

**A02**

**F/TH/22/1284**

**PROPOSAL:** Erection of 4no. 3 bed detached dwellings with associated access and landscaping following the demolition of a side extension to the existing dwelling.

**LOCATION:** The Old Forge High Street Garlinge MARGATE Kent

**WARD:** Garlinge

**AGENT:** Mr Jonathan Buckwell, DHA Planning

**APPLICANT:** Future Homes Residential Ltd

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 06B, 07, 08, 09, 10A, 11A, 12, 13, 14, 15 and 16 B.

**GROUND:**

To secure the proper development of the area.

3 The construction of the site shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

In the interests of highway safety, neighbouring amenity and heritage, in accordance with Policies QD03 and HE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

4 Prior to their installation written and illustrative details of the type of Electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority before any of the units are first brought into use. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

**GROUND:**

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

5 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing with the Local Planning Authority.

**GROUND:**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

6 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND:**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110 litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

7 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 Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

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

**GROUND:**

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

9 Prior to any above ground development of any dwelling hereby approved hereby approved the access shown on the approved plan 06B shall be constructed and thereafter retained for use by the approved dwellings.

**GROUND:**

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

10 Prior to the first occupation of the new units hereby approved the bin presentation area shown on plan reference 06B to serve those dwellings shall be provided and thereafter left available for use.

**GROUND:**

In the interests of highway safety, and the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the National Planning Policy Framework.

11 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 Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

12 The drainage of the site shall be carried out in accordance with the drainage details received on the 21st September 2022 unless otherwise agreed in writing with 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 National Planning Policy Framework.

13 The external surfaces of the dwellings hereby permitted shall be built in accordance with the materials schedule submitted on the 19th January 2023 unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

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

14 Prior to the first use of the access road, hereby approved full details of the fence to its southern boundary shall be submitted to, and approved in writing by the the Local

Planning Authority. This fence shall be installed prior to the first use of the access and thereafter retained.

**GROUND:**

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

15 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, including the area of parking for the old forge and bin presentation area.,

- o walls, fences, other means of enclosure proposed,

- o ecological enhancements to be provided within the site

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

**GROUND:**

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

16 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

**GROUND:**

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

17 The bathroom and landing windows in the first floor rear elevation of unit 1 hereby approved shall be non-opening below 1.73m above the finished internal floor level, and provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent; and shall be installed prior to the 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.

**INFORMATIVES**

Please be aware that your project may also require a separate application for Building Control. Information can be found at:  
<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

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

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

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).

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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

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

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

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

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

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by

the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

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

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

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.

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

## SITE, LOCATION AND DESCRIPTION

This application relates to two application sites. The first application site is triangular in shape and is located to the southern edge of the built confines of Garlinge, to the south east of the private highway where the High Street meets Birds Avenue and approximately 30 metres east of the adopted section of the High Street. The application site currently comprises The Old Forge (a detached two storey dwelling), its garden and a number of ancillary residential outbuildings.

The site is bordered, along a southeast north west axis, by a public bridleway which links the High Street, Garlinge with Shottendane Road to the southeast. Open fields lie beyond the eastern boundary of the site which is densely vegetated as is the site's northern boundary which adjoins the garden of Forge Cottage. The urban area which is predominantly residential extends to the west, northwest and north.

The second application site is also essentially triangular and utilised for the parking of vehicles associated with The Old Forge.

### RELEVANT PLANNING HISTORY

OI/TH/18/1233 - Outline application for the erection of 4 No two storey detached dwellings with access and parking. Approved 13th December 2018.

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.

OL/TH/99/050 - Outline application for erection of a detached house. Refused 27th January 2000.

OL/TH/90/0923 - Erection of a two storey building incorporating the existing forge. Refused 18th October 1990.

### PROPOSED DEVELOPMENT

Planning permission is sought for the erection of 4 detached dwellings following the demolition of an existing side extension to The Old Forge.

The proposed dwellings would each be two storey 3 bedroom properties of a traditional style and form with a garden area and parking.

The removal of the side extension to The Old Forge would see its internal layout reorganised, but it would remain as a 3 bedroom property.

### DEVELOPMENT PLAN POLICIES

- SP01 - Spatial Strategy - Housing
- SP13 - Housing Provision
- SP14 - General Housing Policy
- SP17 - Strategic Housing Site - Westgate on Sea
- SP26 - Landscape Character Areas
- SP27 - Green Infrastructure
- SP29 - Strategic Access Management and Monitoring Plan
- SP30 - Biodiversity and Geodiversity Assets
- SP35 - Quality Development
- SP36 - Conservation and Enhancement of Thanet's Historic Environment
- SP37 - Climate Change

SP43 - Safe and Sustainable Travel  
SP44 - Accessible Locations  
H01 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
HE01 - Archaeology  
CC02 - Surface Water Management  
SE04 - Groundwater protection  
SE06 - Noise Pollution  
SE08 - Light Pollution  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

### NOTIFICATIONS

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

Nine representations have been received objecting to the application. Their comments are summarised below.

- \* Inadequate access;
- \* Inadequate parking provision;
- \* Access over the unmade road during and after construction will cause it to deteriorate. The plans should upgrade the road;
- \* Potential for existing bins and new bins to be blown over and rubbish spilt in the access road;
- \* Bridal path should remain with full access from the High Street and the unmade Road;
- \* Increase in traffic;
- \* Loss of parking;
- \* Close to adjoining properties;
- \* Information missing from plans;
- \* Loss of light;
- \* Loss of privacy;
- \* Noise nuisance during and after construction;
- \* Not enough information given on application;
- \* Object to the idea and location of the communal bin store - too far away from properties, problems with ownership, maintenance and disrepair, will block sight lines for pedestrians, vehicles (including refuse vehicles) and horses;
- \* No more than 2 vehicles should park in the parking area for The Old Forge;
- \* The use and accessibility of the driveway for no. 158 should be protected;
- \* Unit1 will overlook our garden;
- \* Request a restriction is imposed on plots 2 and 4 to prevent windows overlooking no. 158;
- \* The shape of the application site is incorrect;



- \* How will access to the bridleway and surrounding properties be maintained during construction?
- \* Will KCC adopt the new street that is created?
- \* Opening to the new road not wide enough;
- \* There are already parking disputes in the surrounding areas, more cars will make this worse; and
- \* The plans would work better if The Old Forge was completely removed.

## CONSULTATIONS

### **Natural England:** DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

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

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

## **KCC Highways: Non protocol application.**

### Informatives:

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

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Process.

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

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

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

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

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

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

**KCC Biodiversity:** Under the Natural Environment and Rural Communities Act (2006), “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that “Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development.

Habitats and features including buildings, trees, hedges and grassland are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified, CIEEM registered ecologist, in accordance with good practice guidelines and must be submitted prior to determination of the planning application. The PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the PEA report, OR, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought as part of the planning application. This is in accordance with paragraph 99 of ODPM 06/2005 which states: “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”. An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

#### Thanet SAMM

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 decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered 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.

#### Biodiversity and Ecological Enhancements

One of the principles of the National Planning Policy Framework is that planning policies and planning decisions should contribute to and enhance the natural and local environment by "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are included within the submitted PEA/EcIA.

**TDC Environmental Health:** We do have some concerns regarding the possibility of the development being built on contaminated land and as such propose the following condition:

If, during development, significant contamination is suspected or found to be present at the site, then 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.

Furthermore, we note the inclusion of Electric Vehicle Charging Points (EVCP) and recommend the following condition:

Prior to the commencement of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be provided prior to the first occupation of the respective units that they serve and thereafter maintained.

**TDC Waste and Recycling:** The position of the proposed bin store is over 20 metres from the public highway and, therefore, not acceptable.

#### COMMENTS

This application is reported to Planning Committee by Councillor Boyd for Members to consider the highway impacts of the proposal and its impact on the residential amenity of adjoining occupiers.

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**

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

The application site is a mix of previously developed and non previously developed land, but within the settlement as defined by the Thanet Local Plan 2020. Policy SP01 of the Local Plan (Spatial Strategy - Housing) states that the primary focus for new housing development in Thanet is the urban area. Policy H01 (Housing Development) states that permission for new housing development will be granted on sites allocated for this purpose and on non allocated sites within the confines of the urban area and villages.

It is noted that the site lies at the northern end of one of the Council's Strategic Housing Allocations (SP17 - Westgate on Sea) for up to 2,000 dwellings and associated infrastructure. Whilst forming part of the allocated site, the site encompasses a self contained part of the allocation and is under separate ownership from the wider site allocation. A hybrid application was submitted in October 2020 for the strategic allocation (OL/TH/20/1400 refers) seeking permission for provision of up to 2000 residential units (including up to 100 Extra Care units), a care home (Use Class C2), two form entry primary school (Use Class F.1(a)), health facility (Use Class E(e)) and mixed use centre (Use Classes E(a-g)). The application site for OL/TH/20/1400 did not include the Old Forge, but would partially adjoin its southern and eastern boundaries. OL/TH/20/1400 is still under consideration by the Council, however, the development of this site would not compromise the ability of the wider site to meet the policy requirements or prejudice the scheme coming forward. It is not considered that the development proposed is contrary to the policy by virtue of not providing a masterplan and meeting the policy requirements for the 2,000 house scheme, given the definitive ownership separation between the site and the wider strategic development.

Furthermore, the council does not currently have a 5 year housing supply and, as such, the tilted balance set out in paragraph 11 of the National Planning Policy Framework applies. This states that applications for housing should be considered in the context of the presumption in favour of sustainable development. Paragraph 11 of the NPPF describes the presumption in favour of sustainable development and closes by saying that where development plan policies are out of date, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused".

On that basis, it is considered that residential development on the site should be considered acceptable in principle.

## **Character and Appearance**

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Policy SP26 (Landscape Character Areas) states that development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness. The application site lies within the Central Thanet Undulating Chalk Farmland Area. This area is identified as agricultural land that performs a settlement separation function. These areas of high quality agricultural land are of value for farmland and roosting coastal birds. The openness and undeveloped character of the farmland contributes to the essentially rural character and relatively dark skies. Whilst Policy QD02 outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The application site is part of the rear garden of an existing property (The Old Forge) which is located to the rear of properties in the High Street. It is noted that there would be views of the proposed development from the surrounding countryside and the adjacent bridleway. It is, however, considered that the proposed development would be seen against the existing development and would not extend into the open countryside to the south and east. Therefore residential development on the site would appear as a logical expansion of the urban environment and not as isolated development, subject to the design of dwellings and layout of the scheme.

The application, due to the existing dwelling, domestic boundaries and domestic paraphernalia and structures within its curtilage, is considered domestic in nature and currently makes a limited contribution to the wider countryside and landscape character area. As such, it is not considered that the proposed development, which would maintain the domestic nature and feel would have an adverse impact on the landscape character area.

The surrounding area, whilst mainly residential in character, has a varied character in terms of age, scale, form and orientation of properties. It is considered that the proposed development of four two storey dwellings of traditional design (pitched roofs with front gables) with associated parking and amenity space would respect the prevailing character of the area, which is generally traditional in form and materials.

The proposed development would make efficient use of the application site without appearing cramped and allows a private amenity to be retained to serve The Old Forge. The site plan indicates that landscaping will be retained to the east boundary of the site with the area maintained within the gardens of the proposed dwellings. It is noted that some trees to

the south of the application site to the side of The Old Forge will be removed to facilitate the creation of the new access road. These trees are not considered to be highly visible from public vantage points and are fairly small garden trees, some multi stemmed. Given this, it is not considered that they are of sufficient amenity value to be the subject of a preservation order and, as such, no objection is raised to their removal in this instance.

The applicants have advised that they propose to install a fence along the boundary of the drive and the bridleway. No objection is raised to the principle of a fence in this location given the many examples of boundary treatments in the area. It is, however, considered appropriate to secure details of the proposed fence via condition as well as the timing of its installation.

The applicants have submitted details of the materials proposed for the external surfaces of the proposed dwellings - red multi brick, black composite cladding, plain clay roof tiles and black UPvc windows and doors and rainwater goods. These materials reflect those found in the surrounding area and are considered appropriate for the proposed development.

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

The proposed changes to The Old Forge itself are considered to be acceptable in visual terms and materials utilised on these changes will match the existing materials on the dwelling.

The proposed parking and bin presentation area are generally utilised for this purpose presently and it is not considered that formalising the use of the area by introducing hard standing would have an adverse impact on the character or appearance of the area.

## **Living Conditions**

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

Local Plan policies QD03, QD04 and GI04 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 all new residential development to meet the Nationally Described Space Standards and also a water efficiency standard. Policy GI04 states that new family dwellings (those with 2 or more bedrooms) will be expected to incorporate garden space in order to provide a safe "doorstep play area" for young children. With doorstep playspace being defined as playspace for young children

which is immediately adjacent to, closely visible and safely accessible from the dwellings served.

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

The nearest properties to the application site are nos 56 to 62 Brooke Avenue, nos 1 and 3 Brooke Close and 2, 4, 6 and 8 Roman Way which sit to the eastern boundary of the site, nos 160 and 162 High Street that sit to the southern boundary of the site, nos 150, 152, 154 and 156 High Street to its western edge and no 158 High Street to its north. The impact of the proposed development on the residential amenities of the occupiers of these properties will be considered in turn.

The rear boundaries of nos 56 to 62 Brooke Avenue site over 50 metres from the eastern boundary of the application site, with the rear wall of the dwellings some 17 metres further away. Given the distances involved it is not considered that there would be any adverse impact on the residential amenities of the occupiers of these dwellings.

Nos 1 and 3 Brooke Close are over 90 metres from the application site (rear boundary to the eastern boundary of the application site) as such, it is not considered that there would be any adverse impact from the development on the residential amenities of their occupiers. The rear of nos. 2, 4, 6 and 8 Roman Way are also over 90 metres from the application site's eastern boundary and their occupants would not be impacted by the proposed development.

The gardens of 160 and 162 are separated from the application site by the bridleway. No. 160 High Street is some 35 metres from the closest part of the vehicle parking spaces to serve proposed unit 1 and some 40 metres from the flank wall of that dwelling. No 162 would sit some 37 metres and 42 metres respectively from the same points. Given these distances it is once again considered that there would be no adverse impact on the residential amenities of the occupiers of these properties. The impact of the changes to The Old Forge itself also need to be considered here. It is noted that there would be a new dormer window in the side, but given that there is an existing dormer window in this location, it is not considered that there would be any reduction in the current level of privacy to these properties from the new dormer window to The Old Forge.

Nos. 150, 152, 154 and 156 High Street all front the High Street, but have rear boundaries with the rectangular part of the application site which is proposed to be utilised for vehicle parking for vehicles associated with The Old Forge and storage for bins from the 4 new dwellings on collection days. At their closest points they sit some 9.5m, 9.9 m, 8.7 and 8.7metres to this part of the application site. The proposed use of this part of the application site is similar to its current use and it is not considered that there would be any significant impact on the residential amenities of the occupiers of these dwellings from the proposal.

No 158 High Street and its garden sits to the north of the application site. Units 1 and 4 of the proposed dwellings would be located closest to the garden of no. 158 with unit 1 being located (at its closest point) some 19 metres from the rear flank wall of 158 and unit 4 (at its closest point) 36 metres from the rear wall of no. 158. Unit no 1 would has been positioned



to have its rear elevation facing the garden of no. 158 and its garden backing to no. 158 with its front to the proposed access road. Its garden would have a depth of approximately 6 metres from its rear wall. At ground floor level unit 1 would have doors serving its dining room and lounge opening up onto its garden with windows serving a bathroom, landing and bedroom in the rear elevation at first floor level. The bathroom and landing are not habitable rooms and it is considered appropriate in any case to condition that the bathroom and landing windows should be obscure glazed and high level opening only. It is, however, noted that the proposed bedroom window would be clear glazed to allow adequate light and ventilation for the future occupants of unit 1. The window would be located over 26 metres from the rear flank wall of no. 158 and it is noted that there are already windows at 1st floor level in no.12 Birds Avenue that directly look into the garden of no. 158. Given this, and the distance of the proposed bedroom window from the rear wall of no. 158, it is considered that on balance that the proposed development would not result in a loss of privacy to the occupiers of no.158, nor would the development result in an overbearing impact, sense of enclosure or loss of light due to its siting and distance from habitable accommodation in no.158.

All of the proposed dwellings would be served by a vehicle parking and have private amenity space. It is considered that all properties would achieve a high level of light and ventilation and meet the appropriate national space standards. The properties have been designed to avoid any mutual overlooking or sense of enclosure and it is considered that the proposed dwellings would provide a good standard of accommodation for future occupants. It is also noted that The Old Forge itself, following the demolition of its existing extension, would remain a family house served by a private amenity space and parking which would provide a good standard of accommodation for its occupiers.

A bin storage area for bins of the new properties to be stored on collection day has been provided within the development within the closest part of the application site to the High Street. TDCs Waste and Recycling Team have advised that the location of the proposed bin area, at over 20 metres from the public highway (in this instance High Street, Garlinge), is not acceptable. The applicant's agent has advised, however, that the bins for The Old Forge and neighbouring properties are collected from the existing parking area opposite the property by a smaller bin lorry which approaches along Birds Avenue from the north. As such, the current bin collection point is in a very similar location to the storage area now proposed and it is considered that the application proposal would not be materially different to the existing situation in terms of refuse collection location, albeit with additional properties to collect for. Concerns were also raised by local residents that the storage area was too far from the proposed dwellings that would use it and the possibility of it not being maintained. The area is proposed for presentation of bins on collection day and is within approximately 100 metres walking distance of proposed unit 4 which is the furthest unit from it and, as such, is considered an appropriate distance from the units it would serve on the weekly occasion it is used. Given its use on a regular basis, there is no reason to believe that it would be neglected or not looked after by its users. It is considered appropriate, however, to impose a condition to secure that this presentation area is provided prior to any of these dwellings being occupied.

Given the above, it is considered that the proposed development would meet the criteria of policies QD03, QD04 and GI04 and the guidance of the NPPF.

## Highways

Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 112). These aims are reflected in the Council's Local Plan policies.

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 traffic generation and parking in the surrounding area and its impact on the adjacent bridleway, as well as the impact of the proposed bin store on visibility.

The previous approved outline application OL/TH/18/1233 included details of the access into the site for four dwellings, which matches the proposed access for the current application. The supporting information for the previous application advised that the applicants had consulted KCC Highways and Public Rights of Way Team for pre-application advice. They set out a number of points in their pre-app responses, including that the additional movements generated from 4 new dwellings would be unlikely to have any notable effect on traffic movements, that the access road can accommodate an access into the site that would allow vehicles to pass one another and that there is sufficient turning and manoeuvring capacity within the site to allow vehicles to enter and leave in forward gear, 2 parking spaces should be provided per dwelling,, visibility splays provided, and the need to ensure that the bridleway is retained at a width of no less than 1.2m wide.

The current application also discusses the highway impacts of the proposal in the submitted Planning Statement and concludes that the access arrangements are the same as previously approved in the outline application, that each dwelling would be (Including The Old Forge) would be served by 2 vehicle parking spaces and that the bridleway is retained and not impacted by the development. Tracking diagrams have also been provided to support the application.

It is proposed that access would be taken along the side of The Old Forge which would necessitate the demolition of the existing side projection of the building. 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 4 houses would generate a significant amount of traffic to result in severe harm to the highways network or safety.

Whilst there would be some increase in numbers of vehicular movements alongside the bridleway, it is not considered that this increase would be severe, given the limited number of dwellings proposed and low speed of any vehicular movements. It is not, therefore, considered that there would be any potential conflict from the proposed development for users of the bridleway. It is also noted that the bridleway is to be retained at the width required by KCCs Public Rights of Way Team.

The proposed development shows that each of the new dwellings would be served by two vehicle parking spaces within their curtilage with room for cycle parking within their amenity space or the dwellings themselves. The Old Forge would have 2 vehicle spaces within the rectangular part of the application site (which is currently used for parking of vehicles associated with that property) and that there is sufficient space for cycle storage either within the dwelling itself or the garden area retained to serve it. Two visitor parking spaces are also proposed within the application site.

Neighbours have also raised concerns about the bin store/collection point on the basis that it may have an adverse impact on sight lines for pedestrians, drivers and horse riders. From the plans submitted, the presentation point would be used on the day of collection for the occupants of the 4 new dwellings to place their bins ready for collection, given this and its location on an area which could be used for vehicle parking, it is not considered that there would be a severe impact from the proposed use of this area on sight lines and highway safety for the various users of the access.

Concern has also been raised about potential changes to the surface of the access to enhance its condition as a result of the proposed development. The condition of the access to the existing dwellings is a civil matter and not a planning consideration for this application, nor would the additional use result in demonstrable planning harm to be contrary to guidance or the local plan..

## **Ecology**

The NPPF states at paragraph 175 that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF then states at paragraph 180 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets

resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

KCC Biodiversity have reviewed the application and, having noted the well maintained nature of the application site, advise that an assessment is not required. They did comment on the amount of green space that would be lost to buildings, but do not object to the development. This is subject to the imposition of safeguarding conditions in relation to lighting designs and ecological enhancements.

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, contains a number of outbuildings and other domestic paraphernalia and has been regularly maintained, with 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.

Given this, subject to the requested safeguarding conditions, it is not considered that there would be an adverse impact from the proposed development on ecology and biodiversity.

## **Archaeology**

Paragraph 197 of the NPPF states that In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. It goes on (paragraph 199) to state that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.” In paragraph 202 the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HE01 of the Local Plan relates to Archaeology and states that the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation.

Thanet is indeed considered to be rich in archaeology and KCC’s Archaeology Team commented on the previous application (OL/TH/18/1233) advising that their records show

that the site lies in close proximity to rich archaeological landscapes with significant cropmark sites to the south. They advise that 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 satisfactorily covered by the imposition of a planning condition on any grant of consent and no objection is raised in relation to this issue.

In recognition of the response from the KCC's Archaeological Team on the previous application, the applicants have recently submitted a Written Scheme for Investigation for an archaeological evaluation of the site for consideration in an attempt to avoid this being the subject of a pre-commencement condition. At the time of drafting the report, this submission was still under review by KCC's Archaeology Team and, it was considered appropriate to reimpose a pre-commencement condition for this document to be submitted and agreed with the Local Authority. Members will be updated of any changes in relation to this at the meeting if required.

### **Flooding and Drainage**

Paragraph 159 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Policy CC02 (Surface Water Management) states that "New development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible. SuDs design, together with a robust long term maintenance plan should be included as an integral part of the master planning and design process for new development and should, wherever possible, incorporate multi-functional benefits for people and wildlife.

The application is supported by a Drainage Strategy and Flood Risk Assessment. This concludes that the site lies within Flood Zone 1 and the proposed development is acceptable from a foul and surface water drainage perspective.

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 have reviewed the application and the submitted Drainage and Flood Risk Assessment. They raise no objection to the proposal.

On the basis that no fundamental issues have been raised in relation to either flooding or drainage, it is considered that no objection is raised to the proposal in relation to flooding or drainage, subject to the details in the Drainage and Flood Risk Assessment being conditioned.

## **Other Matters**

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. This is secured under policy SP29 of the Council's Local Plan. It is considered that the request meets the tests for inclusion within a S106 legal agreement/undertaking. An undertaking has been submitted to secure this contribution with an appropriate assessment undertaken under the Habitat Regulations.

The applicant has submitted a Construction and Environmental Management Plan (CEMP) which sets out how the project would be managed to ensure that works on site minimise disruption and disturbance to local residents and business in the surrounding area. It includes details of construction traffic routing, site security, working hours (8am to 6pm Monday to Friday and 8am to 1pm on Saturdays with no work on Sundays or bank holidays) amongst other details. The measures proposed are considered reasonable and would be expected to minimise disruption to surrounding residents and other occupiers during the construction of the proposed development. As such, it is considered appropriate to condition that construction works are carried out in accordance with the submitted CEMP.

The Council's Environmental Health team have requested that a condition is attached to any grant of planning permission requiring details of the proposed electric vehicle charging points, including their location and design, to be submitted to the Council for approval prior to the commencement of development and thereafter retained. It is noted that the location of the proposed charging points are shown on the submitted plans and their locations are considered acceptable. Given this it is considered appropriate to impose a condition that prior to their installation details of the design are submitted to the council for approval and that once installed they are permanently retained.

## **Conclusion**

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 application site forms part of a strategic housing allocation within the local plan and whilst separate in ownership from the strategic development, it is not considered to prejudice the development of the strategic allocation. Given this, there is no objection to the principle of residential use of the site.

With the imposition of safeguarding conditions, it is considered that there would be no adverse impact on the character or appearance of the area, the living conditions of adjoining occupiers, highways or parking, biodiversity, archaeology, or drainage or flooding

In terms of the economic dimension of sustainable development the provision of 4 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 the NPPF 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 Garlinge and further afield and it would allow increased social interaction between residents existing and new, and employment personnel albeit in a modest way.

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 planning permission be approved.

**Case Officer**

Annabel Hemmings

TITLE:

F/TH/22/1284

Project

The Old Forge High Street Garlinge MARGATE Kent

