

A01

F/TH/23/0693

PROPOSAL: Erection of a three storey building containing 2 commercial units (class E) and 5 two bed self contained flats following demolition of existing

LOCATION: 22 St Peters Park Road BROADSTAIRS Kent CT10 2BL

WARD: St Peters

AGENT: Mr Chris Wiltshire

APPLICANT: Mr Mark Jeffries

RECOMMENDATION: Approve

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 development hereby approved shall be carried out in accordance with the submitted drawings numbered 405 04 P5, 405 05 P5, 405 06 P4, 405 07 P5 and 405 10 P3.

GROUND:

To secure the proper development of the area.

3 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water ,in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

5 Prior to the installation of any external lighting, full details of the external lighting, including their fittings, illumination levels and spread of light shall be submitted to, and

approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

GROUND:

To ensure that light pollution is minimised in the interest of the visual and residential amenities of the area, in accordance with Policy SE08 of the Thanet Local Plan.

6 In the event of the commercial premises hereby approved being used for the cooking or preparation of hot food that would require the installation of an extract ventilation system, details of the location, size, type and design of the system shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the commencement of such a use, the extract ventilation system shall be installed in accordance with the approved detail.

GROUND:

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

7 The development shall incorporate the noise mitigation measures set out in section 5 of the Noise Impact Assessment (dated May 2023) and these shall thereafter be retained.

GROUND:

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

8 (a) Prior to the occupation of the residential units, details of the construction of the ceilings and floors that separate the (residential and commercial unit) shall be submitted to and approved by the Local Planning Authority. The ceilings and floors shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardised difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014 Acoustics - Field measurement of sound insulation in buildings and of building elements Part 1: Airborne sound insulation. The work shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

(b) An acoustic report of compliance with condition (a) and section 5 recommendations in the submitted Noise Impact Assessment (Report No. MRL/100/1982.1v1 May 2023) shall be submitted to the Local Planning Authority prior to occupation of the residential units.

GROUND:

In the interest of residential amenity and in pursuance of Policy QD03 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 litres /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

11 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 and hours of construction
- (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 National Planning Policy Framework.

12 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

GROUND:

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

13 The area shown on the approved plan numbered 405 05 P5 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 development hereby approved.

GROUND:

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

14 Prior to the first occupation of the development hereby approved, the secure cycle parking facilities, as shown on approved drawing numbered 405 05 P shall be provided and thereafter maintained.

GROUND:

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan

15 The development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

GROUND:

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

16 The vehicular access gates hereby permitted shall open away from the highway and be set back to a minimum of 5 metres from the edge of the highway.

GROUND:

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

17 The area shown on the approved plan numbered 405 05 P5 for bin storage together with the bin collection point 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 development hereby approved.

GROUND:

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

18 The area shown on the approved plan numbered 405 05 P5 as private and communal amenity space 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 development hereby approved.

GROUND:

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

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

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted,

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway,

- o walls, fences, other means of enclosure proposed,
- o ecological enhancements to be provided within the site.

shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to any occupation of the development approved.

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 National Planning Policy Framework.

20 The windows shown on the approved plan 405/05/P5 as obscure glazed shall be top hung and 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. These windows shall be installed prior to the first occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

To safeguard the residential amenities of the future occupiers of the development hereby approved in accordance with Policy QD03 of the Thanet Local Plan.

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations.

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken 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 the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

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

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/>

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.

Thanet District Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

For the avoidance of doubt, the provision of contributions as set out in the unilateral undertaking/S.106 agreement submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

SITE, LOCATION AND DESCRIPTION

The site is rectangular and measures some 690 sqm (46m by 15m). The site is mainly occupied by a single storey commercial building and it is noted that there are some other smaller structures to the rear of that main building.

The Railway Station is located to the northeast of the site and the north boundary of the site abuts a public car park that serves the station. The site is located to the western end of a mixed commercial and residential frontage that includes a public library, student accommodation, and vehicle repair garages.

RELEVANT PLANNING HISTORY

F/TH/23/0053 - Erection of a four storey building containing 2 commercial units (class E) and 7 self contained flats (2 one bed units and 5 two bed units) following demolition of existing. Refused 24th March 2023 for the following reasons.

1 The proposed development, by virtue of its height, depth, vertical emphasis, contemporary design and materials, and prominent location, would result in a visually dominant and incongruous form of development which fails to respect or reinforce the local character or appearance of the area, severely detrimental to the visual amenities of the locality, contrary to the aims and objectives of Policy QD02 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan and paragraph 130 of the National Planning Policy Framework.

2 The proposed development, by virtue of its failure to meet the required standards for a two way access road and parking spaces and the lack of clear and safe pedestrian routes within the site, would result in an adverse impact on highway safety and parking in the surrounding area. The application is, therefore, contrary to policies TP02 and TP06 of the Thanet Local Plan and paragraphs 110, 111, and 112 of the National Planning Policy Framework.

3. The proposed building, by virtue of its 4 storey height and depth, would lead to a loss of light and sense of enclosure to the the residential amenities of the occupiers of nos. 24 to 28 St Peters Park Road. The development is, therefore, considered to be contrary to Policy QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

4. It has not been demonstrated that appropriate bin and cycle storage can be accommodated within the site to serve the proposed development. The development is, therefore, considered to be contrary to Policies QD03 and TP03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

5. The proposed development by virtue of the location of the proposed pedestrian walkway would result in a lack of privacy to bedroom 2 of the ground floor residential apartment resulting in a poor quality of accommodation for the future occupiers of that apartment contrary to the Policy QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

6. The proposed development, by virtue of the number of units proposed and the corresponding layout, result in an inadequate sized and poorly accessible area of communal doorstep playspace, resulting in a poor quality development and inadequate living conditions for future occupiers, contrary to Policy GI04 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

7. Insufficient evidence has been provided to demonstrate that a good standard of residential accommodation for future occupiers could be achieved on site for future occupiers without unreasonably impacting upon the operations of the existing adjacent commercial unit (no 20). The development is, therefore, considered to be contrary to Policy QD03 of the Thanet Local Plan and paragraphs 130 and 187 of the National Planning Policy Framework.

8. The proposed development will result in additional pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to policy SP29 of the Thanet Local Plan and paragraph 182 of the National Planning Policy Framework.

F/TH/11/0567 - Erection of building comprising 2No. retail units at ground floor level together with 5no self contained flats , following demolition of existing. Approved 21st September 2011.

PROPOSED DEVELOPMENT

Planning permission is sought for the erection of a three storey building comprising 2 commercial units and 5 residential apartments following the demolition of the existing structures within the site.

The ground floor of the proposed development would accommodate the 2 commercial units (43sqm and 26sqm) and a two bed apartment (70sqm). The first floor would provide 2

further two bed apartments (76sqm and 70sqm) with the layout of the first floor repeated on the second floor.

Three parking spaces are proposed to the front of the proposed building and a two way driveway narrowing to a single way driveway to the side of the proposed building would lead to a parking area at the rear of the site for 5 cars. Bin and bike stores are also proposed to be located in the area with a bin presentation point to the side of the access road. The ground floor flat would have a private amenity space directly to its rear and there would be a shared amenity space to serve the other residential units beyond that against the boundary with no.24.

As set out above, the building is 3 storeys in height (10.9 metres at its highest point) and contemporary in design and form. It is proposed that a mix of materials would be utilised in the building - light render, yellow and red brick and reconstituted slate roofing.

It should be noted that the application as originally submitted was for a 4 storey building with 2 commercial units and 6 flats, but following concerns from officers this has been amended and reduced to current scheme.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP01 - Spatial Strategy - Housing
SP04 - Economic Growth
SP12 - Broadstairs
SP27 - Green Infrastructure
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
E01 - Retention of Existing Employment Sites
E05 - Sequential and Impact Test
H01 - Housing Development
HE01 - Archaeology
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
CC02 - Surface Water Management
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan

Policy BSP9: Design in Broadstairs & St. Peter's

Draft Broadstairs and St Peters Neighbourhood Plan

Policy BSP9: Design in Broadstairs & St. Peter's

NOTIFICATIONS

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

Four representations have been received objecting to the proposal with some people writing in more than once. Their comments are summarised below.

- Application as submitted contains inaccuracies on names of adjoining buildings and the name of the site as Hewdens when they not been there for some 12 years;
- Application will change the area from commercial with residential to residential;
- Too many flats;
- Too high;
- Traffic problems;
- Insufficient parking;
- Insufficient room for cars to park at front of site;
- Lack of clear sight lines for vehicles;
- Proposed planters will cause issues for users of adjoining properties parking areas;
- Parking bays too small for modern vehicles;
- Lack of electric vehicle charging point;
- Potential for damage from vehicles parking in parking are to the side of existing properties;
- Nothing from the proposed development should be attached to existing building as a potential fire risk;
- Need for gap between adjoining building and bike/bin store;
- Is a party wall agreement required?
- Litter from the proposed bin store could add to litter already experienced in the area;
- When will the bin collection point be used?
- Smell from bin may put off customers to the existing businesses;
- Who is responsible for the proposed landscaping?
- Dust and other disturbance during construction;
- Foul and surface water drainage not detailed on plans; and
- Would not allow the maximisation of solar panels on adjoining roofs;

Broadstairs Parish Council: The Committee recommends REFUSAL on the grounds that the previous reason for refusal by Thanet District Council have not been addressed (comment made on submitted plans, no comment received on amendments)

Broadstairs Society: No adverse comment.

CONSULTATIONS

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

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

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.

KCC Highways: Final comment - I have the following comments to make with respect to highway matters :-

I acknowledge that there has been a reduction in resident parking bays to the rear. Due to the sustainable location of the site in its proximity to Broadstairs train station and Percy Road bus stop I am content with the provisions. Bay 5 has also been increased to 6m in length.

Swept path analysis tracking plans have now been submitted demonstrating that a vehicle can enter, manoeuvre and egress site in a forward gear without conflict. Therefore, I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (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

Provision of measures to prevent the discharge of surface water onto the highway.

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans (Swept Path Analysis - Car Entering Site Drawing No. 405) prior to the use of the site commencing.

Provision and permanent retention of the cycle parking facilities shown on the submitted plans ((Swept Path Analysis - Car Entering Site Drawing No. 405) prior to the use of the site commencing.

Any gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway.

Informatives:

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken 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 the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone 03000 418181.

Initial Comment - I have the following comments to make with respect to highway matters :-

This proposal seeks to erect 2 commercial units of A1 use class which would require, as per Kent Parking Standards, a total of 3 parking bays. 6 parking bays have provided for the residential flats which is a satisfactory provision, aided by the sustainable location of the site in its proximity to Broadstairs train station and Percy Road bus stop.

Therefore, the applicant should submit plans demonstrating that the site can accommodate 3 parking bays serving the commercial units, and additional details of how it will be ensured that these are not utilised by residents or visitors associated with the residential flats.

Additionally, swept path analysis drawings of a vehicle entering the EV bay, manoeuvring and egressing the site in a forward gear should be provided to ensure they can do so without conflict as this bay appears constrained.

The initial 5m of the access route allows for a vehicle to wait off of the highway if faced with an oncoming vehicle, mitigating concerns for waiting vehicles causing obstruction, however a width of 3.7m for the remainder is required for fire tenders. Therefore it appears that the access route is unable to accommodate this and Kent Fire and Rescue should be consulted on this proposal.

If a refuse vehicle is expected to service these dwellings via a roadside collection strategy it should be ensured that the drag distance for refuse collection is no more than 30 m for residents and an additional 25 m for collectors. If this is exceeded, Thanet District Council Waste and Recycling Team should be consulted to ensure that they are satisfied with proposals.

Cycle parking is shown to be secure however it is unclear if this is enclosed for weather protection and security and this should be clarified.

TDC Environmental Health: A Noise Impact Assessment (NIA) has been submitted to ensure that future occupants of the 7 flats are safeguarded against existing environmental noise and in accordance with NPPF 187 that the 'agent of change' principle is considered so that nearby existing business is not unduly restricted by the new development. The NIA has shown significant environmental noise and the acoustic consultant has proposed appropriate mitigation measures in Section 5 of the report. These measures should be conditioned along with a further assessment of the sound insulation between ground and first floor uses.

Condition: Noise

(a) Prior to the occupation of the residential units, details of the construction of the ceilings and floors that separate the (residential and commercial unit) shall be submitted to and approved by the Local Planning Authority. The ceilings and floors shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardised difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014 Acoustics - Field measurement of sound insulation in buildings and of building elements Part 1: Airborne sound insulation. The work shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

(b) An acoustic report of compliance with condition (a) and section 5 recommendations in the submitted Noise Impact Assessment (Report No. MRL/100/1982.1v1 May 2023) shall be submitted to the Local Planning Authority prior to occupation of the residential units.

COMMENTS

This application has been called to Planning Committee by Cllr Garner for Members to consider the amount of parking, electric vehicle charging points and landscaping proposed.

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 SP01 states that the primary focus for new housing development in Thanet is the urban area. Policy H01 refines this approach stating that permission for new housing development will be granted on sites allocated in the plan for residential development and non allocated sites within the confines of the urban area and villages. Policy SP12 relates specifically to Broadstairs and states that the Council will seek to support proposals that maintain and enhance the role and character of Broadstairs as a popular attractive small seaside town.

Policy E05 requires that main town centre uses should be located within the designated town centres in the district. The application site lies outside of the Broadstairs Town centre, however, it is considered to be an edge of centre location and currently is in commercial use and given this it is considered that the inclusion of commercial units within the scheme is in accordance with Policy E05.

The proposal will make a contribution to the Council's housing supply in the provision of 5 new residential units. 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, and paragraph 120 outlines how "substantial weight" should be given to the value of using suitable brownfield land within settlements for homes. Paragraph 125 states that "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site". The Council currently cannot demonstrate a 5 year supply of housing, therefore positive weight in the determination is given to the provision of 5 residential units on a brownfield site.

Character and Appearance

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 Peters Neighbourhood Plan and the draft Broadstairs and St Peters Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged.

It is noted that the proposed building will have two commercial units to the ground frontage which is common along this side of St Peters Park Road, with properties having commercial elements such as retail and other uses to the ground floor and residential and other uses to the upper floors. As such, it is considered that the proposed development would reflect this general characteristic of the area.

Whilst the proposed building as originally submitted was 4 storeys in height, following concerns expressed by officers it has been lowered to 3 storeys in height bringing it closer in height to other buildings along St Peters Park Road. Properties are generally a mix of 2 and 3 storey buildings with some single storey buildings within the immediate streetscene, such as the current building on the application site and the adjoining MOT centre. It would be 1.9 metres taller than nos. 24, 26 and 28 St Peters Park Road to the north and 3.9 metres taller than the MOT garage to its south. It is noted that whilst the building is deep (some 19 metres at its deepest point) it is considered that the mass of the building is successfully broken up by different articulation in the footprint and use of materials. It is contemporary in design, but utilises materials found in the area (such as render, reconstituted slate and red and yellow bricks) reflecting the character of the locality in accordance with Policy BSP9 of the Neighbourhood Plan. As such, it is considered to add interest, quality and variety to a part of St Peters Park Road where properties are of different scales, forms and design and of different ages, whilst conserving local distinctiveness.

As such, the proposed development is considered to respect the character and appearance of the area and meets the requirements of Policy QD02 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan and the guidance of the NPPF.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Policies QD03, QD04 and GI04 of the Local Plan are also relevant to this application. Policy QD03 (Living Conditions) states that all new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass. Policy QD04 of the Local Plan stated that all new residential development should meet the appropriate nationally described space standards and Policy GI04 states that family dwellings of 2 or more units will be expected to incorporate garden space in order to provide a safe "doorstep play area for young children.

As such, it falls to assess the impact of the proposed development on the residential amenities of adjoining occupiers and the standard of accommodation that would be provided for future occupiers.

The site is bounded to the rear by the train station car park, meaning that all rear windows in the new development will not result in any direct overlooking to residential properties. It is considered that the properties opposite the front of the development would not be affected by the proposal in terms of overlooking, outlook or sense of enclosure, given the orientation and the separation distances between the sites.

Nos. 24, 26 and 28 lie to the north of the application site and it is noted that the proposed building would present an essentially blank elevation to that side. Nos 24, 26 and 28 appear to have been commercial at ground floor level with residential above. There is a landscaped garden area to its rear. The separation distance with the immediate neighbour would remain unchanged (2.3m), but it is noted that the proposed building would be 3 storey instead of the existing single storey. The flank elevation of nos. 24, 26 and 28 facing the application site is a blank elevation, it is however, noted that the proposed building would have windows in its flank elevation and would protrude some 9 metres beyond its rear. It is noted that the windows in the flank elevation would serve a service void and sit in a recessed part of the building at a distance of 3.5 metres to nos 24, 26 and 28. The upper floors flats on the first and second floors to the rear are both proposed to have balconies. These would be on the opposite side of the building to nos. 24, 26 and 28 and at their closest point would be some 6 metres from the northern edge of the host building. Given the distances between these balconies and the southern boundary of 24, 26 and 28 and that the windows on the northern elevation of the proposed building would serve a service void it is not considered that there would any adverse impact from the proposed development in terms of overlooking on the residential amenities of nos. 24, 26 and 28.

It is acknowledged that there would be a difference in the relationship experienced by the occupiers of nos 24, 26 and 28 given the proposed change from a single storey building on the application site to a 3 storey dwelling. It is, however, noted that the distance between the proposed building and nos 24, 26 and 278 would remain the same (2.3 metres) with the closest rear facing windows to the proposed building being set in another metre or so from the flank wall. Given this, and the proposed buildings location to the south of nos 24, 26 and 28, it is not considered that the proposal would result in a significant sense of enclosure to its residents to result in severe harm to the living conditions of the neighbouring property..

Concerns have been raised about loss of light and shadowing to these properties from the proposed development including the impact of solar panels to the roof of those properties. Whilst it is noted that the impact of a proposed development on the loss of light to existing solar panels is a material planning consideration, it is noted that there are no solar panels currently on the adjoining building. It is, however, appropriate to assess the impact from the proposed development on these properties in terms of any loss of light. The applicants have submitted a daylight assessment which compares the impact of both the existing and proposed buildings in summer (1st August) and winter (1st March). It is noted that both summer and winter there would be some loss of light from the proposed development when compared with the existing single storey building, but it is not considered that the difference

is so significant that it would result in a total loss of light to the adjoining neighbour and its rear amenity area.

No. 20 is an established MOT/car servicing garage which is likely to carry out noisy commercial/industrial practices on a daily basis. The current building on the application site sits some 3.7 metres from the flank wall of the no. 20 which sits on the shared boundary with the closest part of the flank wall of the proposed building being located some 4.8 metres from the shared boundary. From its website, the MOT centre's current opening times are 8am and 6pm Mondays to Fridays and 8am to 12 pm Saturdays. The existing building is commercial and the proposed development would see the retention of commercial uses on the site as well as the introduction of residential development. On this basis, it is considered that paragraph 187 of the NPPF relating to the agent of change principle is relevant. This states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses, without having unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

It is noted that the proposed development would introduce a number of windows to the flank elevation of the building facing the MOT centre, with these being stairwell windows and bathroom and ensuite windows. The application is supported by a Noise Impact Assessment and this concluded that "the development site is exposed to fairly high levels of external environmental noise during both the daytime and night time periods due to noise mainly from road traffic and commercial noise at the front part of the site and railway noise at the rear of the site. An appropriate noise mitigation scheme has been recommended for the new dwellings which should provide sufficient noise attenuation to meet the required internal acoustic criteria and fully protect the amenity of future residents in accordance with standards outlined in the WHO guidance, BS 8233:2014 and ProPG guidance document. The general outdoor daytime noise climate within any rear garden amenity areas should also be within the criteria outlined in WHO guidance, BS 8233:2014 and ProPG guidance document with the provision of suitable 2 m high perimeter screening. The airborne sound insulation of the party floor separating the ground floor commercial units and the 1st floor flats can be assessed at a later date once details of the proposed building construction have been finalised."

The Council's Environmental Health Team have reviewed the application and the noise impact assessment and advise that the submission has demonstrated that the future occupants of the proposed flats would be safeguarded against existing noise so that nearby existing business is not unduly restricted by the new development. They recommend that the mitigation measures set out in the report are conditioned and that a further condition is imposed to secure the further assessment of insulation between the ground floor commercial units and the 1st floor flats. These conditions are considered reasonable and necessary in this instance to secure an appropriate standard of residential amenity is provided for the future occupiers of the proposed development in accordance with Policy QD03 and to ensure that the inclusion of residential development on the site would not adversely affect/compromise the activities of adjoining businesses.

The proposed flats are all two bed, 4 person flats on a single level and would have internal floor areas ranging from 70 sqm to 76 sqm. As such each unit would meet or exceed the Nationally Described Space Standard for such a flat. It is considered that generally each flat would have a good standard of light and ventilation to most rooms. It is, however, noted that windows for the second bedrooms of the rear flats on the first and second floor would be located in a cut out area of the building above the access door and look onto the blank wall of the front flat on that floor with a separation distance of 1.3m. Whilst this is not considered an ideal relationship, it is considered that on balance that the room would still receive natural light from the southern facing cut out, with views to the road available at an angle to provide some outlook. It is also noted that on the other side of the building the kitchen of both flats on the upper floors would be located on a cut out part of the building, with windows facing each other with a separation distance of 2.5m. This raises concerns about the potential of mutual overlooking between the proposed flats. It is considered, however, that this could be avoided by conditioning that these windows should be obscure glazed and non openable below 1.7metres above the finished floor level on the basis that the kitchens in each of the units form part of an open plan living area which are served by large windows either to the front or back of the proposed development.

It is also noted that the future occupiers using the pedestrian walkway to access the rear of the site and the facilities located there would have to walk directly past the windows in the southern elevation of the ground floor residential unit. These would be secondary windows serving the open plan living area of that flat and, as such, it is considered that these could be obscure glazed and top opening only to avoid overlooking into the flat.

Bike and bin stores have been identified to serve the occupiers of the proposed development located to the rear of the site within the parking area which would have solid end panels parallel to but not fixed to the MOT centre. A bin collection point is located adjacent to the access road which would be utilised on collection day. The furthest part of the collection point located some 25 metres from the existing pavement.

All of the residential units are 2 bed units and would require an area of doorstep playspace. The ground floor flat would be served by an area of private amenity space directly accessed from its rear elevation with the other units served by a communal area of amenity space to the rear of the site. It is acknowledged that the proposed amenity area is fairly limited in size and odd shaped, but it is considered that it is usable for clothes drying and would provide a safe play area for very young children. It is also recognised that the Council do not have space standards for gardens or communal amenity spaces and ,therefore, whilst not ideal, provision has been made for some communal space on this site.

Given the above, it is considered that on balance, with safeguarding conditions imposed, that the proposed development would not have an adverse impact on the residential amenities of adjoining occupiers and would provide a good standard of residential amenity for its future occupiers without compromising the working of adjoining businesses in accordance with Policy QD03 and paragraph 130 and 187 of the NPPF.

Highways

Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations.

The proposed development would see a mixed development of 2 commercial units and 5 residential apartments. From the proposed site plan it appears that a 2 way access road (4.85 metres wide) narrowing to a single way access road (3.7 metres wide at its narrowest point some 5.5 metres into the site) would allow access to a parking area with bike and bin store and amenity space to the rear of the site. The main pedestrian access to the flats is located to the side of the proposed building accessed via a pedestrian walkway from the front of the site. Three parking spaces are also shown to the front of the commercial units to serve those units, utilising the existing dropped kerb access. Five parking spaces are provided in the rear parking area to serve the proposed flats (one space per flat).

KCC Highways have reviewed the proposal and initially raised a number of concerns about the application in relation to the size of proposed parking bays, the fact that the access road was too narrow for fire tenders to access the rear of the site, no swept paths for vehicles provided, clarification of bin collection and cycle parking.

Amended plans have been received from the applicant to address the issues raised. Swept paths were provided as requested and the car parking spaces amended to meet the requirements of KCC Highways in terms of sizes (including the enlargement of parking spaces where there would for example be bounded on one side). The provision of 5 metre deep parking spaces are now secured for the spaces to the front of the site together with the means of safeguarding them for the commercial units via lockable bollards. Amendments were also made to the access road to secure the required 3.7m width for the section of single vehicle access. Details of covered cycle and bin stores were also provided and a bin collection point has also been provided to allow bins to be brought to an acceptable distance for refuse operators to collect from on the day of collection

KCC Highways have reviewed the amended plans and advise that they can now support the application subject to the imposition of conditions to secure the submission and agreement of a construction management plan; provision of measures to prevent surface water discharge to the highway; Provision and permanent retention of vehicle and cycle parking spaces; and any gates proposed to open away from the highway and set back a minimum of 5m from the edge of the highway. These suggested conditions are considered appropriate and to meet the tests for conditions.

The application site is considered to be in a sustainable location, close to a train station and other public transport links and within walking and cycling distance of a variety of services and facilities. It is also noted that whilst parking is restricted along part of St Peters Park Road and other surrounding roads, on street parking is available in close proximity to the application site.

Given the above, it is considered that subject to the safeguarding conditions, there would be no adverse impact on highway safety or parking in the surrounding area from the proposed development.

Biodiversity

The NPPF states at paragraph 174 states that the "planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible ..." Policy SP27 states that all development proposals should, where possible, safeguard Thanet's Green Infrastructure network and enhance it by integrating new multifunctional Green Infrastructure by integrating Green Infrastructure provision in the design of developments.

No ecological information has been submitted to support the proposal, but it is noted from the submitted Design and Access Statement and site visit that there is limited soft landscaping within the existing site as much of it is covered by buildings or hard surfacing. There is some existing landscaping to the rear and northern boundaries of the site, but this appears to be of limited quality.

KCC Biodiversity commented on the previous application and advised that the proposed development has limited potential to result in ecological impacts, providing the tree(s) on-site are retained and protected from damage during construction. Additionally, they stated that the retention of vegetation along the embankment will result in the retention of bird nesting habitat on-site, with biodiversity losses understood to be minimised in proposals, there is also some scope for biodiversity enhancements within plans.

It is noted that the landscaping within the area separating the rear of the application site from the station car park would be retained, but the limited vegetation on the site would be removed. As stated above, the existing vegetation is considered to be of fairly poor quality and is not protected by virtue of a Tree Preservation Order or the site being located within a conservation area. It is noted that 2 amenity areas would be provided to serve the proposed residential apartments and it is considered that there may be scope to plant small native trees and other landscaping within them whilst allowing them to be used for amenity purposes and uses such as clothes drying.

It is, therefore, considered the impact of the proposed development on ecology could be controlled by condition to secure enhancements.

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

The application site is within flood zone 1 and not of a size to require the submission of a Flood Risk Assessment. It is noted from the application form, that surface water would be dealt with via soakaways and it is proposed to connect to the main sewer to dispose of foul sewage. This will be subject to a condition requiring provision of drainage details prior to the commencement of development.

Given the size of the site and scale and nature of the proposed development it is considered that it is unlikely to have a significant impact on drainage in the area and could be dealt with via safeguarding conditions.

Archaeology

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF goes on to state that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

Policy SP36 of the Local Plan states that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets. Policy HE01 relates to archaeology and states that the council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation.

Thanet is generally rich in architecture and the submitted application includes no assessment of the archaeological potential of the site or the impact from the development proposals.

The Historic Environment Records for Kent have been consulted and it is noted that there are no archaeological structures recorded in the immediate surrounding area.

Given this it is not considered that the proposed development would have an adverse impact on archaeology.

Contributions

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

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the

decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations. This mitigation is secured under policy SP29 of the Local Plan.

This application includes a valid Unilateral Undertaking to provide the required financial contribution of £1,600 for the residential units to mitigate the additional recreational pressure upon the SPA area and, therefore, accords with Policy SP29.

Other Matters

The Party Wall etc Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

Concerns have been raised about noise and disturbance during construction. Given the fact that construction is normally a temporary disturbance and managed under other legislation (specifically the Environment Protection Act and the Control of Pollution act), it is not considered necessary for additional requirements within the construction management condition to be provided. It is not a material planning consideration.

Conclusion

The application site is previously developed land within the built up area of Broadstairs and the proposal would make a small contribution (5 dwellings) to the District's housing land supply as well as retaining commercial development on the lower floors. There is no in principle objection to the proposed development and development of this type is supported within the NPPF.

It is recognised that there would be some modest economic and social benefits, with minimal environmental harm from the introduction of built form (which is mitigated by the acceptable design) from the proposed development.

There are no adverse impacts from the proposal on residential amenity, highway safety or parking or ecology and flooding, subject to safeguarding conditions.

The SAMM is secured via a legal agreement, meaning that the development will not result in a significant effect on designated sites.

Given the above, it is considered that the proposed development is acceptable when considered against the policies of the Local Plan and the guidance within the National Planning Policy Framework.

It is therefore recommended that members approve this application, subject to safeguarding conditions and reference to the submitted unilateral undertaking.

Case Officer

Annabel Hemmings

TITLE:

F/TH/23/0693

Project

Hewden Hire Centre 22 St Peters Park Road BROADSTAIRS Kent CT10
2BL

