

A01

F/TH/23/1359

PROPOSAL: Erection of four storey 5 bed detached dwelling (part retrospective)

LOCATION: Domus (Formerly Plot 10 Of Land Adjacent To Clifftop) North Foreland Avenue BROADSTAIRS Kent

WARD: Kingsgate

AGENT: Mr Philip Graham

APPLICANT: Mr and Mrs T Wagland

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 19-004-45D, 19-004-46F, 47A and 49.

GROUND;

To secure the proper development of the area.

3 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model

Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

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

GROUND:

In the interests of highway safety.

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

GROUND:

In the interests of highway safety.

6 Prior to the first occupation of the development hereby approved visibility splays of 2.4 by 25m shall be provided to the access on to North Foreland Avenue with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

GROUND:

In the interests of highway safety.

7 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.

8 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 Policies QD03 and SE08 of the Thanet Local Plan.

9 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.

Ecological Enhancements

shall be submitted to, and approved in writing by, the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. 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 SP30 and QD02 of the Thanet Local Plan.

10 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 with 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.

11 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.

12 Prior to the construction of the external surfaces of the development hereby approved samples of the materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

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

13 The windows above at first and second floors in the northern and southern elevations hereby approved shall be provided and maintained with non opening obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy QD03 of the Thanet Local Plan.

14 Prior to the occupation of the development hereby permitted the privacy screens shown on the approved plans 45C and 46E shall be installed and thereafter permanently retained.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

INFORMATIVES

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.

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 to as set out in the unilateral undertaking 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 application site is essentially rectangular in shape measuring some 980 sqm and lies to the west of North Foreland Avenue in Broadstairs.

The land between North Foreland Road and North Foreland Avenue slopes from west to east. It is not subject to any specific designations and at the time of the site visit for the application the site contains a substantially completed dwelling with the agent confirming that works started on site in October 2020.

RELEVANT PLANNING HISTORY

In 2012, an outline planning application was submitted for the erection of 13no. detached dwellings (OL/TH/12/0550) with all matters reserved. This application was refused in June 2012.

In 2013, an outline planning application was submitted for the erection of 10 no. detached dwellings, with all matters reserved (OL/TH/13/0473). This application was refused in June 2013.

Subsequent to the determination of the 2013 outline application, an appeal before the Planning Inspectorate on the 2012 outline planning application (for 13 no. dwellings on the site) was dismissed, however not for the reasons cited by the Local Planning Authority save for one of the reasons that some of the protected trees on site would be lost, which would harm the character and appearance of the surrounding area.

Following that appeal decision, an outline planning application was refused for the erection of 12 no. detached dwellings with all matters reserved (OL/TH/14/0404) in August 2014. Planning permission was granted on appeal following this refusal in March 2016.

Planning permission was subsequently granted on the 14th May 2019 for the approval of all reserved matters to outline planning permission OL/TH/14/0404 for the erection of 1 No 4 bed detached dwelling (R/TH/19/0349 refers).

PROPOSED DEVELOPMENT

This application seeks planning permission for the erection of a four storey 5 bedroom dwelling with associated parking and amenity space.

The proposed dwelling is of a fairly traditional design with a pitched roof. Its ridge height would be some 10.6m above ground level and it would have a footprint of some 310 sqm (ground floor). The plans show that the roof would be slate roof tiles, with the walls rendered and aluminium doors and windows. It is proposed that the site would be excavated to provide a basement/lower ground floor level which would house a cinema room, home gym, boiler room, workshop, garden storage, garden room and garage. The ground floor would house a lobby/entrance hall, 2 lounge areas, a study, cloakroom and WC and an open plan kitchen, dining, breakfast, family and garden area. The first floor would accommodate 5 bedrooms (some with en-suites/dressing rooms) and a family. At this level, there would be 2 balconies to the front of the property and a larger balcony running the width of the property to the rear. There would be a series of rooms within the eaves comprising a library, lounge bathroom and study. This floor would also have a rear balcony, but this would be set in between the rear roof.

Areas for cycle and refuse storage are proposed together with off street parking. Vehicular access and pedestrian access to the site would be taken from North Foreland Avenue.

Whilst this is a stand alone application for a dwelling on site, the need for the application has arisen as the applicants have made changes when building out the previous planning permission R/TH/19/0349. It is, therefore, considered helpful to provide some information as to what was approved under that application in this report.

The approved dwelling was also of a traditional design with a pitched roof. It had a ridge height of some 10.7 metres above ground level and the same footprint (ground floor) as that now being considered. The materials for the approved dwelling are the same as those currently proposed under this current application. The approved dwelling also comprised 4 floors with land proposed to be excavated to produce a basement. That basement had a cinema room, home gym, wine cellar, boiler room, workshop, garden storage and garage. The ground floor had a lobby/entrance hall, 2 lounge areas, a study, cloakroom and WC and

an open plan kitchen, dining, breakfast, family and garden area. The first floor would accommodate 4 bedrooms (two with ensembles and dressing rooms and one with ensuite only), a family bathroom and seating area. Three balconies were proposed to the front of the dwelling at this level with a balcony running the width of the house at the rear at this level. There would be a series of rooms within the eaves comprising a library, lounge bathroom and study. At this level there was a balcony to the front and balcony set within the roof to the rear. The approved house was set in from the application site's northern boundary by 1.6m and from its southern boundary by 2m at its closest point and just over 15.5m from the rear of the application site and set back from North Foreland Avenue by approximately 9.5m. As with the current application, areas for cycle and refuse storage were proposed to serve it together with off street parking and vehicular access and pedestrian access to the site would be taken from North Foreland Avenue.

For ease, the main changes between the dwelling now proposed and the approved dwelling are set out below, but it should be noted that it falls for Members to consider whether the dwelling now proposed is acceptable in its own right and not just a consideration of the differences between the approved dwelling and the current submission, although the previous permission is a material consideration for this application.

The floor area of the basement has been increased to match that of the ground floor;

Alterations to fenestration;

The two front dormer windows to the second floor have been widened and the roof style varied from curved to flat;

The second floor front balcony space has now been enclosed with a central dormer window, with the originally approved, second floor rear balcony space, being reduced in size; and

The rear first floor balcony has been varied, originally the central balcony followed the line of the rear wall of the house with a recess in the centre, joining the two side wing balconies. The balcony now bridges across the back such that the central section is joined to the balcony of the side wings. The side privacy screens which were conceived as glass, and have been changed to solid masonry walls.

Amended plans were received following clarification at the Committee site visit that the applicants wish to retain the second floor rear dormer/balcony as built, which did not reflect what was shown on the application drawings.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP01 - Spatial Strategy - Housing

SP26 - Landscape Character Areas

SP27 - Green Infrastructure

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP30 - Biodiversity and Geodiversity Assets

SP35 - Quality Development

H01 - Housing Development

HE01 - Archaeology

QD01 - Sustainable Design

QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan

BSP2 - Important views and Vistas
BSP3 - Protecting and Providing Important Trees
BSP4 - Seafront Character Zones
BSP7 - Areas of High Townscape Value
BSP9 - Design in Broadstairs and St Peters

REPRESENTATIONS

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

10 representations objecting to the proposal have been received with some people making more than one representation. They raise the following summarised comments.

- Have experienced construction works for some 3 years at this site and no idea when they will be completed;
- Property now proposed is larger and more overbearing than that previously approved under R/TH/19/0349;
- Application is essentially retrospective - changes having been made without the required planning consent;
- The 2nd floor balcony overlooks our garden and enables views into our ground and first floor windows which include bedrooms;
- 2nd floor balcony is not required as there is one on the 1st floor;
- Some changes between the previously approved application and the current application are not set out in the covering planning statement;
- Basement size has increased significantly - impact on ground stability of adjoining properties;
- Basement, 1st and 2nd floors are all larger than those of the previously approved dwelling;
- Dormers have increased in size and add negatively to the overall, bulk, scale and overbearing of the dwelling now proposed;
- The additional space now proposed when compared with the previous approved dwelling is not needed as that approval afforded ample accommodation;
- Not received any amended party wall act;
- The proposal is now for a 5 bed dwelling when previously it was a four bed dwelling;
- Cramped and congested, overdevelopment of the plot;
- The aesthetic detail of the previously approved dwelling has been stripped away;
- Loss of views to North Foreland Lighthouse and sea views from North Foreland road;

- Identified as an area of high townscape value in the Broadstairs and St Peters neighbourhood Plan;
- When the original outline for new dwellings was granted, existing residents were assured that they would be only 2 storey - this has not always been the case;
- Impact on biodiversity; and
- The proposed dwelling does not follow the rear building line of adjoining dwellings.

Nine representations were received following the consultation on the amended plans. The responses are summarised below.

- Overbearing and loss of light to North Foreland Heights and Oakside from the extension of the side walls at first floor levels;
- Wrought iron railings with obscure glazed privacy screens as per the previous permission should be insisted upon not the solid walls now being considered;
- Noise from summer parties and other events on the balcony and/or garden;
- The balcony at 1st floor level is ample and there is no need for the 2nd floor balcony;
- Impact on the day to day lives of residents to the rear - restricting use of the garden and parts of the house;
- Second floor balcony can be seen from North Foreland Road;
- Domus is significantly taller and bigger than its neighbours;
- Nothing has changed in these amended plans other than the rear elevation and its second floor balcony now shown as built;
- A skylight to the rear elevation would be sufficient to bring the light to the roof rooms - no need for the balcony at second floor level;
- Second floor balcony only 18 metres from the rear elevation of no. 28 North Foreland Road;
- Second floor balcony overlooks every room in our house (including our children's rooms) and our garden;
- Need to ensure that children are protected;
- The second floor balcony as built and now shown on the plans is closer to the edge of the roof overlooking North Foreland Heights, Oakside and the properties to the rear fronting North Foreland Road;
- Construction work has been ongoing for 3 years and is still ongoing; and
- The applicants are not willing to compromise with neighbours in terms of impact of the proposed development or amend the development as suggested by neighbours.

Broadstairs Town council: No comment

Broadstairs Society: The Society remains of the view that the original objection by the Town Council is still valid - namely that it is overdevelopment of a tight site.

CONSULTATIONS

Environment agency: No comment.

KCC Highways: Non protocol application. Informatives suggested.

COMMENTS

The application is reported to members as it has been called in by Cllr Munns to consider the changes made in terms of whether overdevelopment has occurred in an area of high townscape value and potential overlooking created.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Policy SP01 of the Local Plan (Spatial Strategy - Housing) states that the primary focus for new housing development in Thanet is the urban area. Policy H01 (Housing Development) states that permission for new housing development will be granted on sites allocated for this purpose and on non allocated sites within the confines of the urban area and villages.

The application lies within the defined settlement of Broadstairs and residential development of the site has been considered accepted previously by both the council and the Planning Inspectorate. On that basis, it is considered that residential development on the site is considered acceptable in principle.

Character and Appearance

Paragraph 135 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Policy QD02 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.

Policies BSP2, BSP4, BSP7 and BSP9 of the Broadstairs and St. Peter's Neighbourhood Plan are also relevant to this application. Policy BSP2 (Important View and Vistas) states that development proposals should respect and not detract from the views and views identified as important within Broadstairs and St Peter's. Policy BSP4 (seafront Character Zones) seeks to ensure that all development located within a seafront character zone accords with the development principles for that zone and includes a statement setting out how that has been achieved. It is noted that the application site lies within seafront character zone 5 which relates to stretches of coastline that are predominantly undeveloped

where it is seen as important to protect the remaining unspoilt predominantly rural sections of the coast.

Policy BSP7 (Areas of High Townscape value) states that within such areas the conservation or enhancement of the local character will be the primary planning aim and that development will be supported only where the design, scale of development, separation between buildings, use of materials and landscaping are complementary to the special character of the area. Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan sets out that development proposals should conserve and enhance local character and design features, aim to strongly reflect the characteristics of the area, and to ensure that they do not lead to an unacceptable impact on neighbouring amenity.

The application site lies within the wider developed area of North Foreland and is not the rural undeveloped coastline that policy BSP4 seeks to protect.

As set out above, the proposed development is 4 storey with areas for cycle and refuse storage proposed together with off street parking. Vehicular access and pedestrian access to the site would be taken from North Foreland Avenue with areas of garden to the front and rear.

The proposed dwelling is fairly traditional in design with a pitched roof. It is noted that the individual design of properties within the area varies considerably, with a wide range of styles, proportions and materials. It is, therefore, considered that the dwelling would add to the variety that currently exists within the area and it is noted that the proposed dwelling would be constructed of a variety of materials (slate roof, render and aluminium fenestration) currently found within the North Foreland area. No objection is therefore raised to the approach adopted for the proposed dwelling or its proposed materials.

The dwelling would be set in from the application site's northern boundary by approximately 1.95m at its closest point and 2.4m from its southern boundary. It would sit just over 15.5m from the rear of the application site and would be set back from North Foreland Avenue by approximately 9.5m. It is considered that the degree of separation between the dwelling and the application site boundaries is comparable with the spaces around other dwellings in North Foreland Avenue. It is, therefore, not considered that the proposed dwelling would have an adverse effect on the spacing and openness of the area. The proposed development would be seen against the various residential development along North Foreland Avenue, Cliff Promenade and surrounding roads and it is not considered that it would be overly dominant or imposing when seen in long or short views.

The proposed dwelling would be spread over four floors following the excavation of the site (lower ground floor, ground floor, first floor and a second floor with rooms within the roof) with a ridge height of 10.6m. Properties within this part of North Foreland Avenue are a mix of single storey, two storey and three storey and it is not considered that the proposed dwelling would appear out of keeping with the streetscene and the character of the area.

Concerns have been raised that the proposed dwelling does not follow the rear building line of the adjoining properties, it is not considered necessary that adjoining properties share the

same rear building line from a character and appearance point of view (of often share the same front building line) as these are not readily visible.

It is, therefore, considered that the dwelling would not have an adverse impact on the character or appearance of the area and the application meets the criteria of Policies QD02 of the Local plan and BSP2, BSP4, BSP7 and BSP9 of the Broadstairs and St. Peter's Neighbourhood Plan and the guidance of the NPPF.

Living Conditions

Paragraph 123 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.

Local Plan policy QD03 is 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.

Policies QD04 (Technical Standards) and GI04 (Amenity Green Space and Equipped Play Areas) are also relevant to this application. Policy QD04 seeks to ensure that all new residential development meet the standards set out in the National Described Space Standards (March 2015) and a water efficiency standard of 110 litres per person per day. Policy GI04 states that all new residential development should make provision for appropriate amenity green space to serve it. New dwellings with 2 or more bedrooms are required to provide doorstep playspace, which is playspace for young children which is immediately adjacent to, close visible and safely accessible from the dwelling served.

It falls, therefore, to assess the impact of the proposed development on the residential amenities of surrounding occupiers and the standard of accommodation being proposed for future occupiers.

The application sits to the north of what was identified in the outline consent as plot 11 (North Foreland heights) and to the south of Oakside (plot 9) as identified in that same consent. Dwellings have now been erected on both those plots under permissions R/TH/18/0710 and R/TH/18/0806 respectively.

As stated above, the dwelling under consideration is set in some 2.4m from its southern boundary and it is noted that North Foreland Heights is set in some 1.4 metres from its northern boundary. It is also noted that there are no openings in the northern flank wall of North Foreland Heights, so whilst there are openings in the southern flank wall of the dwelling currently under consideration it is not considered that there would be any loss of

light, sense of enclosure or overlooking from between the 2 properties. Concerns have been raised about the potential for overlooking from the remodelled balcony at first and second floor levels into the garden of the North Foreland Heights. It is noted that the views from the second floor balcony to the side are largely shielded by virtue of it being set within the roof and at first floor level 1.7 solid walls are proposed to the balcony which would concentrate views to the rear of the application site. Any views into the garden of North Foreland heights would be angled and to the end of its garden, away from the immediate area adjoining its rear which would be considered the most private amenity space. Concerns have also been raised as to the fact that the side walls to the first floor balcony are now proposed to be solid rather than wrought ironing railings with obscure glazed privacy screens as previously approved under R/TH/19/0349 and the impact in terms of loss of light. Whilst it is appreciated that railings and glazing would allow more light to pass through when compared to the solid walls now proposed, it is not considered that the reduction in light would be so significant as to warrant a recommendation for refusal.

In terms of the relationship with Oakside to its north, the dwelling sits some 1.95m from its northern boundary with Oakside sitting some 1.2m in from the shared boundary. As with North Foreland Heights, Oakside has been designed to have the majority of its windows and openings to the front and rear. It does, however, have two high level windows to its southern boundary (one serving a snug at ground floor and one an ensuite at first floor level). There are windows in the northern side elevation of the dwelling now proposed. The ground floor windows and openings would not result in overlooking due to the presence of boundary treatments between the dwellings and it is noted that the first floor side windows are either secondary windows to habitable rooms or serve ensuites, bathrooms or other non habitable rooms. It is considered that these could be obscure glazed to prevent any potential overlooking or sense of overlooking by planning condition. In relation to the balcony at first and second floor levels, the privacy screens at first floor and setting within the roof at second floor level will mean that no significant impact will occur on privacy at Oakside from the proposal. As with North Foreland Heights, any views will be oblique views of the end of the garden, which is an acceptable relationship within the area. As with North Foreland Heights, concerns have been raised about the fact that the 1st floor balcony would now have solid walls to a height of 1.7m to its sides rather than railings and glass privacy screens. As above, it is not considered that given the relationships between the two dwellings and their separation distances and the amount of light that would be lost that it would be significant as to warrant a recommendation for refusal.

As stated above, the proposed dwelling sits some 9.5m back from North Foreland Avenue, with the dwelling opposite 'Woven' being offset from the application site frontage and setback from the road frontage some 6.5metres. Given the orientation between the properties, the distances involved and the fact that Woven sits at a lower land level than the application site, it is not considered that there would be an adverse impact on the residential amenities of the occupiers of Woven from the proposed development. The application site would have a more direct frontage with the rear of North Foreland Grange which fronts Cliff Promenade. Its rear boundary is at a lower land level again than Woven with a distance of over 55 metres between it and the frontage of the application site.

The application site's rear boundary is shared mainly with no. 28 North Foreland Road with a short stretch shared with no. 30 North Foreland Road. No.28 is sited at a higher land level

than the proposed dwelling, with the garden of the proposed dwelling set above ground floor level of the proposed dwelling due to the change in levels across the land. At its closest point the proposed dwelling would be 15.3 from its rear boundary, shared with no.28. The rear of no.28 North Foreland is then set over 21 metres from the shared boundary, meaning a total distance of approximately 36 metres back-to-back (with no.28's outbuilding at the rear of their garden). Concerns have been given about the impact of the second floor balcony in particular and its impact on the privacy of the occupiers of no. 28 and their ability to freely use their garden and rooms within the property. From the site visit it was noted that views of the second floor balcony could be achieved from both the garden and some of the rooms of no. 28 and it is acknowledged that views from the windows and balconies to the rear would be directed towards the rear of the application site. Given the distances involved and the changes in land levels, it is not considered that the proposed development would be overbearing or result in a loss of light or harmful overlooking to the residents of no. 28.

As stated above, no. 30 shares a limited amount of rear boundary with the application site, but is offset with the dwelling itself set mostly to the north of Oakside. There would be a distance of some 20 metres from the closest corner of the application site (shared boundary) to the closest corner of no. 30. Taking the offset between the two properties, the distances involved and the changes in level it is not considered that the proposed development would be overbearing or result in a loss of light or overlooking to the residents of no. 30.

In terms of the standard of accommodation provided in the proposed development, the proposed dwelling would provide large rooms with a high level of light and ventilation. It would also be served by off street parking and private residential amenity space which allows for cycle and bin storage. The Council is using the Nationally Described Space Standards for housing to assess the internal floor space size of new residential development to ensure that a good standard of accommodation for future occupiers is achieved. The proposed dwelling would have five bedrooms and be four storey. It is noted that the Space Standards only provide for 3 storey dwellings, but for a 5 bed 3 storey dwelling the required space standards range from 116 sqm (for a 5 person dwelling) to 134 sqm for an 8 person dwelling. The proposed dwelling comfortably exceeds the required floor space for a 3 storey dwelling and making allowance for the 4th floor. As such, it is considered that the proposed dwelling would provide a good standard of accommodation for residential amenity for future.

Highways

Paragraph 114 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 115). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be

designed to enable charging of plug in and other ultra low emission vehicles (paragraph 116). These aims are reflected in the Council's Local Plan policies.

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.

Due to the location of the site, the majority of trips generated by any development will be by car, as the site is not within close proximity of local services and facilities to promote non-car use.

North Foreland Avenue is a private road, subject to relatively low speeds. The development is for a single dwelling and it is not considered unlikely to have a significant safety on the adopted highway network.

The proposal makes provision for on site car parking spaces as well within the site together with cycle storage. It is considered that this amount of car and cycle parking is sufficient to serve the proposed development. It is not, therefore, considered that the proposed development would have an adverse effect in relation to highways and parking.

Biodiversity

The NPPF states at paragraph 180 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 ..." The NPPF then states that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

As stated above, the application site, along with others on the North Foreland Estate has been found acceptable for residential development by both council officers and the Planning Inspectorate and the proposal whilst seeing the site developed would provide areas of landscaping and a formal garden area within the site and it is considered that planting within

these areas would provide opportunities to enhance the ecology/biodiversity within the plot. It is, therefore, considered that the proposed development would not have an adverse impact on the ecology.

Flooding and Drainage

Paragraph 165 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.

Foul and surface water drainage were the subject of conditions 6 and 7 of the outline planning permission (OL/TH/14/0404) granted on appeal. These conditions were complied with and drainage to serve the dwelling is in place on site.

Archaeology

Paragraph 203 of the NPPF states that In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. It goes on (paragraph 205) to state 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." In paragraph 207 the NPPF states that "where a development proposal will 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.

Kent's Historic Environment Record has been reviewed and no findings are shown in or adjacent to the application site and the previous outline and reserved matters consent on the

site are recognised as material considerations. As such, 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.

A signed and completed undertaking for this contribution has been submitted.

Other matters

A number of concerns have been raised by local residents on the application that have not been addressed elsewhere in the report. These will be addressed in turn in this section.

Ongoing construction works - whilst there is a time limit for applicants to commence development, but there is no provision for the Local Planning Authority to control how long development works take. They are normally still temporary in nature and expected that they would be carried out with respect to adjoining occupiers.

Enlargement of the basement and impact on ground stability for surrounding occupiers - this is not a material planning consideration and any damage would be a civil matter between parties;

Loss of views - not a material planning consideration;

No amended party wall act has been received by adjoining occupiers - this is a private matter between the applicants and the adjoining neighbours;

Not all of the changes between the application approved under R/TH/19/0349 and the current application are summarised in the supporting Planning Statement - there is no requirement for this to happen and the drawings clearly show the proposal under consideration;

When the outline application was granted - it was expected that all new dwellings would be 2 storey only - there is nothing in the outline planning permission which restricts development to two storey only; and

The applicants have failed to take compromise or accept measures that surrounding residents consider would make the scheme acceptable - it is for an applicant to propose the scheme they wish to be considered and this is the proposal currently before members.

Conclusion

The application site is within the built up area of Broadstairs and the proposal would make a small contribution to the District's housing land supply. 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, archaeology or 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/23/1359

Project

Domus (Formerly Plot 10 Of Land Adjacent To Clifftop) North Foreland
Avenue BROADSTAIRS Kent

