that the comments we provided in March 2023 are still valid.

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

#### Habitat of Principle Importance

The ecology report cites a "...native species hedgerow of hawthorn (*Crataegus monogyna*) partially covered in thick ivy (*Hedera helix*)", present along the southern and western site boundaries, as a habitat of principle importance (as defined in section 41 of the NERC Act 2006).

The site plan shows the southern hedgerow as being (mostly) removed, which does not appear to be in keeping the mitigation hierarchy (BS:42020). We also highlight that this habitat removal would not be in alignment with section 40 of the NERC Act (2006), which cites a local authority's duty to maintain biodiversity through the planning process.

As such, we strongly recommend that the southern boundary vegetation is retained in the proposed layout of the development. If this cannot be achieved we recommend that all the hedgerows proposed for the development are mixed native species.

We advise that if planning permission is granted a detailed planting plan is submitted as a condition of planning permission. We have not provided specific condition wording as TDC will be better placed to write that condition wording.

## Bats

The mature popular trees on the western boundary have been assessed as having low potential to be used by roosting bats. It is our understanding that those trees will be retained and therefore we are satisfied that no further information regarding these trees is required.

The ecology report cites the potential for bats to forage and commute around the site. Lighting can be detrimental to commuting and foraging bats so we advise that the external lighting of the development should be designed in a way that minimises the impact on bat activity.

To mitigate against potential adverse effects on bats, and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission.

## Thanet and Canterbury SAMMS

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 Strategy (SAMMS) 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 SAMMS there is a need for an appropriate assessment to be carried out as part of this application.

## Hedgehogs

Under the NERC Act (2006), hedgehogs are a priority species. As hedgehogs may be present in the area, precautionary mitigation measures have been proposed. This includes pre-works checks and the covering of excavations overnight (also benefiting other

protected species, such as badgers). Therefore, we advise that a condition is attached to planning permission (if granted) to ensure the implementation of these measures.

## Breeding Bird Informative

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out

outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

### Ecological Enhancements

Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2021) biodiversity should be maintained and enhanced through the planning system. Suitable recommendations have been made in ecology report, which includes native hedge planting and provision of bird boxes.

To ensure enhancements are implemented, we advise that a condition is attached to any granted planning permission.

**TDC Waste and Recycling** - As with all new developments we wish to be kept advised of progress. As always we have concerns around access, parking, street furniture placement and residents being moved onto the site prior to building works being completed. For us to collect we will need to see proof of vehicle tracking, site completion and will need to make a site visit prior to collections starting. There also appears to be a bin pick up point at the entrance to the development, whilst we are happy with bin stores, we are not happy to collect from collection points. When a number of bins are presented in one point we are unable to identify which properties have not presented bins, which have contaminated them, who has damaged or missing bins. It is also reliant on residents taking their bins back to within the boundary of their properties. It is also very hard to enforce once the developers have moved on.

**TDC Environmental Health** - The site is in close proximity to a retail park which means there is a potential for noise to be caused by the operation of the retail premises including deliveries and mechanical plant. A noise assessment is required to assess the impact on the new dwellings along with any mitigation measures needed.

### Environment Agency -

(Final comment)

We have no further comments to make on this planning application, Beyond those in our previous comments, dated 8 March 2023.

(Initial Comment)

Due to the scale, nature and setting of this proposal and the supporting information submitted, we have assessed this proposal as low risk. We therefore do not have any specific comments to add.

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

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 Garner, to enable members to consider access issues during the construction phase within Fairlawn Road, and access issues for residents of the new houses.

### **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 has been accepted through the original application F/TH/21/1732, which is an extant consent that expires on the 12th April 2025. The principle of development is therefore considered to be acceptable, subject to other material considerations.

### **Character and Appearance**

Policy QD02 of the Local Plan outlines that the primary planning 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.

The previously approved application was for 6no. dwellings, with three dwellings on either side of Fairlawn Road. The development continued the existing building line and provided development in keeping with the scale and general design of the properties in Fairlawn Road. Following the approval of that application a covenant on the land has been identified that restricts the number of units and the area of land that can be developed. The covenant prevents development on the eastern side of Fairlawn Road from following the building line, with the only option being a setback development.

The originally submitted application provided a deep detached dwelling to the west that projected forward of the front building line, with an associated double garage. To the east 3no. 2-storey terraced dwellings were proposed that were setback beyond the rear boundary of the adjacent neighbouring property. There were significant concerns with this proposed layout in that it poorly related to the existing pattern of development within Fairlawn Road,

and would have appeared significantly out of keeping with the character and appearance of the area.

Amended plans have been submitted that reduce the number of units to three, one to the west of Fairlawn Road (plot 1) and two to the east (plots 2 and 3). The layout of the units has changed, with the larger detached unit reorientated so that it follows the front and rear building lines of the existing properties in Fairlawn Road. Whilst still a larger detached unit, the dwelling is of a similar width to the pairs of semi-detached properties in Fairlawn Road, and is therefore of a form and layout that could be viewed as sympathetic to the existing pattern of development in the locality. A detached single garage is proposed within the front driveway, which has been reduced in size from the former double garage. The garage is 3.9m to ridge height, but is setback on the site, lying adjacent to the northern boundary. Amendments to the landscaping now show a grass verge and tree/hedge planting to the front and side boundaries of the driveway, which will help screen views towards the garage. Given its setback location, reduced scale, and the screening from soft landscaping, the garage is considered acceptable.

The smaller units are now detached, and whilst they are still setback (a requirement of the covenant), they have a more spacious setting, and have been reorientated so that they directly front the road rather than be angled towards the rear of the neighbouring property. The scale of the two smaller units has also been significantly reduced, changing from flat roof 2-storey dwellings at a height of 6.4m, to pitched roof bungalows with accommodation at roof level, at heights of 3.3m to eaves level and 6m to ridge level. This reduction in the number and scale of the units creates a more modest form of development that could be considered suitable and less visually intrusive in this setback location. The smaller dwellings are each provided with their own car parking space within the curtilage of the site, along with additional amenity space for refuse storage. Doorstep playspace is provided to the rear and side of the units, with space for soft landscaping.

The access road extends off of Fairlawn Road, with access to plot 1 directly to the north of Fairlawn Road, and access to plots 2 and 3 from a continuation of the access road that bends around to the right. Opposite the smaller units are 5no.parking spaces. Next to the parking spaces is a turning head, which is beneficial for existing residents given the lack of any existing turning arrangements within the road. Whilst the design of the road alters through this scheme, it provides more of a feature at the end of the cul-de-sac, with the added benefit of new soft landscaping, which will screen the parking spaces and provide a softening effect. The overall layout and scale of the development is therefore considered to be acceptable.

In terms of the design, plot 1 is pitched roof with gable ends, with a wide glazed entrance, and other large floor to ceiling windows fronting the street. Materials proposed include timber cladding and brick to the gable ends, brick to the front and rear elevations, roof tiles, and metal framed windows. Whilst the design does not replicate the fenestration visible on the neighbouring semi-detached properties, it is considered to be sympathetic to the general character visible within the road. The wider spacing between the proposed dwelling and the neighbouring property, along with its position at the end of the road, means that a slightly varied design will not appear out of character with the area, even with the uniform design that is currently present in the street.

Plots 2 and 3, as amended, have a narrow frontage, and a deep projection into the plots, that enable a pitched roof to be maintained. A slightly raised eaves level is provided in order to achieve the accommodation at roof level, but given the setback location of the units in relation to the neighbouring properties, the eaves level variation will not be highly visible to appear incongruous in the streetscene. A central entrance with windows either side are proposed, creating active frontages onto the street. In terms of materials the units are constructed of brick, with timber cladding at eaves level that will add interest to the front elevation, and tie in the elevations with that of plot 1. Metal windows and roof tiles are again proposed.

Overall, the layout, scale and design of the units, along with the proposed landscaping, are considered acceptable, and in keeping with the character and appearance of the area, in accordance with Policy QD02 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peters Neighbourhood 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 unacceptable living conditions through overlooking, noise or vibration, light'.

Concern was raised with the originally submitted scheme, which included a first floor terrace area for plot 1, and first floor windows within the front elevation of plots 2 and 3, which would have resulted in a loss of privacy for neighbouring occupiers. The amended plans have addressed this issue. The roof terrace for plot 1 has been removed, and all side windows are to be obscure glazed, as agreed by the agent. Given the presence of the building in line with the neighbours front and rear building lines, there will be no overlooking subject to the safeguarding condition requiring obscure glazing to the side windows.

In terms of overlooking for plots 2 and 3, the reduction in height of the dwellings and the removal of the first floor main windows, along with the reorientation of the buildings away from the neighbouring property, means that the potential for overlooking has been reduced. The velux windows face towards the other proposed neighbouring unit rather than any neighbouring properties, and will therefore not impact upon existing neighbouring amenity.

No windows are proposed to the rear elevation of plots 2 and 3, and therefore there would be no overlooking to the neighbouring allocated housing site to the rear. In the same way the windows in the northern elevation of plot 1 facing the allocated housing site are obscure glazed, and will therefore not prejudice any future development of the allocated site to the north.

In terms of light and outlook, plot 1 is located 8m from the side elevation of the neighbouring dwelling, and will not project beyond their front and rear windows, and will therefore not affect their light or outlook.



Plot 3 is located at least 10m from the corner of the nearest neighbouring property, and beyond their rear boundary. Given the reduction in the height of plot 3, along with the distance the impact on light and outlook is considered to be acceptable.

All of the plots are provided with doorstep playspace in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

There is space within the curtilage of the properties for cycle storage, refuse storage and clothes drying. On refuse collection days plots 2 and 3 will need to move their wheelie bins to the main Fairlawn Road, but there are footpaths proposed that will provide space for the refuse on collection day close to plot 1.

Plots 2 and 3 measure 110sqm, which exceeds the 79sqm requirement of the Nationally Described Space Standards set out within Policy QD04 of the Thanet Local Plan. Plot 1 measures 212sqm, which exceeds the 115sqm requirement of the policy.

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

### **Highway Safety**

Planning permission has previously been granted for the development of the site, with access off of Fairlawn Road to be used for both future occupiers and during construction works.

The proposal seeks to continue with this access, with the main difference being the layout of the access, which now bends round to the east rather than continuing straight towards the northern boundary. Tracking plans for the access have not been provided, but the plans show that there is clearly space for cars to manoeuvre in the turning head provided, along with small vans. Larger HGVs would need to reverse into the road as they currently do, therefore the proposal does not create a worse situation than the current arrangement. This is the same for the waste and recycling vehicle, as confirmed by the waste and recycling team. On the basis of this arrangement, KCC have raised no objections to the proposed access layout.

In terms of access into the plots, the gates for plot 1 are not set back by 5 metres from the highway edge, however, KCC has advised that there is sufficient space available for vehicles to pass should one be waiting for the gates to open.

Given the limitations for fire engines to reach plots 2 and 3, the agent has agreed to the provision of a sprinkler system within the units to avoid the need for fire engines to manoeuvre, which KCC advise is in line with Kent Fire and Rescue guidance.

In terms of parking provision, each property is provided with a minimum of two independently accessible parking spaces, with plot 1 parking within the curtilage of the site, in addition to the garage, and plots 2 and 3's parking partly within the curtilage of the site (with the

provision of a single parking space), and partly outside of the site in the parking court opposite the site. In addition three visitor parking spaces are proposed, along with a turning head that will benefit residents of the street. KCC advise there is sufficient parking provision to serve the development.

Bike storage is illustrated for each of the plots, in accordance with Policy TP03 of the Thanet Local Plan.

Concern was previously raised by residents to construction traffic using Fairlawn Road; however, a detailed construction management plan was submitted with the application showing how construction traffic could be managed in order to avoid a significant impact upon residents. A Construction Management Plan has not been submitted with this application, but KCC has advised that a safeguarding condition for this would be suitable. Given the reduction in unit numbers when compared to the previously approved scheme, and the subsequent increase in space around the site for construction parking/offices etc, it is not considered that there would be an impact on residents from construction traffic, and therefore a safeguarding condition would be adequate in this instance to manage this.

It was previously requested that a pedestrian link be provided to the northern boundary of the site to provide a pedestrian connection with the allocated site to the north. This has not been shown on the plans, and the current layout plans that have been submitted for the site to the north show residential properties backing onto the boundary, with limited space for a connection point, other than to create a narrow footpath between properties. This arrangement would not achieve secure design and could result in anti-social issues. The connection, if provided, would have achieved a link to the centre of Westwood Cross, however, access can be achieved along Coxes Lane and Margate Road, and a link is likely to impact upon the layout of the neighbouring site. The link is also not supported by neighbouring occupiers, who have objected to such a link within consultation response letters. On balance, given the number of units proposed, and the minimal benefits achieved from providing such a link, the lack of a connection is not considered a reason to refuse the application.

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 have been consulted and 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 submission of the previous application. 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. The agent has advised that this can be retained, and this can be shown on a more detailed landscaping plan to be submitted via condition, along with the location of ecological enhancements to be provided.

Subject to safeguarding conditions 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 dwellings 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 £320 per 2-bed units, and £530 per 4-bed (plus) unit, resulting in a total of £1,170 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.

### **Conclusion**

The proposed development is located on an allocated housing site within the urban confines. The layout and design of the development is not considered to detract from the character and appearance of the area, and there will be limited impact upon neighbouring living conditions and highway safety. Soft landscaping is proposed to soften the appearance of the development. 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/23/0266

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

Scale:

