

**D07**

**OL/TH/18/1569**

**PROPOSAL:** Outline application for the erection of two detached dwellings including associated parking and access with all other matters reserved

**LOCATION:** 158 High Street Garlinge MARGATE Kent CT9 5LY

**WARD:** Garlinge

**AGENT:** No agent

**APPLICANT:** Oliver Whitmarsh And Natasha Hart

**RECOMMENDATION:** Defer & Delegate

Subject to the following conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

**GROUND:**

As no such details have been submitted.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

**GROUND:**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

**GROUND:**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

**GROUND:**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

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

**GROUND:**

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

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

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

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

**GROUND:**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

8 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- (i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority;
- (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

To ensure that features of archaeological interest are properly examined and recorded in accordance with the advice contained within the National Planning Policy Framework.

9 Details to be submitted in pursuant to Condition 1 above shall include the provision of areas for 2 off street car parking spaces, and manoeuvring and turning facilities to adequately serve each plot. Such facilities as approved shall be operational prior to the occupation of the units, and thereafter, shall be maintained for their approved purposes

**GROUND:**

In the interests of highway safety.

10 Details to be submitted in pursuant to Condition 1 above shall show 2m by 2m pedestrian visibility splays with no obstruction above 0.6 metres in height within the splays.

**GROUND:**

In the interests of highway safety.

11 Prior to the commencement of any development on site, details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

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

**GROUND:**

In the interests of highway safety.

13 Details to be submitted in pursuant to Condition 1 above shall show development of no more than 2-storey in height.

**GROUND:**

In the interests of the character and appearance of the area and to prevent an unacceptable impact on the surrounding open countryside and the residential amenities of adjoining occupiers.

14 The proposed development shall be carried out in accordance with the submitted drawing numbered 033-D-00-110, dated 26 November 2018.

**GROUND:**

To secure the proper development of the area.

#### INFORMATIVES

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

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

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>

#### SITE, LOCATION AND DESCRIPTION

The application site is located outside of the urban confines, and is part of the rear garden of 158 High Street (a two storey detached dwelling) located to the southern edge of the built confines of Garlinge. It is rectangular in shape and measures approximately 700 square metres.

Open fields lie beyond the eastern boundary of the site, with the urban area, which is predominantly residential, extending to the west, northwest and north.

#### RELEVANT PLANNING HISTORY

F/TH/14/0466 - Erection of two storey rear extension and erection of single storey rear extension following demolition of two storey and single storey rear extension. Approved 22nd August 2014.

#### PROPOSED DEVELOPMENT

The application is in outline form with access to be considered at this stage with all other matters (appearance, landscaping, layout and scale) reserved for future consideration. It is for the erection of two detached dwellings.

Although the application is in outline form, indicative plans have been provided to show how the 2 units could be accommodated within the site. They show the units as two storey in height with each unit being served by a private amenity area for bin and cycle storage as well as parking for each unit.

Access to the proposed dwellings would be taken from a track which is currently utilised by a vehicles accessing garages/parking areas to the rear of properties on Birds Avenue.

Vehicular and pedestrian access to this track can be taken from Birds Avenue or via the High Street.

## DEVELOPMENT PLAN POLICIES

### ***Thanet Local Plan 2006 - Saved Policies***

H1 - Residential Development Sites

H4 - Windfall sites

H12 - Retention of Existing Housing Stock

CC1 - Development in the Countryside

CC2 - Landscape Character Area.

D1 - Design Principles

D2 - Landscaping

SR5 - Playspace

TR12 - Cycling

TR16 - Car Parking Provision

HE11 - Archaeological Assessment

HE12 - Archaeological Sites and Preservation

## NOTIFICATIONS

Letters were sent to adjoining residents, a site notice posted close to the site and the application publicised in a local newspaper.

Two letters have been received objecting to the proposal. They make the following summarised comments:

- No direct access to the rear of the property other than an alley which is used by the occupants of Birds Avenue to park in their garages;
- Access track would have to be adopted and tarmacked before it would be suitable for vehicle access;
- Already a strained relationship between neighbours in the surrounding area;
- Believe that the land to the rear of the property is only allocated for livestock;
- Will measures be put in place by the Council to uphold free movement of horse owners and dog walkers;
- Will the track be adopted?
- There other applications for additional residential development in the immediate surrounding area;
- This area of Garlinge has been the subject of too many building projects over the recent years.

## CONSULTATIONS

**Southern Water** - A formal application is required for a connection to the public foul sewer. An informative should be attached to any grant of planning permission to secure this.

Initial investigations indicate that there are no public surface water sewers in the area to serve the proposed development. Alternative means of draining surface water from the development is required which does not involve disposal to a public foul sewer.

The application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation SUDS facilities are not adopted by sewerage undertakers. Therefore, the applicant will need to ensure that arrangement exist for the long term maintenance of the SUDS facilities.

**Natural England:** On the basis of the appropriate financial contributions being secured, Natural England concurs with TDC's view that this is suitable mitigation and, as such, the proposed development would not have an adverse effect on the integrity of Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site.

**KCC Highways and Transportation-** Non protocol application.

**KCC Archaeology** - Given the richness of the area in any forthcoming consent I would recommend that provision be made for archaeological evaluation followed by appropriate mitigation measures which may include design changes to achieve preservation in situ of important archaeology if found. The evaluation should be undertaken in advance of any detailed application.

## COMMENTS

This application is reported to Planning Committee as a departure to the saved Local Plan - policy H1 as it is outside the currently defined urban confines in the Thanet Local Plan 2006.

The main considerations with regard to the planning application are the principle of development; the impact upon the character and appearance of the local area; the impact upon living conditions of the occupiers of neighbouring properties and future occupiers of the development; highway safety, biodiversity impacts, drainage and flood risk considerations together with Environmental Health considerations.

## **Principle**

The application site is located outside of the urban confines on non-Previously developed land. Policy H1 of the Thanet Local Plan requires that residential development on non-allocated sites will be permitted only on previously developed land within existing built-up confines unless specifically permitted by other local plan policies, however this policy no longer accords with the requirements of the National Planning Policy Framework, as the Council no longer has a 5 year supply of housing, and as such this policy has little weight at this time.

Policy CC1 of the Thanet Local Plan states that new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside. There is a current need for housing within Thanet, which is being reviewed through the Local Plan process. The NPPF states in para 11 that housing applications

should be considered in the context of the presumption in favour of sustainable development.

The site abuts, but is not allocated within, a strategic housing allocation within the Draft Local plan and the relevant site specific policy SP15 - Strategic Housing Site at Westgate-on-sea. This states that land to the east and west of Minster Road, Westgate is allocated for up to 1,000 new dwellings (a minimum of 30% affordable homes) at a maximum density of 35 dwellings per hectare net, together with a minimum 11.1 hectares of open space, the provision of small scale convenience retail provision to serve day to day needs, a fully serviced area of 2.05 hectares to accommodate a new two form entry primary school.

The site is on the edge of the urban boundary, falling adjacent to the Garlinge area. It is considered that the site is sustainably located with regards to its walking distance from facilities and services, and public transport. The proposed development of 2 units will make a contribution to the housing supply within the district, albeit small.

### **Character and Appearance**

The NPPF states that planning decisions should aim to ensure that development will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping. Saved policy D1 of the Local Plan outlines that the design of all new proposals must respect or enhance the character and appearance of the area particularly in scale, massing, rhythm and use of materials.

This is an outline application with only the principle of the development and access to be considered at this time, with layout, scale, landscaping and appearance reserved for future consideration. The detailed considerations in relation to the character and appearance of the development would, therefore, be considered at reserved matters stage.

Indicative plans have, however, been submitted to support the application showing how the 2 units could be accommodated on the site. This shows the units as two storey properties located within the rear garden of 158 High Street. Each property would be served by private amenity space and dedicated parking.

The surrounding area, whilst mainly residential in character, has a varied character in terms of age, scale, form and orientation of properties. The application site lies to the rear of properties fronting Birds Avenue and within the garden of no. 158 High Street, Garlinge which with its neighbour (The Old Forge) sits to the rear of the high street. The dwellings would have a road frontage onto an access track, which serves the rear of several properties in Birds Avenue. Whilst the properties would be located to the rear of properties fronting the High Street and Birds Avenue, given that there are other properties with this relationship (including 158 High Street and the Old Forge) it is not considered that this would result in an unacceptable relationship in this instance.

It is considered that a development of two houses could be developed which would respect/enhance the character and appearance of the surrounding area. The number of

dwellings proposed would be accommodated on the site without appearing cramped or out of character with the area, with the detailed considered at reserved matters stage. Given the location of the application site, close to existing residential properties, it is considered appropriate that the height of the proposed development is limited via a planning condition to no more than two storeys in height.

### **Countryside Impact**

The site falls outside of the urban confines and within a Landscape Character Area. Saved policies CC1 and CC2 of the Thanet Local Plan look to protect the open landscape and Thanet's Landscape Character Areas from inappropriate development. The site lies within the Central Chalk Plateau where the Local Plan states that care should be taken in designing developments to avoid skyline intrusion and the interruption of long views to the coast.

The application site is part of the rear garden of an existing property (158 High Street) and residential development in Birds Avenue and the surrounding area. It is noted that there would be some views of the proposed development from the surrounding countryside and adjacent private roads and nearby. It is, however, considered that the proposed development would be seen against the existing development, as a logical expansion of the urban environment and not as isolated development in the countryside.

Given the above, it is considered that there would be minimal harm on the wider landscape, including the Landscape Character Area.

### **Living Conditions**

As set out above, as an outline application with only the principle and access to be considered at this time, it is difficult to assess the impact of the development on the residential amenities of adjoining occupiers in the surrounding area. This will need to be assessed at the reserved matters stage.

With only indicative drawings to work from it is difficult to assess the living conditions for the future occupiers of the proposed development beyond the fact that the footprints of the proposed units appear to be reasonably sized and each property would have its own private amenity space. The details of this will need to be assessed at the reserved matters stage.

It is, however, noted that the application site would be approximately 6m from the rear boundary of the closest property in Birds Avenue (no. 14) and some 28 metres from the rear elevation of that property. Other properties fronting Birds Avenue parallel to the application site would have a distance of some 4 metres between their rear boundary and the elevation site and over 30 metres the rear elevation of the closest property (no 16 Birds Avenue). Given the distances involved, it is considered that a two dwellings could be accommodated within the site without compromising the residential amenities of surrounding occupiers in terms of light, outlook or privacy. Whilst outline consent has been granted for four dwellings within the rear garden of adjoining property The Old Forge it is considered that granting this application would not prejudice that application coming forward.

It is, therefore, considered that the development of two dwellings on the site would not result in an adverse impact on the residential amenity of adjoining occupiers and the proposed development would comply with saved policy D1 of the Council's Local Plan and paragraph 127 of the NPPF.

## **Highways**

The site is located with good access to public transport services as well as being within walking and cycling distance of several schools and a range of shops. It has been concluded that the development would have a minimal impact on the operation of the road network and that trips by more sustainable modes such as walking, cycling and public transport can be accommodated on the existing local infrastructure.

Concerns have been raised by local residents about the impact of the proposal on parking in the surrounding area and pedestrians and horse riders utilising the paths and roads in the area.

The applicants advise in their Planning Statement that they have consulted KCC Highways and Public Rights of Way Team for pre-application advice and have included the responses to those enquiries with their application.

The access onto High Street Garlinge is an existing access which is used by a number of dwellings at the moment to access the road network, and it is not considered that the proposed development of 2 houses would generate a significant amount of traffic to result in severe harm to the highways network or safety.

Given that the application is an outline with all details accept access reserved for future consideration, the precise details of layout of the proposed development is not currently before us for consideration. It is, however, considered suitable parking, turning and maneuvering space could be accommodated within the site. Cycle storage could be accommodated within the curtilage of the proposed dwellings.

Questions have been raised by local residents about whether the access road would be surfaced to enhance its condition as a result of the proposed development. Whilst KCC Highways have recommended that the first 5 metres of the access should be hard surface, the surfacing of the rest of the track would be a civil matter and not a planning consideration.

A number of points were raised by the KCC Highways in their pre-application response. These related to numbers of vehicle and cycle parking spaces that should be provided to serve the proposed dwellings, the provision of visibility splays and refuse storage. The indicative plans submitted with this application show that a detailed scheme could be delivered which provides for these. On that basis it is not considered that any objection to the development can be raised in relation to highway issues or the adjacent bridleway, subject to safeguarding conditions.

## **Ecology**

Whilst the applicants have not submitted an Ecological Survey to support the application, it is noted that the application site is a residential garden which is mainly laid to lawn and has been regularly maintained and the land adjoining the site has been intensively farmed for a number of years. As such, it is considered that the biodiversity potential of the site is low.

It is considered, however, that there are opportunities for the biodiversity enhancements from the development by including such elements as bird boxes with the scheme. It is considered appropriate that these enhancements are secured by condition.

### **Archaeology**

Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining planning applications, NPPF paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Furthermore, para 192 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness

The applicant's Planning Statement acknowledges that the majority of Thanet provides for significant archaeological interest. The advise that they would accept a condition requiring archaeological investigation of the application site to be imposed.

Thanet is indeed considered to be rich in archaeology and it is noted that the site lies in close proximity to rich archaeological landscapes with significant cropmark sites to the south. It is, therefore, considered appropriate to impose a condition providing for the provision of archaeological evaluation followed by appropriate mitigation measures which may include design changes to achieve preservation in situ of important archaeology if found. These works would need to be carried out prior to the commencement of the development.

It is, therefore, considered that the impact of the proposed development on archaeology can be covered by the imposition of a planning condition on any grant of consent and no objection is raised in relation to this issue.

### **Flooding and Drainage**

The site lies within Flood Zone 1 according to the Environment Agency's flood maps - land with the lowest risk of flooding - and the proposed development type (residential) is identified

as "more vulnerable". Applying the requirements of the NPPF, it is not considered that the Sequential or Exception Tests are applicable to this scheme.

Southern Water advise that there is a public water distribution in the immediate vicinity of the site. The exact position of the main must be determined on site by the applicant/developer before the layout of the proposed development is finalised.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS) and the applicants have advised that they would accept a condition requiring a SUDS scheme to be submitted and approved. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. Details of on site measures for surface water drainage will also be assessed at reserved matters stage when the site layout is submitted.

On the basis, that no fundamental issues have been raised in relation to either flooding or drainage, it is considered that the concerns raised could be dealt with by the imposition of conditions, and no objection is raised to the proposal in relation to flooding or drainage.

### **Other Matters**

Policy CF2 of the Thanet Local Plan requires that where a proposed development would directly result in the need to provide new or upgraded community facilities (including transport infrastructure, educational, recreational facilities or affordable housing) the Local Planning Authority will negotiate with the applicant for a contribution towards the cost of such provision, which is fairly related in scale and kind to the proposed development. Such financial contributions would need to be secured via a S106 agreement or unilateral undertaking (planning obligation). Regulation 122 of The Community Infrastructure Levy (CIL) 2010 (as amended) states that a planning obligation may only constitute a reason for granting a planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development proposed.

Thanet District Council has produced the Strategic Access Management and Monitoring Plan (SAMM) which focuses on the impacts of recreational activities on the Thanet Section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreational activities) and to comply with the Habitat Regulations a financial contribution is required to contribute to the district wide mitigation strategy. It is considered that the request meet the tests for inclusion within a S106 agreement.

Whilst the application description is for two detached dwellings with no reference to the number of bedrooms within each property, it is noted that the application form and the applicants' supporting statement states that these dwellings would each have four bedrooms. On that basis, a contribution of £1060 (£530 per dwelling) would be required.

The applicants have agreed the payment of this contribution and this would be secured by a unilateral undertaking.

## **Conclusion**

The proposal is for 2 dwellings and represents a departure from the development plan as it is outside the urban confines. Given the need for housing in Thanet and the lack of a demonstrable 5 year supply of housing the proposal is considered against the criteria of sustainable development within the NPPF with regard to other material planning considerations.

The NPPF 2018 has at its heart the presumption in favour of sustainable development as set out in section 2 of the NPPF 2018. Achieving sustainable development involves the pursuit of economic, environmental and social objectives. The relationship of this scheme to the objectives is summarised below and a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages:

In terms of the economic dimension of sustainable development the provision of 2 new dwellings would give rise to employment during the construction phase of the development, and is likely to result in an increase in the use of local services and facilities, both of which will be of benefit, albeit modest, to the local economy.

In terms of the social dimension of sustainable development paragraph 59 of the NPPF 2018 refers to 'the Government's objective of significantly boosting the supply of homes'. The NPPF points out that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area , and are often built-out relatively quickly' and that 'development in one village may support services in a village nearby'

The scheme brings forward modest benefits with 4 additional market dwellings, a small contribution to market housing in the area, it is likely to support shops and services in Minster and further afield and it would allow increased social interaction between residents existing and new, and employment personnel albeit in a modest way. The scheme is considered to be well designed and safe as sought by paragraph 8.b) of the NPPF.

There is a good level of local services and facilities available in Garlinge and surrounding areas, which can be reached on foot and by cycle. The site is considered to be in a sustainable location.

In terms of the environmental dimension of sustainable development the environmental issues are assessed in earlier sections of this report but to summarise, the proposal does not result in the loss of agricultural land, it is considered to make effective use of land, and the proposal offers the potential to improve biodiversity.

Overall it is considered that, any harm is outweighed by the public benefits of the scheme as set out above. The development of four dwellings, in a sustainable location is considered to satisfy economic, social and environmental objectives as required by the NPPF and the development can constitute sustainable development.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that Members defer and delegate the application to officers for approval, subject to safeguarding conditions, and the receipt of a satisfactory unilateral undertaking to secure the required planning obligation.

**Case Officer**

Annabel Hemmings

TITLE: OL/TH/18/1569

Project 158 High Street Garlinge MARGATE Kent CT9 5LY

Scale:

