

A01 **F/TH/24/0982**

PROPOSAL: Erection of 1 No two storey 4-bed detached dwelling following demolition of existing dwelling (self build) (part-retrospective)

LOCATION: 4 Wilkie Road Birchington Kent CT7 9HE

WARD: Birchington North

AGENT: Mr Nigel Bradbury

APPLICANT: Mr Jason Moyce

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered WR/692/SP-20 Rev C received 26/09/24 and, WR/692/PD-21 and WR/692/BP-20 received 19/08/24., ****, ****, ****, ****, ****

GROUND;

To secure the proper development of the area.

2 The first floor windows in the northern and southern elevations of the dwelling hereby approved, as shown on plan WR/692/PD-21 shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent, and provided and maintained with a cill height of not less than 1.73 metres above the finished internal floor level. They shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

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

3 Prior to first occupation of the development hereby approved a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The plan shall accord with the measures outlined in the Proposed Site Plan/Street Scenes document (Nigel Bradbury Designs, August 2024) associated with the planning application and shall include details of the following enhancement measures:

- o Full soft landscaping details (including planting specifications and use of native species in tree and hedgerow planting); and
- o The provision of at least two durable bird boxes situated appropriately (facing north/east with a clear flight path and at least 3m high).

The approved plan shall be implemented as described and retained thereafter.

GROUND:

In accordance with the aims of Policy SP30 of the Thanet Local Plan, and Paragraph 180 of the NPPF.

4 Within twelve months of first occupation of the development hereby approved, photographic evidence of the implementation of the biodiversity enhancement measures required by Condition 3 shall be submitted to the local planning authority for approval. The approved details shall be thereafter retained.

GROUND:

In accordance with the aims of Policy SP30 of the Thanet Local Plan, and Paragraph 180 of the NPPF.

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.

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

SITE, LOCATION AND DESCRIPTION

Wilkie Road sits within one of four similarly sized blocks of dwellings to the north of Birchington that comprise two rows of dwellings per block, facing east and west, and sit in spacious plots. There are a number of listed buildings to the north east of the site, and some to the south. The Birchington Neighbourhood Plan defines this area as one of high landscape value.

The application site sits to the southeastern side of the street and comprises the second of five dwellings on this side of the street, and has the largest set back. It was formerly a detached bungalow with a render finish and front projection, set behind a large hedgerow and somewhat obscured from public views. The wider street is made up of mostly bungalows or chalet bungalows, with two 2 storey dwellings present either side of the application site.

RELEVANT PLANNING HISTORY

FH/TH/24/0776 - Erection of two storey front and side and rear extensions, alterations to roof, removal of existing single storey rear extensions, together with alterations to fenestration, materials, land levels and landscaping. Returned 02/09/2024.

FH/TH/23/1491 - Erection of two storey front and side extensions, first floor rear extension, and alterations to roof to provide additional floor, together with demolition of existing rear projections, and alterations to fenestration, materials, and land levels. Granted 28/05/2024.

PROPOSED DEVELOPMENT

On 28 May 2024 planning permission was granted for works to extend and alter an existing bungalow on the site (application FH/TH/23/1491 refers). Following this approval changes were sought to the design and layout and a further application was received (application FH/TH/24/0776 refers). A complaint was received that works had already begun on site and that the works did not amount to an extension but a rebuild. Officers visited the site and found that the former dwelling had been demolished. An enforcement warning notice was served and this application follows for a replacement dwelling.

The proposal is for a two storey detached dwelling. The new dwelling would sit in substantially the same position as the two storey extension approved to the former bungalow in application FH/TH/23/1491. It would have a hipped roof on four sides, with a central flat element and a front gable projection. Next to this would be an infill single storey hipped roof projection with tiled roof canopy running towards the southern flank. The dwelling would have a red brick finish at ground floor, with a mixture of white render and grey cladding to the first floor.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP13 - Housing Provision
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP28 - Protection of International and European Designated Sites
SP29 - Strategic Access Management and Monitoring Plan
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP36 - Conservation and Enhancement of Thanet's Historic Environment
SP43 - Safe and Sustainable Travel
H01 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
HE01 - Archaeology
HE03 - Local Heritage Assets
QD01 - Sustainable Development
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
CC02 - Surface Water Management

SE06 - Noise Pollution
SE08 - Light Pollution
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

BIRCHINGTON NEIGHBOURHOOD PLAN POLICIES 2023

B1
B3
B5
B14
B15
B16
B18

NOTIFICATIONS

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

Four letters of objection has been received (with two from the same person) surrounding:

- Loss of privacy and overlooking
- Out of scale and character with Wilkie Road
- Restricted views
- Loss of light / overshadowing
- Loss of trees
- Neighbours were not consulted on the last application or this
- The last application was overturned

Birchington Town Council: Neutral. It was noted that the Parish Council had previously objected to the application but were overruled by Thanet Council (TDC).

CONSULTATIONS

KCC Ecology and Biodiversity: SUMMARY - NO FURTHER INFORMATION REQUESTED

We have reviewed the ecological information submitted in support of this application and advise that no further information is requested from the applicant prior to determination of the planning application, subject to suitable planning conditions (as recommended below).

No ecological information has been submitted as part of this part-retrospective application. Our previous comments (re FH/TH/24/0776, dated 7 August 2024) stated that the previously submitted ecological information was acceptable and no new surveys were needed. Given the demolition of the dwelling then proposed for extension has now taken place, any

significant ecological impacts are a fait accompli and there is no use requesting any additional ecological information.

The application FH/TH/23/1491 was granted consent with a condition attached requiring the removal of onsite elephant ear (an invasive non-native plant). The submitted Design and Access statement claims that "[all] of the Elephant Ear plants including the underground tubers have been removed to prevent any regrowth". We are willing to accept this claim without evidence as this plant is not a Schedule 9 WCA 1981 invasive species, nor is it listed as an "injurious weed" within the Weeds Act 1959 so the applicant is under no legal obligation to eradicate it/prevent its spread.

As such, our only recommendations to Thanet District Council are as below regarding biodiversity enhancements.

The applicant has claimed the self-build exemption from statutory BNG. Thanet DC may wish to confirm whether the below exemption wording applies.

Self-build and custom build applications.

8.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which—

(a) consists of no more than 9 dwellings;

(b) is carried out on a site which has an area no larger than 0.5 hectares; and

(c) consists exclusively of dwellings which are self-build or custom housebuilding.

(2) In this regulation "self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015(1).

Regardless of any exemption, the applicant has an obligation to deliver 'measurable' (at least 1%) gains for biodiversity under the NPPF 2023, paragraph 180(d). The submitted document Proposed Site Plan Street Scenes (Nigel Bradbury Designs, August 2024) contains outline measures for new tree planting (four trees) and a new mixed native hedgerow to the rear of the garden. These outline measures may compensate for lost habitat resulting from the previous site clearance, but further details will be needed to ensure adherence to the NPPF (regarding species, implementation/retention and other achievable biodiversity enhancements). As such, we suggest the following condition wording is attached to any notice of planning permission:

CONDITION X: Prior to first occupation of the development hereby approved a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The plan shall accord with the measures outlined in the Proposed Site Plan/Street Scenes document (Nigel Bradbury Designs, August 2024) associated with the planning application and shall include details of the following enhancement measures:

o Full soft landscaping details (including planting specifications and use of native species in tree and hedgerow planting); and

o The provision of at least two durable bird boxes situated appropriately (facing north/east with a clear flight path and at least 3m high).

The approved plan shall be implemented as described and retained thereafter.

Reason: In accordance with paragraphs 180(c) and 185(b) of the NPPF 2023.

CONDITION: Within twelve months of first occupation of the development hereby approved, photographic evidence of the implementation of the biodiversity enhancement measures required by condition X shall be submitted to the local planning authority for approval. The approved details shall be thereafter retained.

Reason: In accordance with paragraphs 180(c) and 185(b) of the NPPF 2023.

KCC Archaeology: None received.

Southern Water: From the information received, we can see evidence the applicant is proposing to use the existing foul connection. If this is not the case, Southern Water will require 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.

COMMENTS

This application is reported to Planning Committee at the request of Councillor Kup in order for Members to consider whether any harm is caused to the character and appearance of the area, to living conditions of neighbouring residents, and to local wildlife as a result of the works that have been undertaken.

Principle of Development

Policies SP01 and HO1 support housing development within the urban confines and set out that proposals should demonstrate that adequate infrastructure will be in place to serve each unit. Policy SP22 sets out that proposals will be expected to provide an appropriate mix of market and affordable housing types and sizes having regard to the SHMA recommendations as may be reviewed or superseded. The application lies within the defined settlement of Birchington and the area for development currently forms land associated with the former dwelling.

The Council has achieved a measurement of 71% for housing delivery against the identified housing targets in the 2022 Housing Delivery test results, which falls below the requirements set by the government under paragraph 79 and footnote 8 of paragraph 11 of the National Planning Policy Framework (NPPF). On this basis the Council are in presumption under paragraph 11 of the NPPF, which means when considering the planning application, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused". "

Given the above, it is considered that residential development on the site is acceptable in principle.

The main considerations are the impact on the character and appearance of the surrounding area, trees, the living conditions of neighbouring occupiers, flood risk and drainage, ecology and biodiversity, archaeology, and highway safety.

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 attractive, welcoming and distinctive, as well as safe, inclusive and accessible. Paragraph 203 of the NPPF advises that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets.

Policy QD02 of the Local Plan outlines that the primary planning aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Policy SP36 sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development. Policy HE03 sets out that the Council supports the retention of local heritage assets, and that proposals will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF.

Policy B1 of the Birchington Neighbourhood Plan sets out that new development which accords fully with the Birchington Design Guidelines and Site Design Guidance and Codes will be supported. Policy B3 sets out that new development and adaptation that responds positively to heritage and character assets that may be affected by the proposed changes will be supported. Policy B5 sets out that within designated Areas of High Townscape Value, the conservation and/or enhancement of the local character will be the primary planning aim. In furtherance of this aim, development will be supported only where it conforms with Policy B1. Policy B16 sets out that landscaping schemes should be consistent with and reinforce local character areas where appropriate. Schemes which improve biodiversity or create new habitat features will be supported.

Planning permission was granted in May this year for the redevelopment of the site to a two storey dwelling (application FH/TH/23/1491 refers). Permission was given for a substantially different appearing dwelling, though it was agreed to be of red brick construction, with two storeys and a hipped roof on all sides with a flat section at the ridge. That scheme proposed a central entrance, brick bandings and stone cills. The front building line would have moved forward but continued to remain behind those of the adjacent neighbouring properties to the north and south. This application seeks a dwelling with a front two storey projection with gable end and a canopy over the ground floor openings. The fenestration proposed has

been simplified when compared with the last scheme, and a variety of materials are now proposed, including cladding, render, and brick.

To the north Number 6 Wilkie Road is a modern appearing two storey dwelling with integral garage and a hipped roof front projection. It has smooth render finishes, grey openings, and dark roof tiles. To the south Number 2 Wilkie Road is a large red brick two storey dwelling on the corner of Wilkie Road and Shakespeare Road. It has two front column projections set under a gable with a large entrance gable extending above the line of the first floor. It has unusual turreted features and a clock tower extension.

The proposed works would see the roofline of the application dwelling transition between the higher ridge of No. 2, and the lower ridge of No. 6. There would be some affinity with the hipped roof finishes at No. 6, and the proposed front gable end projection would be likely to better integrate with the existing pattern within Wilkie Road, where this is a strong feature. The development would continue to appear wide in its setting but maintain a front building line that sits behind that of the neighbouring properties. This scheme proposes works that would better marry with surrounding built form and architectural details than the former proposal, and the mixed material finish would reflect materials found within the local streetscape. The dwelling would appear more modern in design, but would not be likely to be out of keeping.

The site sits in close proximity to local heritage assets. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Paragraph 203 of the NPPF advises that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets. Policy SP36 sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development. Policy HE03 sets out that the Council supports the retention of local heritage assets, and that proposals will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF. In this instance, the works are not considered likely to have any adverse impact on any designated heritage assets given the assimilation with other local vernacular.

Trees

Policy QD02 sets out that all new development should promote or reinforce local character and be sustainable. For external spaces this means features such as trees, natural habitats and surfaces that contribute positively to the quality and character of an area should be retained, enhanced, and protected where appropriate. Trees and other planting should be incorporated appropriate to both the scale of buildings and the space available, to provide opportunities for increasing biodiversity interest and improving connectivity between nature conservation sites where appropriate.

Policies B14 and B15 of the Birchington Neighbourhood Plan seek to support the retention of viable trees and hedgerows and encourage surveys where relevant to catalogue all trees on the site and between adjoining land.

There were formerly a number of trees and a large hedgerow within the boundary of the site. The trees were not protected and have since been removed. Section 197 of the Town and Country Planning Act 1990 (as amended) imposes a requirement on Local Planning Authorities to consider the appropriate provision and preservation of trees in the determination of planning applications.

In this instance, it is not considered that the trees or other landscaping would be negatively affected by the proposed development. It is appreciated that the site has been cleared of former vegetation and soft landscaping, however replacement landscaping is proposed and is considered to be acceptable.

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. Paragraph 135 states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure. Policy QD03 also requires clothes drying and refuse facilities to be provided.

New development should be of an appropriate size and layout to facilitate comfortable living conditions in accordance with policy QD04 and should provide for clothes drying facilities and waste disposal. Policy GI04 outlines that new residential development will make provision for appropriate amenity green space and equipped play areas. Family dwellings will be expected to incorporate garden space in order to provide safe doorstep play areas for young children. Family dwellings are considered to be those with two or more bedrooms.

In terms of the living conditions of future occupiers, the Nationally Described Space Standards break down the technical requirements that must be met for new dwellings. The Space Standards set out that a 4 bed 6 person dwelling over two floors should have an internal floor area of no less than 106 sq. m. The proposed dwelling would exceed this. In addition all habitable rooms would benefit from light, outlook, and ventilation.

There would be garden space to the front and rear of the site, and refuse and clothes drying facilities are shown on the submitted plans. Secure cycle storage is also proposed behind the existing outbuilding. This would be of a small scale and unlikely to cause harm to neighbouring amenity.

In terms of other neighbour impacts, to the north with No. 6 Wilkie Road, development would extend back and sit approximately 0.3m beyond the neighbouring rear ground floor extension. The neighbouring property sits on the shared boundary, and a separation

distance is proposed of up to 4.2m approximately. This is considered sufficient as to prevent any sense of overbearing, enclosure, or loss of outlook. Development would sit forward of the original bungalow on the site by around 4.5m but remain behind the front building line of the neighbouring property. It is likely that some afternoon shading may occur in relation to the neighbouring property, however ambient light will still be available and this is not likely to be for any prolonged period. The proposed openings in the first floor of the northern flank would be obscure glazed and non-opening below 1.7m internally to prevent any harmful overlooking. This could be secured by condition.

To the east with dwellings along Leslie Road, the immediate property to the rear of the site appears angled and sits in the northern front corner of the plot. The proposed works would be more than 21m from any properties to the rear and this is considered to be a sufficient separation distance as to prevent any new harm in this location.

To the south with No. 2 Wilkie Road an approximate 5.6m gap would be retained between buildings. The site is westerly facing and given the above the works are not considered to result in any significant harm in terms of loss of light, overbearing, creating a sense of enclosure or loss of outlook. The proposed openings in the first floor flank would be obscurely glazed and could be secured by condition.

Beyond this to properties in Shakespeare Road there would be a gap of around 15.5m between buildings. This is considered sufficient as to prevent any overbearing, sense of enclosure, loss of light or loss of outlook. Again windows in the flank would be obscurely glazed and those to the rear angled. Given the separation distance between sites and the above, the works are not considered likely to cause any unacceptable impact.

The proposal is , therefore, considered to comply with the aims of policies QD02 and QD03 of the Thanet Local Plan and the guidance of the NPPF.

Flood Risk and Drainage

Paragraph 159 of the NPPF states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

Paragraph 165 sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from those areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Policy CC02 sets out that new development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible. Sites identified as a Tidally Sensitive Area (as identified in surface water management plans) will need to incorporate Sustainable Drainage Methods and a maintenance schedule where

appropriate, at the design stage of a planning application, and a Flood Risk Assessment will be required before planning permission can be granted.

The proposal would see permeable paving to the front of the site to help manage surface water drainage and soakaways used for rainwater discharging from the roof. In terms of foul sewerage, the proposal is to connect to the foul sewage network and Southern Water raised no objections surrounding this. As a result it is considered that there is unlikely to be any harmful impact on flood risk or drainage, in accordance with the aims of the NPPF.

Ecology and Biodiversity

Paragraph 180 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 186 goes on to say that:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy SP30 of the Thanet Local Plan sets out that development proposals will 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 through the restoration / enhancement of existing habitats, the creation of wildlife habitats, the creation of linkages between sites to create local and regional ecological networks, the enhancement of significant features of nature conservation value, the protection and enhancement of valued soils, and by providing mitigating against the loss of farmland bird habitats. It goes on to set out that 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.

In March 2024 new legislation came into effect requiring that, except for exempted sites, all relevant development sites will contribute to the requirement to provide net gains for biodiversity. Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). The applicant has set out that they consider they are exempt from the national biodiversity net gain condition as the site is a self-build site. The LPA is satisfied based on information provided that this is the case and the proposal is not therefore applicable for Biodiversity Net Gain.

In terms of site specific ecological issues, it is noted that on the previous application there was a pre-commencement condition requiring the following:

Prior to the commencement of development, an invasive non-native species removal plan will be submitted to, and approved by, the local planning authority. The plan will detail the containment, control and removal of Elephant Ears on-site. The measures will be carried out in accordance with the approved scheme.

GROUND: In the interests of nature conservation in accordance with the advice contained within paragraph 180 of the National Planning Policy Framework

The condition was not complied with and KCC's views were sought on this. They have set out that "The application FH/TH/23/1491 was granted consent with a condition attached requiring the removal of onsite elephant ear (an invasive non-native plant). The submitted Design and Access statement claims that "[all] of the Elephant Ear plants including the underground tubers have been removed to prevent any regrowth". We are willing to accept

this claim without evidence as this plant is not a Schedule 9 WCA 1981 invasive species, nor is it listed as an "injurious weed" within the Weeds Act 1959 so the applicant is under no legal obligation to eradicate it/prevent its spread." As such no further action is required in relation to this matter in order to progress this application. They do however note that there is a general requirement to provide net gains for biodiversity and request conditions surrounding minor enhancements in accordance with the landscaping scheme already proposed, and the addition of bird boxes. Given the requirements set out in Policy SP30 and paragraph 180 of the NPPF, these conditions appear reasonable and relevant and should be imposed on the application.

Finally, 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) Policy SP29 of the Thanet Local Plan requires a financial contribution for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations. In this case the replacement dwelling would result in one additional room when compared with the previous dwelling. The former bungalow could have been altered or enlarged without planning permission to provide an additional room, and previously planning permission was given for an extension which allowed an additional bedroom. The proposed development would continue to be a single family dwelling and on the basis of the above it is not considered that in this instance that there would be a significant increase in the number of people accommodated on the application site. A contribution to mitigate against increased recreational pressure upon the special protection area has therefore not been requested in this instance as it is not considered to result in a significant impact on the designated sites.

Archaeology

Thanet is an area rich in archeology, with a long history of trade, settlers and invasion and defence given its former island status and proximity to Europe. Paragraph 189 of the NPPF sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Policy SP36 of the Thanet Local Plan sets out that the Council will support, value and have regard to the archaeological significance of heritage assets by protecting the historic environment from inappropriate development. Policy HE01 sets out that the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features and that development proposals adversely affecting the integrity or setting of Scheduled Monuments or other heritage assets will normally be refused. Where development would be likely to affect a site of archaeological importance, preservation in situ will be sought. If this is not possible or justified appropriate investigation and recording will be required.

KCC have not commented on this application, however given the previous dwelling and ground intrusion, along with the overall limited additional footprint for the new dwelling, no archeological measures are considered necessary in this location.

Highways

Policy QD02 of the Thanet Local Plan 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. Policy B18 of the Birchington neighbourhood Plan sets out that proposals will not be supported where the Local Planning Authority identifies that additional on-street parking will likely be detrimental to safety or impede access for public transport, emergency vehicles or any other service vehicles.

The work would result in the formation of a four bed dwelling. Provision should therefore be made for up to 2 parking spaces on site. Two spaces are shown on site. It is also noted that there is on-street parking provision without restriction. The existing access would be used. In terms of visibility splays the former low front wall has been removed to undertaken the works for the new dwelling. The applicants agent confirmed this would be rebuilt to the same height when works finish and therefore appropriate visibility splays are likely to be retained. As such the works are not considered likely to result in any adverse impact on highway safety or parking in the surrounding area.

Other Matters

An objection has been received setting out concerns that members of the public were not consulted. Consultation letters were sent out to all adjoining neighbours on 05 September 2024 and a site notice was posted outside the site, in line with the Council's requirements.

Conclusion

The works are for the provision of a replacement dwelling. This would be a larger two storey addition which reflects the overall scale and mass agreed previously as acceptable in this location when applied for as an extension to the former bungalow. The proposed works would see a better transition between dwellings in the streetscene when compared with the previous design, and overall officers consider the works to be acceptable.

Subject to conditions surrounding first floor windows in the side elevations, the works are not considered likely to have an adverse impact on neighbouring amenity.

Highways matters, flood risk and archaeology are all considered to be acceptable. Ecology and landscaping is considered acceptable, subject to recommended conditions by KCC seducing small net gains on the site for biodiversity.

The application is recommended for approval, subject to conditions.

Case Officer

Vicky Kendell-Bryant

TITLE:

F/TH/24/0982

Project

4 Wilkie Road Birchington Kent CT7 9HE

