

D08

F/TH/24/0706

PROPOSAL: Erection of 1No 3bed and 4No 4bed detached dwellings including access, landscaping and associated works following demolition of existing dwelling

LOCATION: 2 Lindenthorpe Road Broadstairs Kent CT10 1BG

WARD: Bradstowe

AGENT: Hume Planning Consultancy Ltd

APPLICANT: Ann Brazil

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the receipt of a satisfactory signed legal agreement to secure the significant on-site biodiversity net gain within 6 months, receipt of confirmation of ownership for the submitted Unilateral undertaking for the SAMMs, and the following safeguarding conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 4394/P004 J, 4394/P005 C, 4394/P010, 1-010 Revision P2, 1-030 Revision P1, 2-010 Revision P2, 2-030 Revision P1, 3-010 Revision P2, 3-030 Revision P1, 4-010 Revision P2, 4-030 Revision P1, 5-010 Revision P2 and 5-030 Revision P1.

GROUND

To secure the proper development of the area.

3 Prior to the erection of the external faces of the dwellings hereby approved, details and manufacturer's specification of the external materials 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.

GROUND

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

4 The bedroom 4's window in the side elevation of plot 1 hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to

Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

GROUND

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

5 The 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 NPPF.

6 The area shown on the approved plan 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 any of the dwellings hereby permitted.

GROUND

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

7 Prior to the first occupation of the development hereby permitted the cycle parking, as shown on the approved plan shall be provided and thereafter retained.

GROUND

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

8 Prior to the first occupation of any dwelling hereby approved visibility splays shown on the submitted plans shall be provided to the access on to Lindenthorpe Road with no obstructions over 0.6 metres where a footway crosses the access, which shall thereafter be maintained.

GROUND

In the interest of highway safety in accordance with the advice contained within the NPPF.

9 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 which may require supporting vehicle tracking/swept path
- (c) Timing of deliveries avoiding network and school peaks where possible
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to prevent the discharge of surface water onto the highway.

GROUND

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

10 Prior to and during construction the ecological mitigation within the Ecological Impact Assessment (Corylus Ecology; September 2024) must be implemented as detailed within the report. If works have not commenced within 2 years of the date of the ecological report a review and, if necessary, update of the ecological impact assessment must be carried out prior to works commencing. A copy of the report must be submitted to the LPA for information.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, accordance with Policies QD02 and SP30 of the Thanet Local Plan

11 Within 3 months of works commencing within the site an ecological enhancement plan must be submitted to the LPA for written approval. The plan must demonstrate how the site will enhance biodiversity through the inclusion of ecological enhancement features within the buildings and site. The plan must be implemented as approved.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, accordance with Policies QD02 and SP30 of the Thanet Local Plan

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

Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

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

GROUND

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

13 No development shall take place (excluding demolition) 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.

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 NPPF.

14 No development related works (including demolition) shall take place and no equipment, machinery or materials shall be brought onto the site in connection with the development until an up-to-date tree protection plan and arboricultural method statement produced in accordance with "BS 5837: 2012,"Trees in relation to design, demolition and construction - Recommendations" have been submitted to and approved by the local planning authority and the protection measures fully implemented.

The documents shall address the avoidance of damage to trees within and immediately adjacent to the site at both demolition and construction phases and shall include details of:

- Trees to be removed, those to be retained and new planting spaces,
- Pruning works, including that required for management and to facilitate access,
- Protective fencing around trees to be retained, including ground protection where fencing may need to be set back for construction access, and areas of proposed new planting,
- How demolition of the existing building and removal of any existing hard surfaces within or adjacent to root protection areas of retained tree(s) will be carried out without damaging the tree(s) and their roots.
- Construction of any foundations and hard surfaces within tree root protection areas including existing and finished levels,
- Service runs or other excavations within root protection areas of retained trees,
- The location of site cabins, material storage and parking during works,
- A scheme of supervision by a competent and qualified arboriculturalist instructed by the applicant and approved by the LPA.

The approved plan and method statements submitted in support of the application shall be adhered to in full, in accordance with the approved plans, and may only be modified following written agreement from the LPA.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed arboriculturalist for the period of demolition and construction.

GROUND

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

15 The development shall be carried out in full accordance with the ecology enhancements as detailed within the submitted Ecological Impact Assessment Report (dated 23rd July 2024).

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, accordance with Policies QD02 and SP30 of the Thanet Local Plan.

16 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

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

GROUND

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

17 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND

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

18 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

GROUND

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

INFORMATIVES

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made with this planning application, and hereby approved, to secure the contribution towards the Strategic Access Management and Monitoring shall be provided in accordance with The Schedule of the aforementioned deed.

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.

It is important to note that Local Planning Authority (LPA) 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 LPA planning permission has been granted.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Thanet District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. .

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply

SITE, LOCATION AND DESCRIPTION

The application site is located on the southern side of Lindenthorpe Road, Broadstairs near the junction with Callis Court Road and opposite the entrance to Bairdsley Close. There is no footpath to the front of the application site, but there is one opposite the site, the footpath on the application site side of the road starts in front of no. 16 Lindenthorpe Road.

The site is rectangular in shape having a length to the Lindenthorpe Road frontage of approximately 100 metres and depth of approximately 45 metres (4,500sqm). The site is effectively an area of private woodland that is situated within a built up residential area of the

town and is occupied by a vacant dwelling that is in a poor condition but was in situ at the time of officers last site visit.

The site has two Tree Preservation Orders designated on it - B/TPO/1(1956)W9 and TH/TPO/9(1984)T1. The site is not within a Conservation Area.

Lindenthorpe Road has a mix of single and two storey dwellings which are both detached and semi-detached.

RELEVANT PLANNING HISTORY

F/TH/21/1523 - Erection of 1No 3bed, 2No 4bed and 2No 5bed detached dwellings including new access, landscaping and associated works following demolition of existing house Refused 18/03/2022 for the following reasons:

1 The proposed development, of five detached two storey dwellings, by virtue of its scale and layout, would result in a development that is significantly out of keeping with the established pattern of development, failing to positively integrate with the prevailing character of the area and its designated of an Area of High Townscape Value, resulting of this special character, severely harmful to the character and appearance of the area, not outweighed by public benefits, contrary to Policy BSP7 of the Broadstairs and St. Peters Neighbourhood Plan, Policies QD02 and SP35 of the Thanet Local Plan, and paragraphs 130 and 134 of the National Planning Policy Framework.

2 The application site contains a large number of protected trees of substantial amenity value, which positively contribute to the character of the area, under reference B/TPO/1(1956)W9 and TH/TPO/9(1984)T1. The proposed development, if permitted, by virtue of its siting and proximity to the protected trees, would result in harm to, and loss of, protected trees, whilst creating future pressure for the removal or significant works to trees within the northern and western boundary, which would be severely detrimental to the character and visual amenities of the locality, contrary to Policies QD02 and SP30 of the Thanet Local Plan, Policy BSP3 of the Broadstairs and St Peters Neighbourhood Plan and paragraphs 130 and 131 of the National Planning Policy Framework.

Appeal dismissed. 13/09/2023

F/TH/21/0090 - Erection of 3no. 4 bedroom detached houses and 2no. 3 bedroom detached houses following demolition of existing house. Refused (22/03/221) for the following reasons:

1 The proposed development, of five detached two storey dwellings, by virtue of its design and layout, would result in a development that is significantly out of keeping with the established pattern of development, failing to positively integrate with the surrounding built environment or be sympathetic to local character, resulting in the loss of undeveloped landscape, severely harmful to the character and appearance of the area, not outweighed by public benefits, contrary to Policies QD02 and SP35 of the Thanet Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

2 The application site contains a large number of protected trees of substantial amenity value, which positively contribute to the character of the area, under reference B/TPO/1(1956)W9 and TH/TPO/9(1984)T1. The proposed development, if permitted, by virtue of its siting and proximity to the protected trees, would result in harm to, and loss of, protected trees, whilst creating future pressure for the removal or significant works to trees within the northern and western boundary, which would be severely detrimental to the character and visual amenities of the locality, contrary to Policy QD02 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.

3 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 177 of the National Planning Policy Framework.

F/TH/19/1099 Erection of 3no. 5 bed and 2no. 4 bed detached dwellings following demolition of existing dwelling. Withdrawn 11/11/2019

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of 1No 3bed and 4No 4bed detached dwellings including access, landscaping and associated works following demolition of the existing dwelling. The housing mix would comprise 1 3 bed dwelling (Plot 3) and 4 4 bed dwellings (Plots 1, 2, 4 and 5).

The proposed dwellings are set back from the highway with a landscape buffer to the site boundary to Lindenthorpe Road. All properties have two floors, although plot 3 is a chalet style rather than full two storey. Projecting bay windows, overhanging porch canopies and brick chimney features are incorporated across the proposal to add articulation and interest. The proposed material palette includes red brick, timber cladding, render and clay roof tiles.

The development will be served by two access points off the southern side of Lindenthorpe Road. Two independent parking spaces are provided to each dwelling, along with electric vehicle charging facilities. The proposed layout also demonstrates two refuse collection points to facilitate bin collection which are located within 10m of the highway.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

- SP01 - Spatial Strategy - Housing
- SP13 - Housing Provision
- SP27 - Green Infrastructure
- SP29 - Strategic Access Management and Monitoring Plan (SAMM)
- SP35 - Quality Development
- SP37 - Climate Change
- SP43 - Safe and Sustainable Travel

HO1- Housing Development
HO21 - Residential use of empty property
GI04 - Amenity Green Space and Equipped Play Areas
GI06 - Landscaping and Green Infrastructure
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
SE04 - Groundwater Protection
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs & St. Peters Neighbourhood Plan

CC2: Biodiversity
BSP3: Protecting and Providing Important Trees
BSP7: Areas of High Townscape Value
BSP9: Design in Broadstairs & St. Peter's
BSP12: High-Speed Internet Access

NOTIFICATIONS

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

Initially seven representations were received of which five were in support with two objecting to the proposal.

The objections can be summarised as follows:

- Loss of important trees
- Pressure on retained trees
- Highway issues
- Quality of the design
- Overdevelopment
- Question BNG information
- Original dwelling should be re-built

The letters of support highlight ongoing difficulties with the site including litter, graffiti, noise, police, alarms going off, anti-social behaviour, illegal activities and a gas explosion as well as the fact that it is considered to be an eyesore and a safety hazard with rotting trees on site.

Following the submission of revised plans, a further neighbour consultation was carried out and two further letters of support were received. These letters detailed on-going problems on the site. One objection was also received stating that the proposal is an overdevelopment, concerns about the loss of trees and road safety issues.

Broadstairs Town Council: The Committee unanimously recommends REFUSAL on the grounds that there is a woodland TPO in this area. This application would result in a loss of trees. The Committee are also concerned with highway safety, and note the objection raised by highways.

Broadstairs Society: In general, the Society agrees that this site has been an eyesore for a number of years and notwithstanding the number of trees it has attracted anti-social behaviour. Consequently, the Society approves its development subject, however, to a further detailed look at the tree survey. The Society notices the developer's tree report differs from the view of the Planning Inspector and that does need to be determined.

CONSULTATIONS

Southern Water: The public sewer is a combined system, receiving both foul and surface water flows, therefore no flows greater than are currently directly received can be accommodated in this system. However, it is possible that by removing some of the existing surface water entering the sewer, additional foul flows could be accommodated, i.e. no net increase in flows.

If the applicant wishes to investigate this option, the applicant will be required to provide Southern Water with a topographical site survey and/or a CCTV survey showing the existing impermeable areas draining to the sewer and their connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer.

Our investigations indicate that Southern Water can facilitate foul sewage /surface water run off disposal to service the proposed development. 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.

No discharge of foul/surface water sewage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul/surface water network to cope with additional sewerage flows are complete. Southern Water is currently in the process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

KCC Public Rights of Way: No comment.

KCC Highways: *Final comment*

Further to previous comments dated 1 August 2024, the applicant has submitted revised plans to seek to address the current holding objection.

Visibility splays of 2.4 metres x 43 metres have been demonstrated. This is considered acceptable and should be secured by way of a suitable condition with no obstruction above 1.05 metres.

Access one for Plots 1-3 is 4.4 metres in width, and the second access for Plots 4-5 is 4.1 metres in width. This is sufficient for two vehicles to pass.

In line with the above, I confirm that I remove the holding objection and confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:

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

Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, prior to the use of the site commencing.

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, which

may require supporting vehicle tracking/swept paths.

(c) Timing of deliveries, avoiding network and school peaks where possible.

(d) Provision of wheel washing facilities.

(e) Measures to prevent the discharge of surface water onto the highway.

(f) Temporary traffic management / signage.

Initial comments:

I note that the previous application F/TH/21/1523 was refused and dismissed at appeal. Previously KCC Highways deemed the application did not meet the protocol criteria to warrant involvement from the Highway Authority. While this still may be the case due to the number of dwellings proposed, I am concerned about the access arrangements proposed.

Visibility splays are required for both access points due to an intensification of use at the eastern access. It appears that there are existing hedgerows and trees that currently obscure visibility which has not been clearly demonstrated as to how visibility will be achieved. It is considered that to achieve visibility a number of trees will need to be removed, and hedges cut back.

Confirmation of the width of the access points are required, to ensure that two vehicles are able to pass.

I note the provision of refuse collection points to enable street collection points, which is acceptable.

Consideration should be given to a second access point where the eastern refuse collection point is located, which may provide greater visibility.

Tracking for a fire tender turning entering and exiting the site in a forward gear should be provided.

At this stage I wish to place a holding objection as I do not consider the proposed access arrangements sufficient and the applicant has not demonstrated that suitable visibility splays can be achieved.

KCC Biodiversity: *Final comments*

We have reviewed the information submitted with the planning application and we advise that sufficient information has been provided to determine the planning application.

Ecological Surveys

Ecological surveys were carried out in 2017, 2020, 2021 2024 and have detailed the following:

- o Peak count of 4 common pipistrelle emerging from the main building in 2017
- o Suitable habitat for breeding birds
- o Semi improved grassland within the site.
- o Areas of woodland within the site
- o Suitable habitat for hedgehogs

No reptiles were recorded during the 2021 surveys and we are satisfied that it is unlikely that reptiles are present within the site.

Bats were recorded during the 2017 survey but no bats were recorded during the 2020 or the 2024 emergence survey and therefore we do accept that currently it is unlikely that bats are present within the site. However the presence of bats cannot be ruled out and we highlight that if works do not commence within the site of 18months of planning permission being granted an updated bat survey will be required. We would also recommend that bat roosting features are incorporated into the buildings

If planning permission is granted we recommend the following:

Prior to and during construction the ecological mitigation within the Ecological Impact Assessment (Corylus Ecology; September 2024) must be implemented as detailed within the report. If works have not commenced within 2 years of the date of the ecological report a review and, if necessary, update of the ecological impact assessment must be carried out prior to works commencing. A copy of the report must be submitted to the LPA for information.

Biodiversity Net Gain

We previously commented on this application and we raised concerns that the habitat baseline within the BNG assessment is incorrect as none of the trees along the eastern boundary of the site have been individually recorded within the site and instead this area has been described as introduced shrub. The BNG report has been updated to address this previous concern and it has divided the habitat previously described as introduced scrub in half and the areas with native species has been described as secondary woodland. We have reviewed the updated report and we are satisfied with this amendment.

We have reviewed the proposed habitats and the report has detailed that the eastern and north eastern boundary is proposed to be established as a woodland. Originally it was proposed to achieve a moderate condition and we were concerned this was not possible however the BNG assessment has been updated and it has stated that a poor condition is proposed.

We raised this concern as from the submitted site plans it appears that the proposed woodland creation area is very small and narrow and surrounded by housing. We are concerned that appropriate management could not be carried out within this area to establish the woodland to moderate condition - we agree that poor condition is more achievable.

The Statutory biodiversity metric user guidance was updated in July 2024 states the following regarding residential gardens:

A private garden is a garden within the curtilage of a privately owned or tenanted dwelling house. Private gardens can contain important features for biodiversity, including mature trees and hedgerows. When recording habitats at baseline within a private garden you may need to assess any important features as individual habitat parcels to avoid under-recording biodiversity.

This may include:

- o recording individual trees
- o recording hedgerows
- o recording other habitats, such as ponds

Record all medium, large and very large individual trees within private garden

"The post-development private garden has no public access, and biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record created private gardens as either:

- o 'urban - vegetated garden'; or
- o 'urban - unvegetated garden'

You should not:

- o record the creation of any other new habitats within private gardens
- o record enhancement of any habitat within private gardens

However, habitats which are recorded in the baseline and remain within a private garden may be recorded as retained. Guidance on retention should still be followed."

We advise that TDC must be satisfied that the individual trees proposed within the site are not considered to be within the curtilage of a residential property. From looking at the site plans it appears the trees of plot 1 and 2 in particular are within the front gardens. If the trees are to be within the curtilage of the garden we advise that these can not be included within the BNG metric.

The report has detailed that a BNG of over 10% can be achieved and we agree that subject to appropriate management and monitoring being carried out it can be achievable.

All the BNG will be achieved on site and due to the majority of the BNG being achieved through the creation or enhancement of existing secondary woodland its our view that it can be considered as on site significant and therefore based on that understanding there will be a need for the habitat management and creation to be secured under a S106.

The BNG guidance <https://www.gov.uk/guidance/biodiversity-net-gain> states the following regarding on site significance and it is our view that this site meets the requirements highlighted in bold.

Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development.

Retention of existing habitat does not count as an on-site enhancement.

What counts as a significant enhancement will vary depending on the scale of development and existing habitat, but these would normally be:

- o habitats of medium or higher distinctiveness in the biodiversity metric
- o habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development
- o habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development
- o areas of habitat creation or enhancement which are significant in area relative to the size of the development
- o enhancements to habitat condition, for example from poor or moderate to good

Examples of significant enhancements include creating a wildflower meadow or a nature park.

The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the most appropriate stage of planning.

If planning permission is granted, local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice. The applicant should submit a biodiversity gain plan form along with supporting information once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

Designated Sites

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

Ecological Enhancements

Under section 40 of the NERC Act 2006 and paragraphs 180 and 186 of the NPPF 2023 biodiversity should be maintained and enhanced through the planning system. In addition to BNG we advise that ecological enhancement features must also be incorporated into the site. If planning permission is granted we recommend that an ecological enhancement plan is included. Enhancements include bat and bird boxes within the site and buildings, insect hotels or log piles within the site. We suggest the following:

Within 3 months of works commencing within the site an ecological enhancement plan must be submitted to the LPA for written approval. The plan must demonstrate how the site will enhance biodiversity through the inclusion of ecological enhancement features within the buildings and site. The plan must be implemented as approved.

Lighting

Common Pipistrelle have been recorded within the site and lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting must be designed to minimise light spill.

We recommend that if planning permission is granted the lighting condition has the following requirements:

- o Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night' 2
- o Downward facing and on motion sensors
- o Site plan showing the location and types of lighting and details of light spill

Initial comments

We have reviewed the ecological survey submitted with the planning application and we are satisfied that it is sufficient to determine the planning application however we advise that additional information is required on the BNG assessment.

Ecological Surveys

Ecological surveys were carried out in 2017, 2020, 2021 2024 and have detailed the following:

- o Peak count of 4 common pipistrelle emerging from the main building in 2017
- o Suitable habitat for breeding birds
- o Semi improved grassland within the site.
- o Areas of woodland within the site
- o Suitable habitat for hedgehogs

No reptiles were recorded during the 2021 surveys and we are satisfied that it is unlikely that reptiles are present within the site.

Bats were recorded during the 2017 survey but no bats were recorded during the 2020 or the 2024 emergence survey and therefore we do accept that currently it is unlikely that bats are present within the site. However the presence of bats can not be ruled out and we highlight that if works do not commence within the site of 18months of planning permission being granted an updated bat survey will be required. We would also recommend that bat roosting features are incorporated into the buildings

We can provide condition recommendations for the mitigation strategy and a bat sensitive lighting scheme once the additional information on BNG is required.

Biodiversity Net Gain

A BNG assessment has been provided and it has detailed that a BNG of 13% can be achieved within the site. However we are concerned that the habitat baseline within the BNG assessment is incorrect as none of the trees along the eastern boundary of the site have been individually recorded within the site.

Instead this area has been described as introduced shrub and it is our understanding that when this habitat is used within the metric it should only include non native species. The tree survey demonstrates that native trees are within this area and therefore should be recorded within the metric.

In addition we highlight that individual trees should not be included within the curtilage of a residential property and from looking at the site plans it appears the trees are proposed for the front gardens.

Due to the above points we highlight that currently the proposed BNG of 13% is not achievable.

As part of the requirements of BNG a correct baseline metric must be submitted prior to determination. Therefore there is a need for at least the baseline metric to be updated but we would also encourage the proposed habitat baseline to be updated.

The Statutory biodiversity metric user guidance was updated in July 2024 states the following regarding residential gardens:

A private garden is a garden within the curtilage of a privately owned or tenanted dwelling house.

Private gardens can contain important features for biodiversity, including mature trees and hedgerows. When recording habitats at baseline within a private garden you may need to assess any important features as individual habitat parcels to avoid under-recording biodiversity.

This may include:

- o recording individual trees
- o recording hedgerows
- o recording other habitats, such as ponds

Record all medium, large and very large individual trees within private garden

"The post-development private garden has no public access, and biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record created private gardens as either:

- o 'urban - vegetated garden'; or
- o 'urban - unvegetated garden'

You should not:

- o record the creation of any other new habitats within private gardens
- o record enhancement of any habitat within private gardens

However, habitats which are recorded in the baseline and remain within a private garden may be recorded as retained. Guidance on retention should still be followed."

TDC Tree Consultant:

Final comments These additional comments follow submission of an amended Proposed Site Layout Plan (GDM Architects: 4394/ P004 J) and revised Tree Survey & Arboricultural Integration Report (Quaife Woodlands: AR-4359 TSAIR-240828, dated 28th August 2024).

The amended Site Layout Plan shows the shared driveway for Plots 1 to 3 accessing Lindenthorpe Road a few meters further west than previously shown, in the vicinity of a dead Turkey Oak (T8) already proposed for removal.

The Tree Survey Report has been revised to propose the removal of one additional tree from the far eastern corner of the Lindenthorpe Road frontage:

Tree:	Species:	Height/DBH:	B.S. Quality:	Comments:
T11	Hawthorn	4m/200mm	"C" Low	Self seeded, previously topped

It also proposes to lift the crown (remove low branches) of trees in G1 (Hawthorn, Sycamore and Wych Elm) to 2.5m on their north side to clear sight lines for the new access. The trees are described as young, self seeded, and of low quality, physiological and structural condition.

These changes are not of great arboricultural significance and I have no reason to change my original comments other than to acknowledge the changes noted above.

Initial comments

There are two Tree Preservation Orders (TPO) protecting trees on this site.

- TH/TPO/9(1984)T1 protects an individual Copper Beech. However it is in poor structural condition, having significant decaying pruning and tear wounds, weak branch forks, and with significant ivy into a declining canopy. It is proposed to be removed as part of the scheme.

- TPO/1(1956)W9 is a "Woodland" designation, described as "Mixed Hardwoods" and covering approximately half the depth of the site from the road on the site's northern boundary. As a "Woodland" Order technically all hardwood trees in the area shown on the TPO plan, including those planted or self-seeded after the Order was made, are protected. Although the site as seen from Lindenthorpe Road may have the visual appearance of woodland, it is more accurately described as an overgrown garden. Current government guidance suggests it is unlikely to be appropriate to use the woodland classification in gardens, and a recent Forestry Commission document suggests (amongst other criteria) that a "woodland" should be a minimum 0.5ha in size. (The whole site is some 0.44ha in size.) This TPO designation is therefore open to challenge, as described in the tree report. If the application is approved, it may therefore be appropriate to make a new TPO on the most significant individual trees retained, to provide for their long-term protection.

This is a revised scheme for five residential properties set in the overgrown gardens of an existing dwelling, now fallen into disrepair. The original scheme (F/TH/21/1523) was refused, upheld on appeal, partially on the loss of trees and the consequent adverse impact on their amenity value and contribution to the character and appearance of the area. This new scheme is accompanied by a new tree survey and arboricultural integration report, and seeks to address the tree issues raised by the planning inspector in the appeal statement.

The site has been unmanaged for some years and has become very overgrown, affecting the physiological and structural condition of many of the mature trees on the site. A number of younger trees have become established in recent years but, without management to thin them out and promote better growth, they are overcrowded and suppressed.

A number of trees are therefore proposed for removal to facilitate the proposed development. They are generally trees of low quality with poor form, distorted or suppressed crowns, or are trees that have been assessed as being unsuitable for retention due to significant structural defects, physiological decline or of such poor quality that they could not realistically be retained for more than a few years. These trees are listed below. (DBH is diameter at 1.5m, shown with height to give some sense of age and size)

Tree:	Species:	Height/DBH:	B.S. Quality:	Comments:
T5	Wych Elm	7m/670mm	"U" Unsuitable	Hollow trunk, heavily suppressed
T8	Turkey Oak	10m/650mm	"U" Unsuitable	Dead, fruiting bodies of decay fungus at base
T9	Wych Elm	10m/200mm	"C" Low	Previously topped
T10	Wych Elm	10m/200mm	"C" Low	Previously topped
T15	H Chestnut	20m/500mm	"C" Low	Multi-stem, severe HC Bleeding Canker and Leaf Miner
T16	Hornbeam	15m/500mm	"U" Unsuitable	Significant crown dieback
T17	Lime	12m/170mm	"C" Low	Multi-stem, suckers from stump of felled tree
T18	Holm Oak	4m/100mm	"C" Low	Heavily suppressed

T25	H Chestnut	9m/200mm	"U" Unsuitable	Heavily suppressed, sparse crown with dieback
T26	Wych Elm	11m/170mm	"C" Low	Multi-stem, tight compression forks with bark included
T29	Sycamore	8m/500mm	"U" Unsuitable	Windblown against adjacent tree, at risk of collapse
T30	H Chestnut	21m/650mm	"U" Unsuitable	Major basal decay, poor growth, risk of collapse
T35	Sycamore	8m/160mm	"U" Unsuitable	Twin stem, one failed, mostly ivy
T45	Black Pine	17m/470mm	"U" Unsuitable	Dead, at risk of collapse
T46	Beech	6m/600mm	"U" Unsuitable	Dead stump
G2	Wych Elm	6m/150mm	"U" Unsuitable	Young, self seeded, unviable structural condition
G4	Birch Elm etc	10m/230mm	"U" Unsuitable	Area of dead, burnt trees
G6	Sycamore etc	14m/250mm	"C" Low	Derelict garden o'grown by non-native invasive trees
G7	Holm Oak	8m/120mm	"C" Low	Area of dense, scrubby, suppressed trees
G8	Sycamore etc	12m/200mm	"C" Low	O'grown derelict garden, self-seeded suppressed trees

A further three trees were identified in the tree report to the previous application as needing to be removed for arboricultural reasons, including the Copper Beech protected by an individual TPO and noted above. These losses were accepted by the planning inspector in their Appeal Decision, so they are not included above. A fourth tree (Hornbeam, T40 in the current tree survey) was also accepted for removal but is now retained in the revised layout, along with two trees previously shown lost to the development but considered desirable to retain by the inspector.

A third tree considered desirable to retain by the inspector (Horse Chestnut, T15 in the current survey) is proposed to be removed in this scheme. It is multi-stemmed and dying, suffering from a prolonged infection with Horse Chestnut Bleeding Canker, and repeated infestations of Horse Chestnut Leaf Miner. It is set back from the road behind two mature Turkey Oak and other smaller trees, so removal is likely to have little impact on views of the site from the road.

The inspector raised concerns that the proximity of Unit 3 to an early-mature Turkey Oak (T2 in the current survey) might be perceived as a threat to the building or future occupiers, and this might lead to pressure for pruning or felling. In the new scheme Unit 3 has been moved 1m to the south-east, increasing the separation from 3m to 4m, along with a minor 2m reduction on the south side only (away from, and therefore not visible from, the road) to further increase the space between the tree and the building.

Minor incursions are proposed, by hand digging, into the root protection areas (rpa) of four trees and one group of trees for areas of hard standing. These are relatively minor incursions (up to 8.65% of the rpa) and the majority of the rooting areas are not affected. Areas for compensatory root growth are available and the incursions are considered acceptable.

The proposed new dwellings will be set amongst existing trees. Although this may result in future occupiers having concerns about tree proximity or shade, and leading to post development pressure for pruning or tree removal, others may welcome the sylvan setting. The dwellings are set in reasonable sized plots, and some management of trees near buildings would be expected. However any such management will likely be to trees immediately adjacent to the houses and gardens (to the south of the buildings themselves) and is therefore likely to have minimal impact on the visual amenity of the site when viewed from Lindenthorpe Road.

The tree report provides brief details of tree protection measures at section 11 and appendix E, avoidance of damage to trees during construction works at section 12, and arboricultural site supervision at section 13. However there are no specific details of, for example, ground protection or the installation of hard surfacing (and associated excavations) within root protection areas. It may be reasonable therefore to impose a condition on any consent requiring submission and approval of a specific Arboricultural Method Statement for the site. Although some of these details are provided within the tree report, there is benefit to have these details in a concise form for reference on site. Suggested wording:

"No development related works (including demolition) shall take place and no equipment, machinery or materials shall be brought onto the site in connection with the development until an up-to-date tree protection plan and arboricultural method statement produced in accordance with "BS 5837: 2012,"Trees in relation to design, demolition and construction - Recommendations" have been submitted to and approved by the local planning authority and the protection measures fully implemented.

The documents shall address the avoidance of damage to trees within and immediately adjacent to the site at both demolition and construction phases and shall include details of:

- Trees to be removed, those to be retained and new planting spaces,
- Pruning works, including that required for management and to facilitate access,
- Protective fencing around trees to be retained, including ground protection where fencing may need to be set back for construction access, and areas of proposed new planting,
- How demolition of the existing building and removal of any existing hard surfaces within or adjacent to root protection areas of retained tree(s) will be carried out without damaging the tree(s) and their roots.
- Construction of any foundations and hard surfaces within tree root protection areas including existing and finished levels,
- Service runs or other excavations within root protection areas of retained trees,
- The location of site cabins, material storage and parking during works,
- A scheme of supervision by a competent and qualified arboriculturalist instructed by the applicant and approved by the LPA.

The approved plan and method statements submitted in support of the application shall be adhered to in full, in accordance with the approved plans, and may only be modified following written agreement from the LPA.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed arboriculturalist for the period of demolition and construction."

COMMENTS

This application is referred to the Planning Committee at the request of Cllr. Matterface due to concerns about the loss of trees in the woodland TPO area within the site.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers, highway safety, trees and biodiversity issues.

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.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact upon the trees, sustainability of the site, character and appearance of the proposed development and highway safety.

The site lies within the urban confines, in a sustainable location, and currently comprises a single dwelling and its extensive residential curtilage, fronting Lindenthorpe Road with vehicular access to this road.

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The application site is located within the urban confines of Broadstairs and would, therefore, accord with Policy HO1.

The Council can demonstrate a 3.25 year supply of housing with a 20% buffer and has achieved a measurement of 67% for housing delivery against the identified housing targets in the 2023 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination"

In summary, the site is located within the urban confines, accords with Policy H01 and, whilst there may be no objection in principle, due regard needs to be paid to the planning history and recent appeal decision, spatial characteristics of the area and all other material considerations in this case.

Character and Appearance

Paragraph 135 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.

This part of Lindenthorpe Road is specifically designated as an Area of High Townscape Value in The Broadstairs and St Peters Neighbourhood Plan under Policy BSP7 where the conservation or enhancement of the existing local character is the primary planning aim. The adopted document details that schemes are expected to apply the design codes set out in the AECOM Design Guidance and Codes for Broadstairs & St Peter's and show how proposals have adhered to these codes and how the design of the scheme is locally distinctive.

In terms of the existing character of the area, the existing pattern of development is detached and semi-detached dwelling types, but no one design style prevails. Dwellings are generally large. Boundary treatments to the road frontage generally comprise walls. The main part of the special character of the area is derived from the landscaped spaces between dwellings and within sites and along the road frontage and this contribution made by the established landscaping gives a pleasing feel to this area.

In terms of the character of this part of Lindenthorpe Road specifically, I consider that this comprises large dwellings within equally large plots. The character changes, in my view, to the east of the site and to the east of Bairdsley Close. Gaps, some of which are heavily treed, between the built form add to the character of the area, which has a semi-rural quality. In this respect the site is covered by two separate Tree Preservation Orders; B/TPO/1(1956)W9 and TH/TPO/9(1984)T1. The remit of the Area High Townscape Value (policy BSP7) in the Neighbourhood Plan specifically extended around this site given its contribution to the local character of the area.

The proposal seeks the demolition of the existing dwelling house; there is no objection to the demolition of this dwelling given its low quality and state of repair.

The previous refused scheme for five detached dwellings (F/TH/21/1523) was considered by officers to represent too many dwellings on site and their scale and layout, would result in a development that is significantly out of keeping with the established pattern of development, failing to positively integrate with the prevailing character of the area and its designated as an Area of High Townscape Value, resulting in this special character, severely harmful to the character and appearance of the area, not outweighed by public benefits.

The Planning Inspector reviewed this aspect when the appeal was determined and considered that the layout, scale and appearance of the proposed dwellings would be in-keeping with the prevailing townscape. Furthermore he considered that the proposed dwellings would form a satisfactory transition between the relatively tightly spaced rows of similar style bungalows and houses to the east along Lindenthorpe Road, and the generally larger more individualistic dwellings to the west, along Bairds Hill and Callis Court Road.

The number of proposed units remains at five in this current application, as does their scale with the exception of plot 3; the footprints and fenestration pattern varies slightly from the earlier refused scheme, but not significantly in order to allow for greater distances to retained trees. The key changes are:

Removal of one access point, from three to two driveways, which has reduced the number of breaks within the landscaped frontage and enables the retention of a greater number of trees to the centre of the site frontage

Plot 3 is a chalet bungalow and its siting has been shifted south-east away from tree T2 (Turkey Oak) to maintain the integrity and long-term future of this protected tree and the front balcony has also been removed.

The siting of plots 4 and 5 have shifted south-west and have been staggered so that they are both outside of the root protection areas of the retained trees and provide sufficient separation to T2 (Turkey Oak). The rear single storey projections on plots 4 and 5 have also been omitted to reduce the overall built form.

Plots 1 and 2 have been reduced in size from 5 bed to 4 bed dwellings, with an increased level of side-to-side separation in-between them.

The proposals are accompanied by updated tree and ecological reports and demonstrates a biodiversity net gain on-site

The submitted scheme shows the five detached dwellings sited across the width of the site, parallel to Lindenthorpe Road. An area at the western end of the site and adjacent the southern eastern and part northern boundary (gaps for the vehicular accesses) have been left as a landscape buffer. As set out above, there would be a total of two accesses to the frontage.

The changes to the dwellings are modest in terms of footprint, positioning and design and their impact upon the street scene and wider character of the area. Given the Inspectors stance in relation to the scale, appearance and layout of the dwellings, the changes made would not alter this in your officer's opinion.

Officers considered previously that the site clearly is heavily constrained by existing trees forming a woodland area; which are protected by two preservation orders and that this gives a pleasant and semi-rural character to this part of the Road. Any loss of the trees was

considered to have a detrimental impact on the area either through the proposed buildings themselves or subsequently when built and occupied and the undue pressure on the retained trees, due to fears of trees being blown over in high winds, or dropping tree detritus-leaves in gutters/sap on the paintwork of cars etc.

The Planning Inspector acknowledged that the trees on site have a high amenity value as a group which are highly visible and provide a visual break between the broadly similar style bungalows and semi-detached houses set in tightly spaced rows, fronting Lindenthorpe Road to the east, and the verdant character of the generally substantially sized detached dwellings fronting Bairds Hill and Callis Court Road.

In the Inspectors decision he stated that:

"...trees T1, T7, T21 and T23, which are protected by TPOs, would be removed for arboricultural reasons. I acknowledge the comments of an interested party that tree T1, a Copper Beech, has a healthy crown and with maintenance could have another 200 years lifespan. I have also noted the photograph of tree T23 taken on 24 September 2022, which is stated as showing a full and vigorous crown. However, the Council has not disputed the findings of the TS and I have no substantive technical evidence to the contrary. On the evidence before me and my observations at the site visit, I have no basis to reach a different view and I find there are justified arboricultural reasons for removing these trees, despite their collective amenity value.

Trees T14, T17, T18 and T19, would be removed to accommodate the development. Except for tree T19, these trees are classed as Category B or C trees. They are generally located close to the site frontage in the approximate centre of the site. Along with trees T2, T3, T13 and T15, they are highly visible and their amenity value as a group contributes positively to the sylvan character and appearance of the area.

There is no evidence before me to suggest that the lifespan of trees T14, T17 and T18, would be compromised were it not for the proposed development. Their removal of these trees would have the effect of significantly diminishing the tree canopy coverage on this prominent part of the site. This would harmfully erode their positive contribution to the sylvan character and appearance of the area in views from the roads and nearby properties.

In addition, proposed plot 3 would be situated close to the canopy of a substantial mature Turkey Oak tree (T2) classed as a Category A tree. At a height of some 22 metres, with a height to the crown of some 9 metres, this tree would loom large above proposed plot 3 and is likely to have experienced further growth and spread since the TS was undertaken. Although plot 3 is north facing and marginally offset from the tree's canopy, it features a front balcony and windows serving habitable rooms. There is likely to be pressure for pruning this tree to allow light to reach internal areas of the dwelling and to reduce the amount of leaf litter, and potentially branches, falling on the property.

The scale of tree T2 and its proximity to plot 3, is likely to be perceived as a threat to the proposed building in respect of damage. Future occupiers are therefore likely to subject this tree to additional pressure for pruning works or even felling to avoid perceived or actual damage to people and property, and related health and safety concerns. The potential

lifespan of this tree exceeds 40 years, and therefore this issue would only become more acute as the tree continues to grow.

The TPO affords protection to the retained trees and would enable the Council to control future work to this tree. However, it would likely be difficult for the Council to resist an application to prune or potentially remove a tree that was a threat to the safety of the property or its occupiers, or was harming their enjoyment of their property. I have not seen anything in the evidence that would give certainty that the Council would be able to resist such pressure in the future. Consequently, there is a clear risk that the proposed development would threaten the integrity and long-term future of this mature protected tree and compromise its important contribution to the amenity value of the group of trees, and the character of the area.

Semi-mature native oak specimens would be planted to infill gaps in the tree coverage alongside the road frontage. However, I am not persuaded that these trees would reach their full potential, in terms of their visual contribution, for many years. As such, they would not adequately compensate for the loss of the amenity value of the trees that would be removed.

Overall, the removal of protected trees T14, T17, T18, and the threat to the integrity and long-term future of protected tree T2, would have an adverse effect on the amenity value of the trees on the site, and their contribution to the character and appearance of the area."

The Inspector also considered that the numerous smaller trees growing on the site that were not surveyed in the TS formed a lower layer of vegetation along with other planting on the site; he considered that their removal would not significantly harm the sylvan character and appearance of the area.

In reviewing the current proposal, the Council's Tree Consultant acknowledges that a number of trees are proposed for removal to facilitate the proposed development are generally trees of low quality with poor form, distorted or suppressed crowns, or are trees that have been assessed as being unsuitable for retention due to significant structural defects, physiological decline or of such poor quality that they could not realistically be retained for more than a few years. There are a total of 15 trees and 5 groups identified in this way within the site. Given their quality and likely future survival, officers would agree with the tree consultant on these points.

A further three trees including the Copper Beech protected by an individual TPO were accepted by the planning inspector for removal in the Appeal Decision. A fourth tree (Hornbeam, T40 in the current tree survey) was accepted for removal by the Inspector but is now retained in the revised layout, along with two trees previously shown lost to the development but considered desirable to retain by the inspector, this is considered to be a positive within the scheme.

A third tree, considered desirable to retain by the inspector (Horse Chestnut) is proposed to be removed in this current scheme. The Council's Tree Consultant has acknowledged that it is multi-stemmed and dying, suffering from a prolonged infection with Horse Chestnut Bleeding Canker, and repeated infestations of Horse Chestnut Leaf Miner. Given its position within the site; set back from the road behind two mature Turkey Oak and other smaller

trees, its removal is likely to have little impact on views of the site from the road. Given this and the need to thin the area out to let the remaining trees grow and flourish this is considered sensible.

The Inspector raised concerns about the proximity of Unit 3 to an early-mature Turkey Oak (T2 in the current survey) and that this might be perceived as a threat to the building or future occupiers, and might lead to pressure for pruning or felling. The current application sees Unit 3 moved 1m to the south-east, increasing the separation from 3m to 4m, along with a minor 2m reduction on the south side only (away from, and therefore not visible from, the road) to further increase the space between the tree and the building. The Council's Tree Consultant raised no concerns with this, and officers considered that this would represent a compromise that would retain the tree.

The minor incursions through hand digging, into the root protection areas (RPA) of four trees and one group of trees for areas of hard standing. The Council's Tree Consultant has advised that these are relatively minor incursions and the majority of the rooting areas are not affected and there are areas for compensatory root growth available. Whilst no incursion would be preferable officers considered that there are benefits to the housing supply brought through this scheme - four additional dwellings to the stock and as such any harm is outweighed by this benefit.

It is appreciated that the dwellings proposed are within a tree setting, which whilst adding to their attractiveness also raises some issues for future occupiers as the trees grow in relation to post development pressure for pruning or tree removal. The proposed dwellings are set in reasonable sized plots, and some management of the trees near buildings would be expected for potential purchases. Any works to the trees will likely be to trees immediately adjacent to the houses and gardens (to the south of the buildings themselves) and given this is likely to have minimal impact on the visual amenity of the site when viewed from Lindenthorpe Road.

The Tree consultant has advised that details of tree protection measures will need to be safeguarded by condition requiring submission and approval of a specific Arboricultural Method Statement for the site.

In summary it is considered that, based on the Inspectors decision and the changes and additionally information provided with the application, the proposal to provide five dwellings following the demolition of the existing would not harm the built characteristics of the area and the retention of specific healthy trees within the site would maintain the established character of the area whilst allowing the retained trees to flourish in a less competitive manor than currently given the current lack of management. As such the development is consistent with policy BSP7 of the Broadstairs and St. Peters Neighbourhood Plan, Policies SP35, and QD02 of the Thanet Local Plan and the paragraphs 135 and 136 of the National Planning Policy Framework.

Living Conditions

Paragraph 124 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 policies QD03 and QD04 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 requires development will be expected to meet the new technical standards as follows:

- 1) internal space standards;
- 2) water efficiency standard of 110litres/person/day.

The site is bounded on three sides with residential properties, all of which could be potentially affected by development on this site. It is not considered that the dwellings opposite the site (other side of Lindenthorpe Road) would not be impacted by the scheme due to the degree of separation (for example between no.9 and plot 1 there is a distance of separation of approximately 37m; these would be the closest two dwellings)and with the front windows looking onto an area which is already publicly visible.

When considering number 12 Bairds Hill, this is a detached chalet style bungalow (accommodation within the roof). There is a separation distance of approximately a minimum of just over 22m between the nearest proposed dwelling (plot 5). Plot 5 would have two windows within the side elevation facing the site at ground (W.C) and first floor level (bathroom and secondary window to bedroom 4). Given the distance of separation and landscaping buffer this is considered acceptable. With regard to the one first floor window, which serves a wrap-around bedroom, I consider that this degree of separation is adequate not to result in harm in terms of loss of light, overshadowing or overlooking.

With regard to the properties in Bradstow Way, these are single storey dwellings. It is confirmed that there is a minimum separation distance of approximately 18.4m (plot 1-5) taken from the closest point between built forms at ground floor. With regard to plots 1-5 and the relationship with those properties which front Bradstow Way, I consider that this separation distance is adequate to prevent harm to the residential amenities whether, overshadowing, loss of light or overlooking.

In terms of the impact to the property to the east; number 16 Lindenthorpe Road, plot 1 is adjacent to this property (a semi-detached single storey dwelling), the proposed dwelling is

set back, so its front wall is approximately in line with the original rear wall of no. 16. This is in order to achieve a driveway, off street parking and a landscape buffer for the property to the front. There is a separation distance of approximately 9m between the proposed dwelling and shared boundary. The proposed dwelling (plot 1) has ground and first floor openings within the side elevation facing this property. At ground floor the window serves a W.C. and at first floor a wrap-around bedroom window (bedroom 4) and bathroom. In regard to the ground floor window I consider there to be no material harm through overlooking given the degree of separation, boundary treatment and its use as a non-habitable room. With regard to the first floor bedroom window, this would have the ability to look across to the rear of no 16 Lindenthorpes rear garden. However, this section of glazing could be conditioned so that it is obscure and remains so for the lifetime of the development. On this basis, I consider there to be no harmful overlooking. The proposed dwelling is to the west of no. 16, whilst there may be some overshadowing to the rear garden, given the separation I do not consider this to be significant. I consider this relationship to be acceptable.

The proposed development is, therefore, considered to be acceptable in terms of the impact on the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 135 National Planning Policy Framework.

Doorstep playspace is required for all 2-bed units or more under Policy GI04 of the Thanet Local Plan, along with refuse storage, clothes drying and cycle storage space. Each of the five dwellings has an enclosed doorstep playspace.

In terms of the living conditions of the future occupiers of the proposed dwellings, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Paragraph 135 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms. The proposed dwellings meet all of these criteria in terms of the overall floor space and window provision to habitable rooms and are, therefore, considered policy compliant and would provide a good standard of accommodation for future occupiers.

Transportation

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Paragraph 117 goes on to highlight that Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for

conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy SP37 of the Local Plan states that new development must take account of the need to respond to climate change: 1) by minimising vulnerability and providing resilience to the impacts of climate change through the use of up to date technologies, efficient design and appropriate siting and positioning of buildings; 2) mitigating against climate change by reducing emissions and energy demands through the use of up to date technologies; 3) realise and make best use of available opportunities to reduce the impact of climate change on biodiversity and the natural environment by providing space for habitats and species to move through the landscape and for the operation of natural processes, particularly at the coast. Policy SP43 of the Local Plan states that the Council will work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient means of transport. Development applications will be expected to take account of the need to promote safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Whilst policy SP44 states development generating a significant number of trips will be expected to be located where a range of services are or will be conveniently accessible on foot, by cycle or public transport.

Under Policy QD01, all developments are required to: 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes (subject to HE05 where applicable) ,2) Make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping, 3) Provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children, whilst Policy TP03 states new development will be expected to consider the need for the safety of cyclists and incorporate facilities for cyclists into the design of new and improved roads, junction improvements and traffic management proposals.

The proposal would provide two entrance points off Lindenthorpe Road and the development would be afforded two off street parking spaces per dwelling as well as turning and one charging point per dwelling.

KCC Highways originally placed a holding objection on the scheme to ensure that adequate visibility splays could be achieved and that the accesses would be wide enough to allow two vehicles to pass each other and for tracking for a fire tender to be provided.

Following this comment, amended plans were subsequently received to demonstrate visibility splays of 2.4 metres x 43 metres, the access points being widened to allow two vehicles to pass as well as tracking. Accordingly Highways have confirmed that they have no objection subject to conditions.

Officers consider that this together with the two vehicle parking spaces per dwelling, cycle storage and refuse collection points adjacent the accesses is acceptable for the proposed residential units. Conditions could be added to ensure visibility splays, measures to prevent the discharge of surface water onto the highway, retention of the vehicle and cycle parking and submission of a Construction Management Plan.

Each dwelling would have two off street parking spaces, which is considered acceptable and would comply with KCC requirements, furthermore cycle storage would be provided within each dwelling's rear garden in an enclosed store, this would be sufficient to accommodate 4 bicycles. Whilst I appreciate that the development, a net gain of four dwellings would increase the traffic in the local streets, the level of increase is not considered to be significant at peak times.

The impact upon highway safety is therefore considered to be acceptable.

Ecology and biodiversity

Para 192 a) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 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).

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.

An Ecological Impact Assessment (EcIA) report has been submitted with this application to provide an updated understanding on the ecological value which exists on site. The updated survey was carried out on 18th January 2024. The survey work confirms that no rare, nationally scarce or invasive botanical species were identified within the site, with the exception of the potential for bats within the existing dwelling and a tree cavity. As a result, further bat emergence surveys were undertaken between the months of May and July to establish the presence of bats and inform the ecological mitigation strategy if necessary. Bat emergence surveys of the dwelling and tree subsequently confirmed that bat roosts are not present and no further surveys or mitigation is required. The enhancement measures

detailed within the submitted report include timings for works - to avoid bird nesting, one bird (house sparrows) and 1 bird (nesting species) box to be installed in each building, at a height of at least 2m and 5no bird boxes suitable for a range of hole nesting species, at a height of at least 1.5 metres and angled so that they face away from the prevailing wind (usually a south-westerly wind). Bat roost enhancement will be in the form of integrated bat roof tiles into the proposed building and the installation of tree-mounted bat boxes around the development. In addition invertebrate nesting features will be installed within the site. The precise details stipulated within the report can be safeguarded by a planning condition to secure the precise details.

In terms of Policy SP30, the proposal whilst seeing the site developed would provide areas of landscaping and a formal garden area within the site as well as integral features within the dwellings and wider scheme, as detailed above and it is considered that this would provide opportunities to enhance the ecology/biodiversity within the plot to comply with SP30.

KCC Ecology have confirmed that the Biodiversity Net Gain (BNG) is acceptable on site and meets the 10% required at National level. The BNG metric requires six new small trees to be planted on site. These six are located outside of the curtilages of plots 1 and 2, the trees in plots 1 and 2 provide for additional planting, it is confirmed that these two trees are not included within the BNG metric. On this basis this is acceptable subject to securing the BNG by a legal agreement, due to it being on site with the majority of the BNG being achieved through the creation or enhancement of existing secondary woodland. This means it can be considered as "significant" onsite provision with the need for the habitat management and creation to be secured under a S106, this will need to be secured should Members agree the officer recommendation.

In terms of Policy SP30 the proposal, whilst seeing the site developed, would provide areas of landscaping and a formal garden areas within the site and it is considered that planting within these areas would provide opportunities to enhance the ecology/biodiversity within the site to comply with SP30.

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 application does include a completed Unilateral Undertaking (UU) which provides the required financial contribution for the 5 residential units - net increase of 4 to mitigate the additional recreational pressure on the SPA area and is therefore in accordance in principle with policy SP29 to mitigate the additional pressure, however no land registry details have been confirmed which will need to occur prior to determination to ensure that the contribution is secured through all interested parties entering into the undertaking.

Conclusion

The Council can demonstrate a 3.25 year supply of housing with a 20% buffer and has achieved a measurement of 67% for housing delivery against the identified housing targets in the 2023 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination"

This development would provide four additional dwellings which is considered to be a modest contribution to the district's housing supply in a sustainable location. This proposal would also provide some BNG on site and provide some modest economic benefits during construction.

This proposal would reuse a part brownfield site together with its large residential curtilage in a highly sustainable location and is considered to present an appropriate design that would not result in any significant harm to the character and appearance of the area or the living conditions of the neighbouring property occupiers. This proposal is also not considered to result in any significant harm to biodiversity or highway safety in the area.

The loss of trees on the site has been taken into account, within the context of the previous appeal decision and the quality of those trees to be lost, whilst ensuring that the new development is integrated with the retained trees and new planting.

The applicant has agreed to provide the SAMM contribution through the provision of a signed unilateral undertaking, with the BNG to be secured through a legal agreement to be received.

The proposal is considered to be a sustainable form of development that complies with Local Plan Policy and the NPPF. Therefore the recommendation to the planning committee is that the application is deferred and delegated for approval subject to a section 106 agreement securing the BNG creation/enhancement of existing secondary woodland and the habitat management, receipt of confirmation of ownership for the submitted Unilateral undertaking for the SAMMs contribution and safeguarding conditions.

Case Officer

Gillian Daws

Annex 1 – Appeal Decision F/TH/21/1523