

Planning Statement

Outline application for the erection of four detached dwellings with associated access, following the demolition of a side extension to the existing dwelling

**at
Land at The Old Forge, High Street, Garlinge, CT9 5LY**

Rebus Planning Solutions Ltd
Unit 36 Basepoint Business Centre
Shearway Business Park
Shearway Road
Folkestone
Kent, CT19 4RH
Tel. No. 01303 298160

1. Introduction

- 1.1 This Planning Statement accompanies the outline planning application, submitted on behalf of Mr and Mrs Price, as applicants and owners of the application site at Land at The Old Forge, High Street, Garlinge. This submission seeks an outline permission for the erection of 4 detached dwellings with associated access and parking following the demolition of an existing side extension to The Old Forge and the removal of ancillary residential buildings.
- 1.2 The application is submitted following the receipt of pre-application advice from Kent Highway Services and, as such, the issue of access will not be reserved for future consideration. All other matters and those relating to layout, design, landscaping and scale are reserved for later consideration.
- 1.3 The application comprises:
- The relevant application form and ownership certificate;
 - This Planning Statement;
 - Drawing No. G-01 – Site Location Plan;
 - Drawing No. G-02 – Existing Block Plan;
 - Drawing No. G-03 – Indicative Site Layout;
 - Drawing No. G-04 – Site entrance and access details;
 - Drawing No. G-05 – Indicative house types;
 - Drawing No. G-06 – Indicative street scene;
 - Drawing No. G-07 – Indicative reordering of The Old Forge.
- 1.4 At **Section 2** of this Statement we provide details of the site and its location together with an outline of the relevant planning history.
- 1.5 At **Section 3** we detail the proposals the subject of this outline application.
- 1.6 **Section 4** provides a summary of the relevant planning policy considerations.
- 1.7 At **Section 5** we assess the relevant issues against those identified planning policies.
- 1.8 We provide our conclusions at **Section 6**.

2. The Application Site

- 2.1 The application site, measuring approximately 0.17 hectares, 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.



Aerial View of the application site shown in red © Google 2018

- 2.2 The site comprises The Old Forge as a detached, two-storey dwelling, its garden and a number of ancillary residential outbuildings. Lying beyond the hard-surfaced patio areas to the immediate rear of the dwelling the site is laid to lawn with some domestic landscaping. The Old Forge itself, a relatively recent dwelling, is constructed of red brick with a red/brown plain clay tile and with the first floor finished in black weatherboarding. The extension to the dwelling (proposed for demolition) projects from the south elevation with the current plan form of The Old Forge providing for a 'L-shaped' layout. The garden area extends to the rear of the extension rather than to the rear of the main dwelling.
- 2.3 The triangular shaped plot is bordered, along a south-east north-west axis, by a public bridleway which links the High Street in Garlinge with Shottendane Road to the south-east. Open fields lie beyond a dense vegetated eastern boundary with the northern boundary of the site also comprising dense vegetation adjoining the garden of its neighbour Forge Cottage. The urban area comprising, predominantly, residential properties extends to the west, north-west and north.



View looking east from the adopted section of the High Street, Garlinge towards The Old Forge



The Old Forge and its neighbour, to the north, Forge Cottage



View looking south-east along the bridleway (abutting the application site) from a point immediately to the west (front) of The Old Forge



View from the existing garden of The Old Forge looking north-west towards the ancillary outbuildings serving The Old Forge and with Forge Cottage and neighbouring development visible

Access

- 2.4 Highway access to the site is, principally, via the High Street which, itself, is directly accessed from the A28 to the north linking Margate with Westgate. The private vehicular access of Birds Avenue runs immediately adjacent to the site linking the High Street with the adopted section of Birds Avenue.
- 2.5 The site is very well located in terms of public transport connectivity with bus stops located in Birds Avenue; an approximate 5-minute walk to the north-east, and just over 1km from the mainline railway station at Westgate-on-Sea.
- 2.6 Pedestrian connectivity to the local services and facilities is excellent with the site located on the edge of the centre of Garlinge with its neighbourhood centre of shops and services and linked by public bridledways and footpaths. The site lies within walking and cycling distance of Hartsdown Academy and the Garlinge Primary School and its nursery.



Extract from Kent County Council's Explore Kent Map. The public bridleway is in green, footpaths in purple and a number of bus stops are shown

Planning History

- 2.7 Outline planning permission for the erection of a chalet bungalow on the site of The Old Forge was approved under OL/TH/00/0154 in April 2000 and was followed by the grant of full planning permission in November 2000 for the erection of a two-storey dwelling with integral garage. A later submission of details application was approved.

3. The Application Proposals

3.1 The application is submitted in outline and proposes the erection of 4 detached dwellings with associated access, parking and landscaping and with all matters, other than access, reserved for future consideration. The development includes the demolition of a side projection to The Old Forge to allow for access to the wider site.

Access

3.2 Prior to the submission of the application, the advice of Kent County Council Highways and Transportation were sought and the response is attached at **Appendix 1**.

3.3 In presenting the Highway Authority with a similar layout of development as now submitted, and showing the provision of 4 detached dwellings, the response was, in summary:

- The additional number of movements generated by 4 new dwellings would be unlikely to have any notable effects on traffic movements;
- An adjoining private access gate may impede access if it is open, but this will be a private matter between landowners;
- A 2m x 2m pedestrian visibility splay is recommended at the access mouth with no obstructions above 0.6m in height;
- The Kent Parking Standards for suburban edge of location would be applied, equating to a minimum of 2 parking spaces per dwelling with 0.2 visitor spaces per unit. However, this visitor parking space requirement should increase where tandem parking is concerned;
- Vehicle parking bays should be at least 2.5 metres wide and at least 5m long with 6m between parking aisles/bays to allow vehicle manoeuvrability, and
- Access to the adjoining bridleway should be maintained.

3.4 Advice was provided with regard to refuse storage, passing areas and cycle parking provision.

3.5 Drawing No. G-04 provides the detailed consideration of the site entrance including the access into the site with dimensions shown. Drawing No. G-03 provides the indicative site layout clearly demonstrating that the development can accommodate an access into the site that would allow vehicles to pass one another and with sufficient turning and manoeuvring capacity to allow vehicles to enter and leave the site in a forward gear. The indicative site layout also demonstrates that more than sufficient parking can be provided to accommodate, both, the needs of future occupiers of the dwellings and their visitors and although tandem parking is proposed the character and nature of the area is such that on-street parking is not possible in close proximity to the site. The dwellings have, therefore been provided with at least 2 dedicated spaces each (plot 4 with three spaces) in addition to garages which, it is envisaged, will accommodate cycle parking, plus two visitor spaces in which to serve the development as a whole. In addition to the provision of parking for the new development, the existing off-site, off-street parking spaces for The Old Forge will be retained, again, as shown on the indicative site layout drawing G-03.

Indicative Layout

- 3.6 Although indicative, the development layout as shown on drawing G-03 has been carefully considered with the layout driven by the requirement to provide sufficient access, parking and turning in which to serve the development. The result; an attractive mews style form of development which will provide 3 and 4 bedroom houses each with amenity areas commensurate to the size of the dwelling in addition to the retention of an amenity area for The Old Forge.
- 3.7 Due consideration has been given to the siting of the dwellings in relation to the neighbouring properties, particularly Forge Cottage, and in relation to the wider proposals soon to be examined by an appointed Government Inspector ie. the proposed allocation under Policy SP15.

Appearance and Scale

- 3.8 Drawing No. G-06 provides an indicative 'street scene' showing how plots 2, 3 and 4 may appear when viewed from the west looking east. Taking The Old Forge as a reference, it is envisaged that the dwellings will appear traditional in form and character with a materials palette that will reflect The Old Forge ie. red facing brick and weatherboarding or with the projections finished in tile hanging or potentially render; the latter of which would reflect neighbouring development in the immediate vicinity.
- 3.9 In terms of scale, it is envisaged that a two-storey form of development would be considered at the Reserved Matters stage with Drawing No. G-05 providing the scale parameters and proposing a development with ridge heights between 8.25 metres and 9.25 metres. Drawing No. G-05 additionally shows the dwelling width and depth parameters with proposed floor areas from 950 to 1,500 ft².

Landscaping

- 3.10 Drawing G-03 (the indicative site layout) demonstrates how the development could be landscaped and with all landscaped areas lying within the individual ownerships of properties (other than the access or turning area) to ensure management in perpetuity. The future maintenance or management of the private access and turning facility would be the shared responsibility between future owners of the properties. Certainly, it would be possible to retain much of the boundary vegetation where desirable and enhance the boundary screening in the interests of the visual amenities of the area and to preserve and enhance biodiversity to this edge of field location.

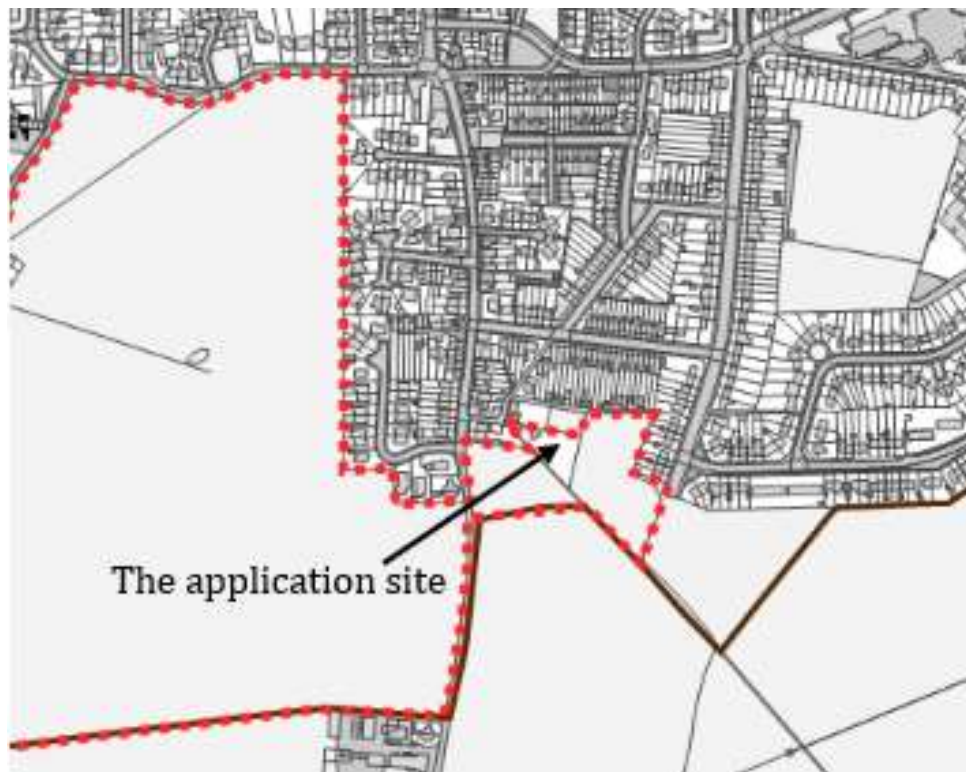
The Old Forge

- 3.11 To facilitate access to the development, it is proposed to remove the existing projection to the south elevation which will return The Old Forge to a two-bedroom property. Drawing No. G-07 demonstrates how this would be possible ensuring that the property is provided with sufficient light and ventilation and a satisfactory internal arrangement as a consequence of the loss of the additional accommodation.
- 3.12 Prior to addressing relevant issues arising, we identify the relevant local and national policy provisions against which the development would be assessed.

4. Planning Policy Considerations

- 4.1 Thanet's Development Plan currently comprises:
- The saved policies of the 2006 Local Plan, and
 - The emerging policies of the draft Local Plan to 2031.

- 4.2 Saved **Policy H1** supports the provision of new housing developments, either on sites allocated for such purposes or where there is no conflict with other development plan policies. In the case of non-allocated sites, development will only be permitted within the existing built up confines and on previously development land with the Council seeking to ensure an efficient use of housing land particularly in locations where good transport links exist.
- 4.3 Saved **Policy H4** advises of the benefit that windfall sites can bring subject to relevant criteria, an issue which is further considered at Paragraph 11.6 of the draft Local Plan wherein it is acknowledged that windfall sites have contributed, significantly, to housing delivery in the District in recent years.
- 4.4 Saved **Policy H12** safeguards against the loss of existing housing stock with the same carried through to emerging Policy H12.
- 4.5 Saved **Policy D1** sets out a number of general development management criteria in the form of design codes against which all development proposals will be considered.
- 4.6 The requirement to provide satisfactory levels of parking is the subject of saved **Policy TR16**.
- 4.7 **Policy CC2** seeks the protection of Thanet's Landscape Character Areas as shown on the Proposals Map to the Local Plan. Within the identified Central Chalk Plateau, care should be taken in designing developments to avoid skyline intrusion and the interruption of long views to the coast.
- Draft Thanet Local Plan to 2031, Pre-Submission Publication, Regulation 19***
- 4.8 The pre-submission publication draft of the Local Plan is, at the time of this submission, currently the subject of its last public consultation prior to its submission to the Secretary of State for independent examination. As such, the emerging policies of the Plan will carry some, albeit limited, weight until such a time that they are tested through examination.
- 4.9 **Policy SP01** provides the Council's implementation strategy requiring all new development to meet its infrastructure requirements whether directly on site or by contribution to provision elsewhere.
- 4.10 **Policy SP11** sets out the District's housing requirement to the period to 2031 advising of a "notional delivery" of 17,140 dwellings from the period 2011 to 2031. Tables 2 and 3 set out the total housing distribution together with the total housing supply (Paragraph 3.15).
- 4.11 **Policy SP12** provides a general housing policy setting out a number of infrastructure requirements that will be required as part of any housing development (of any size) and including the need to provide for the installation of digital infrastructure and electric car charging points.
- 4.12 The strategic housing site at Westgate-on-Sea, which encompasses the application site, is defined by **Policy SP15** which advises that land to the east and west of Minster Road, Westgate is allocated for up to 2,000 new dwellings at a maximum density of 35 dwellings per hectare net. The Policy sets out a number of infrastructure requirements, incorporating significant highway and public transport upgrades and a number of criteria that will need to be taken into consideration as part of the wider master planning process.



Extract from the emerging Plan's proposals map showing the location of the site within the wider strategic housing development at Westgate

- 4.13 **Policy SP19** advises of the need for housing developments to address the SMHA recommendations.
- 4.14 **Policy SP26**, and its Reasoned Justification (including Table 8) advises of the need for all residential developments to be able to comply with the Strategic Access Management and Monitoring Plan to mitigate against the combined effects of new development upon coastal ecology of significance. **Policy SP33** requires that all new development within the Plan area is to be of a high quality as set out in Policy QD01. **Policy SP35** requires the consideration of 'climate change' in the design of all new development.
- 4.15 **Policy SP41**, in seeking to encourage safe and sustainable travel, requires all developments to manage travel demand through the promotion of walking, cycling and use of public transport as a priority means of transportation. Further to this, **Policy SP42** advises that development that will generate a significant number of trips will be expected to be located where a range of services are or will be conveniently accessible on foot, by cycle or public transport.
- 4.16 **Policy HO1** is concerned with housing development proposals on sites that have not been allocated and provided they are consistent with the indicative phasing approach as set out in the Draft Plan.
- 4.17 **Policy QD01** requires all developments to adopt the principles of sustainable design in seeking to reduce greenhouse gas emissions and locate development where it can make the best use of sustainable travel modes.
- 4.18 **Policy QD02** provides a number of general Development Management criteria against which all development proposals will be assessed. The policy advises of the primary planning aim to promote or re-enforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

- 4.19 **Policy QD03** additionally provides a number of general design principles against which all development proposals will be assessed. Developments are required to be well designed respecting and enhancing the character of the area, be designed to create safe and accessible environments, retain as much green infrastructure as possible and ensure that surface water management is considered as an integral part of the design. **Policy QD04** then promotes the Government's Technical Housing Standards in terms of internal space and water efficiency.
- 4.20 **Policy CC02** reiterates the need for all developments to appropriately manage surface water run-off and design in sustainable drainage systems where possible.
- 4.21 **Policies TP02, TP03 and TP04** reiterate the need for all developments to appropriately consider sustainable methods of travel ie. walking, cycling and the use of public transport.

The National Planning Policy Framework (NPPF)

- 4.22 The long-awaited revisions to the NPPF were published on 24th July 2018 with Paragraph 212 advising that the revised Framework should be taken into account, in dealing with applications, from the day of its publication. A suite of policy provisions from the Framework will apply to this development proposal and are summarised as follows.
- 4.23 **Section 2 "Achieving Sustainable Development"** continues to promote the concept of sustainable development, the objective of which can be summarised as "*... meeting the needs of the present without compromising the ability of future generations to meet their own needs*".
- 4.24 **Paragraph 8** emphasises that achieving sustainable development means that the planning system has three overarching objectives which remain inter-dependant and need to be pursued in mutually supportive ways to secure net gains across each of different objectives.
- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity...
 - A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed safe built environment.
 - An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment including making effective use of land and helping to improve biodiversity...
- 4.25 **Paragraph 9** advises that the above-mentioned objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework, but they are not criteria against which every decision can or should be judged.
- 4.26 **Paragraph 10** re-emphasises that at the heart of the Framework is the presumption in favour of sustainable development and that the policy provisions at **Paragraph 11** will need to apply to all development proposals. For decision taking this means approving development proposals that accord with an up to date development plan without delay or where there are no relevant development plan

policies or the policies which are most important for determining the application are out of date, permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 4.27 **Section 4** provides the Government's policy advice with regard to 'decision-making'. Local Planning Authorities are advised to approach decision-making in a positive and creative way and decision makers, at every level, should seek to approve applications for sustainable development where possible.
- 4.28 In considering the application determination process, **Paragraph 47** re-emphasises that planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 4.29 **Paragraph 48** advises that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation in the emerging plan and the extent to which there are unsolved objections to relevant policies. The closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given. Also revisions to the NPPF make it clear that for the purpose of examining Local Plans during the transitional period, the Plan will be tested against the previous Framework published in March 2012. However, **Paragraph 49** goes on to advise that in the context of the Framework, and in particular the presumption in favour of sustainable development, arguments that an application is premature are likely to justify a refusal of planning permission other than certain circumstances; neither of which will apply in this case. **Paragraph 50** goes on to advise that the *"refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination..."*.
- 4.30 **Section 5** is concerned with the delivery of a sufficient supply of homes. The Government's objective of significantly boosting the supply of homes is reiterated at **Paragraph 59**. **Paragraph 61** advises that planning policies should reflect the housing size, type and tenure required for different groups in the community.
- 4.31 **Section 6** is concerned with policies that will contribute to building a strong, competitive economy. The provision of housing where this would seek to address potential barriers to investment is encouraged at **Paragraph 81**.
- 4.32 Sustainable transport is discussed at Section 9 with **Paragraph 102** requiring transport issues to be considered at the earliest stages of development proposal formulation. **Paragraph 103** advises that the planning system should actively manage patterns of growth in support of the Framework's transportation objectives with significant development focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. **Paragraph 103** goes on to advise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making.

- 4.33 **Paragraphs 105 and 106** discuss parking with a need to take a number of factors into account when setting local parking standards and ensuring that maximum parking standards for residential developments are only set where there is a clear and compelling justification that they are necessary for managing the local road network.
- 4.34 The Framework continues to promote the effective use of land at Section 11, with the Framework requiring decisions to support development that makes efficient use of land taking into account:
- (a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - (b) Local market conditions and viability;
 - (c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - (d) The desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - (e) The importance of securing well-designed, attractive and healthy places.
- 4.35 The former design policies as contained in Section 7 of the 2012 Framework are now readdressed at Section 2 ‘achieving well-designed places’. **Paragraph 124** continues to reiterate that good design is a key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities.
- 4.36 Planning policies and decisions are encouraged, at **Paragraph 127**, to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should also be sympathetic to local character and history, including the surrounding built environment and should establish or maintain a strong sense of place. Proposals should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and to create places that are safe, inclusive and accessible.
- 4.37 **Paragraph 130** requires Local Authorities to refuse developments that are of poor design and that fail to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 4.38 Policies concerned with meeting the challenge of climate change, flooding and coastal change are set out in **Section 14**. Any local requirements for the sustainability of buildings should reflect the Government’s policy for National Technical Standards.
- 4.39 **Annex 1** of the Framework provides general policy advice with regard to the Framework’s implementation advising, at **Paragraph 212**, that the policies in the Framework should be taken into account in dealing with applications from the day of its publication. Annex 1 goes on to advise of the new housing delivery test.

4.40 Having identified the suite of Local and National Planning Policy provisions we now assess the development in relation to this relevant Planning Policy Framework.

5. Relevant Issues and Planning Merits

5.1 The starting point in the assessment of the suitability and acceptability of the development will, of course, be the Local Development Plan and the balancing exercise necessary in weighing up the saved, but out-of-date, policies of the adopted 2006 Local Plan with the emerging policies of the draft Plan to 2031. With this in mind, it is submitted that the principal issues relevant to the determination of the application will be:

- The principle of the development, when balancing the adopted provisions of saved policies H1 and H4 with draft policies H1 and SP15;
- Whether the development of this site, in the manner and form proposed, would be premature in light of draft Policy SP15;
- Whether the development of the site for just four dwellings would impact upon the wider allocation or affect the wider Master Plan for the area;
- The character and appearance of the development and impacts upon the locality;
- Highway issues arising and access suitability;
- The impact upon the living conditions of both existing residents and future occupiers of the development, and
- The impacts upon the biodiversity interests of the site and wider area.

The Principle of Development

5.2 The site is located to the very edge of the urban area of Margate (Garlinge), with The Old Forge lying just outside the defined urban confines. Case Law has determined that defined confines as 'lines on maps' will not necessarily, in themselves, determine the acceptability of development with a need to apply the principles of sustainable development as provided by the NPPF and the three objectives to its achievement. It is not, however, considered necessary to provide the LPA with an in-depth assessment of the application site's sustainability credentials when it is evident that the Authority itself has already assessed the site's suitability for housing on a strategic level. In this regard this small land parcel lies within the strategic housing/mixed use site as defined by Policy SP15 of the emerging plan and part of, an envisaged, delivery of 2,000 new homes for Westgate, Garlinge and the wider area of Margate.

5.3 It is, therefore, acknowledged that when tested against the current adopted provisions of saved Policy H1, the development, by reason of its location and (only) part Brownfield status, would not fully accord with the provisions of the 2006 Development Plan. However, the District Planning Authority is more than aware of the housing need in Thanet and the need to apply the provisions of Paragraph 11 of the NPPF in applying the presumption in favour. This said, not only will the recently revised provisions of the NPPF provide a material consideration in the assessment of the application, the emerging provisions of the District's own draft Plan will also carry significant weight:

“Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections...;*
- c) the degree of consistency of the relevant policies in the emerging plan to [the] Framework...”*

(paragraph 48 of the NPPF)

5.4 Given this relevant policy backdrop, we conclude that the Local Planning Authority will favourably consider the redevelopment of the site unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Would the development of this section of the emerging allocation be premature?

5.5 The application site is a self-contained land parcel in private ownership and unconnected to the wider site, particularly in terms of access. Bringing forward this smaller land parcel will realise a small, but positive, contribution to the supply of housing and far in advance of the delivery of large numbers of housing, even as smaller phases, as part of the larger allocation.

5.6 NPPF, Paragraph 49 advises that in the context of the Framework, arguments based on ‘prematurity’ are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposal is so substantial, or its cumulative effect would be so significant that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development for the area.

5.7 It is considered important to emphasise that both circumstances need to be considered. In this case, it is evident that the delivery of four houses from an allocation of, circa, 2,000 is neither substantial nor likely to have an ‘undermining cumulative effect’ on the wider delivery of the intended allocation.

Would the delivery of the proposed four-dwelling development affect the delivery of, or ability to master plan, the wider allocation?

5.8 As advised, the site forms a separate land parcel from the wider allocation area, segregated from adjacent land parcels by fencing, vegetation and the public bridleway. The site does not offer a suitable access point for a major development nor will its separate development affect how access is provided to this section of the allocation.

5.9 The layout, whilst indicative, provides for a ‘rounding-off’ to this edge of urban location, allowing for the wider master-planning exercise to consider back-to-back gardens in which to serve future housing on land to the east of the site or, alternatively, allow for an internal highway or planted buffer along the eastern boundary. The orientation of the proposed dwellings will not, therefore, hamper or blight the ability of a future developer to consider further residential development to the site’s boundaries.

- 5.10 In this regard, we are mindful of the recent consideration of an outline proposal for, up to, 24 dwellings on land at Briary Close (OL/TH/16/1473) and the Council's concerns, in dealing with that application, that approval of a 'land parcel' within the [now] SP15 allocation would harm the future quality and infrastructure provision of the draft allocation for the comprehensive, mixed use development of the wider area. The refused scheme was considered at appeal (see **Appendix 2**) with the Inspector advising:

"DLP Policy SP12 requires that applications to develop the Strategic Housing Site Allocations (SHSA) be accompanied by a detailed development brief including an illustrative site masterplan featuring all elements of the proposal and indicating phasing of development and supporting infrastructure. DLP SP15 provides the site specific policy for the Westgate-on-Sea SHSA within which the appeal site is located.

The Council's key concern is that the disposition of uses and open space should be decided by a comprehensive masterplan for the SHSA as a whole. A comprehensive masterplan for the Westgate-on-Sea SHSA has yet to be produced and so it is necessary to assess the potential degree of harm this self-contained proposal for 24 dwellings would have on the policy objectives for the development of the wider area."

(Paragraphs 17 and 18, see **Appendix 2**)

- 5.11 The Inspector went on to consider the potential impacts upon the wider policy objectives and whether the delivery of 24 units, prior to the consideration of the wider site, would prejudice necessary infrastructure. In considering that the development could be brought forward in such a way that could complement a wider scheme, the Inspector concluded:

"This proposal amounts to a small proportion of the overall SHSA on a site which abuts the built-up residential area and which uses the residual capacity of Briary Close. The Council has not persuaded me that this relatively small housing development would undermine the potential to secure a satisfactory masterplan for a comprehensive, mixed use development of the major part of individual merits and I am not persuaded that it would result in a harmful precedent leading to further fragmentation of the strategic allocation. Consequently, I find limited harm to arise from the conflict found with DLP policies SP12 and SP15."

(Paragraph 22, see **Appendix 2**)

- 5.12 The development is, of course, considerably smaller than the approved Briary Close development and lies to the edge of the urban confines without encroachment into the wider allocation area, as the Briary Close development did. This readily deliverable housing scheme will be attractive to the District's SME's, providing a small, but valuable, contribution to the District's, much needed, housing supply and all without prejudice to the emerging Plan's wider aims.

"Where planning permission is refused on grounds of prematurity, the Local Planning Authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process."

(NPPF, Paragraph 50)

Character and Appearance

- 5.13 The site lies immediately adjacent to the southern urban boundary of Garlinge but to the north of the proposed urban extension of the proposed SP15 allocation. As such, the development of this site will become fully encompassed within the wider SP15 allocation as it is delivered. In the longer term the development will simply form part of the extended urban area of Westgate.

- 5.14 In the shorter term, and as the indicative layout shows, this small development can deliver a soft edge to the site's eastern boundary and would be viewed in relation to the existing urban backdrop. In consideration of the 2017 Landscape Character Assessment, and the need for future development to have regard to the key sensitivities and qualities of the 'Central Thanet Undulating Chalk Farmland' Character Area, the redevelopment of this site would not result in any material harm to the character and appearance of the wider landscape setting.
- 5.15 The character of the site is such that the development will not appear prominent in local views from within the urban area. This pocket of land, located behind The Old Forge and to the rear of properties in the High Street, will sit comfortably within its context; part of the more traditional grain of development-in-depth in this part of Garlinge. With matters of detailed design and external appearance reserved for later consideration, it will be possible for the Local Planning Authority to ensure that a suitable scheme, reflective of the character of the area, is brought forward. It is, however, submitted that the indicative appearance, as shown on Drawing G-06, indicates that a suitable scheme can be delivered and one that will be able to meet with the provisions of both adopted and emerging policies D1, QD01, 02 and 03.

Living Conditions

- 5.16 Again, with details yet to be considered in detail, full consideration of neighbour impacts will fall to be assessed at the Reserved Matters stage. What is evident from an assessment of the indicative layout (Drawing G-03) is that the dwellings can be sited and designed in such a way that the amenities of neighbouring property occupiers are preserved.
- 5.17 With regard to the living conditions of future occupants of the development, all dwellings will be able to meet the Government's Technical Housing standards and each dwelling will be provided by a garden area commensurate to the size of the property. Individual curtilages will be able to accommodate sufficient play space, landscaping, refuse storage and car-parking in which to ensure a high standard of amenity.
- 5.18 In all respects the development will be able to meet with the relevant provisions of adopted policy D1, the draft provisions of the QD design policies and Paragraph 127(f) of the NPPF.

Access and Transportation Issues

- 5.19 The issue of access will be considered in detail as part of this submission. Drawing No. G-04, in conjunction with the indicative layout (G-03) demonstrates that an adequate and safe means of access is possible. In this regard we draw the LPA's attention to the pre-application advice, as received from Kent Highway Services, at **Appendix 1**.
- 5.20 The provision of the access will necessitate the demolition of the existing side projection at The Old Forge, which, as drawing No. G-07 demonstrates, can be achieved without detriment to the character and appearance of The Old Forge.
- 5.21 The indicative layout clearly shows that the development can also deliver satisfactory turning and manoeuvrability space and although it is understood that tandem parking is not favoured by the Highway Authority, it can comply with size requirements, will provide for the best and most efficient use of space and will be accompanied by visitor parking in accordance with recommendations.

- 5.22 This Section of the High Street, as a private highway, will be able to accommodate satisfactory access and associated highway infrastructure, compliant with adopted Policy D1 and the emerging policies of the draft Plan.
- 5.23 Prior to the submission of the application, contact was made with the Public Rights of Way and Access Service in the knowledge that the site lies immediately adjacent to a public bridleway. Their response, attached at **Appendix 3**, confirms that the development will need to maintain a suitable and safe access for highway users and that the relevant consents will need to be obtained to ensure that a suitable surface is provided to the bridleway's entrance. Details of sight-lines, and any required details outside of other legislative controls, can be dealt with by condition.
- 5.24 In applying the principal aim of focusing development in locations that are, or can be made, sustainable, the development will fully accord with the emerging policies of the draft Plan, principally, TPO2, TP03 and TP04 and relevant provisions of NPPF Paragraphs 91(c) and 102(c). In this regard the development would, additionally, actively manage growth to make the fullest possible use of public transport, walking and cycling.

Other Technical Considerations

Biodiversity

- 5.25 The site comprises a residential property with ancillary residential buildings with a garden laid to lawn. Land adjoining the site is, currently, intensively farmed and the biodiversity potential of the site is, therefore, expected to be low. Conversely, and with appropriate enhancement measures such as the provision of native species planting and the integration of bat bricks/bird nesting boxes, this small development has significant potential to increase the biodiversity potential of this edge of urban setting.

Drainage and Flood Risk

- 5.26 The site is not located in an area at risk of flooding nor in an area particularly sensitive to surface water run-off (according to the Environment Agency's on-line mapping service or the proposals map to the Local Plan). Full details of a Sustainable Drainage Scheme can be considered at the detailed design stage.

Archaeology

- 5.27 It is acknowledged that the majority of Thanet provides for significant archaeological interest. The applicants accept that a condition requiring archaeological investigation will be imposed upon an outline planning permission.

6. Conclusions and Planning Balance

- 6.1 Applications for planning permission need to be considered in light of Section 38(6) of the Principal Planning Act (as amended). Although the starting point is the Development Plan, material considerations will need to be considered and balanced against the relevant provisions of the Development Plan.
- 6.2 The District, having identified an Objectively Assessed Need of 17,140 dwellings for the period to 2031, requires an annual delivery of 857 units per annum. This site forms part of that identified land supply and will make a small, but positive, contribution to the District's housing delivery targets.
- 6.3 The draft Plan is, at the time of submission, the subject of consultation under Regulation 19; soon to be the subject of Examination by a Government appointed Inspector. The weight to be afforded to the draft

allocation will be greater than at the time of consideration of the Briary Close appeal (**Appendix 2**) and will need to be considered in light of the District's long-term, and acknowledged, lack of housing land supply.

- 6.4 As such, the development of the site will not harm the wider aims of the larger allocation in bringing forward the infrastructure necessary to meet the District's housing development requirements. The self-contained nature of the site, and the way in which the proposed units will be developed in relation to the existing urban area, will not provide difficulties for future master-planning of the allocation land.
- 6.5 The development can deliver an attractive edge-of-settlement residential scheme as the indicative layout and street scene demonstrates. The living conditions of existing residents will be preserved, and future occupants will be provided with a high standard of living accommodation.
- 6.6 Access is achievable by way of alterations to the existing property and has been designed to ensure compliance with the requirements of Kent Highway Services. Access to, and from, the adjoining bridleway will be retained and any requirement to retain surface materials and ensure adequate sight lines for pedestrians can be secured by condition.
- 6.7 Other detailed technical considerations will be considered as part of the Reserved Matters stage albeit that the appropriate consideration of development drainage and the archaeological potential of the site can all be managed through the submission of details. Measures to improve the nature conservation interests of the site can also be dealt with by condition.
- 6.8 In meeting with the three objectives to the provision of sustainable development, the scheme will meet the economic objective, both through the short-term employment opportunities in constructing the houses and through the financial returns to the Council as a consequence. The provision of new homes in such a sustainable location will meet with the social objective and the ability to enhance the biodiversity interests of the site will meet with the environmental objective. Certainly, the development can deliver 'net gains' across each of the three 'objectives' as promoted by NPPF, Paragraph 8.

List of Appendices

- Appendix 1 - Pre-application response from KCC Highways and Transportation
- Appendix 2 - Appeal decision APP/22260/W/17/3178576 – Land at Briary Close
- Appendix 3 - Response from Public Rights of Way and Access Service

Appendix 1



Karen Banks - Rebus Planning Solutions

Highways and Transportation

Ashford Highway Depot

4 Javelin Way

Ashford

TN24 8AD

Tel: 03000 418181

Date: 18 July 2018

Application - PAP/2018/043

Location - The Old Forge, High Street, Garlinge, Kent, CT9 5LY

Proposal - Part demolition of the old forge to form vehicular access for 4no detached dwellings with associated parking and external works.

Thank you for your enquiry in relation to the above pre-application. :

The number of movements generated by the addition of 4 new dwellings in this location is unlikely to have any notable effects on traffic movements in the local area. As discussed, there is an existing gate to number 160 which opens out onto Birds Avenue, which at this point is a private street. When this gate is open it will likely impede access to this proposed application site. This is a private matter as the access is not public highway, but consideration must be given to the likely issues that may occur.

Visibility splay have not been shown at the access. Although this is a privately maintained street, it is recommended that 2 metre x 2 metre pedestrian visibility splays be provided at the access with no obstructions above 0.6 metres in height within the splays.

Based on the sites rural location, Kent Parking Standards for a village / suburban edge location would apply to these proposals, as such a minimum of 2 parking spaces must be provided per 3+ bedroom dwelling, in addition to 0.2 visitor spaces per unit. On the illustrative plans the exact layout of the parking bays has shown a number of tandem spaces, the highway authority (HA) would recommend that tandem parking be avoided where possible. Experience has shown that tandem parking is heavily under utilised, and encourages more on street parking as a result. To ensure that sufficient parking is provided, any dwellings which include tandem parking will need to have additional visitor parking provided to offset this. 0.7 visitor parking spaces should be provided for every dwelling containing tandem parking. Garages are only considered as additional to the required parking allocation. All vehicle parking bays must be at least 2.5 metres wide, and at least 5 metre long, and there must be at least 6 metres gap between parking aisles / bays based on the design criteria outlined in the Kent Design Guide (KDG). Car ports are acceptable, but they must be at least 2.9 metres wide and at least 5.5 metres long, and must be maintained without gates or doors in perpetuity.

Access to the bridleway (0327/TM22/2) must be maintained at all times, at no point should the bridleway be narrowed to less than 1.2 metres wide. When a formal application is submitted the KCC public rights of way (PROW) team will need to be consulted and will provide comments as to the required specification for this.

Other points to consider:

Tracking has been shown based on the illustrative layout for a fire appliance, and this should be maintained and demonstrated through any revised drawings.

No cycle parking appears to have been shown. Secure, covered cycle parking must be provided within the curtilage of each residential dwelling, at least one cycle parking space per bedroom. Cycle parking can be provided in the form of a garden shed, garage or similar. Car ports should only be considered for cycle parking if they are of sufficient size to accommodate a parked vehicle and cycle parking simultaneously.

Refuse storage facilities should be provided within 30 metres of the public highway from each of the proposed dwellings and these should be shown on any future drawings. If it is not possible to provide refuse storage within a suitable proximity access will need to allow an 11.2 metre refuse vehicle to enter and exit the site in a forward gear. It is noted that a refuse collection point is proposed as part of this application.

Passing areas of 4.8 metres wide should be provided to allow 2 vehicles to safely pass without reversing excessive distances, as is shown on the submitted drawings. Any road / driveway construction should be formed of a bound surface to ensure that material is not deposited on the carriageway.

Important Notes

Any advice given by Council officers for pre-application enquiries does not indicate a formal decision by the Council as the Highway Authority. Any views or opinions are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application.

The final decision on any application that you may then make can only be taken after the Planning Authority has consulted local people, statutory consultees and any other interested parties. The final decision on an application will then be made by senior officers or by the respective Local Planning Authority and will be based on all of the information available at that time.

You should therefore be aware that officers cannot guarantee the final formal decision that will be made on your application(s).

Any pre-application advice that has been provided will be carefully considered in reaching a decision or recommendation on an application; subject to the proviso that circumstances and information may change or come to light that could alter that position.

It should be noted that the weight given to pre-application advice will decline over time.

Please let me know if you need any further information regarding the above.

Yours sincerely

Ryan Shiel

Senior Development Planner

Appendix 2



Appeal Decision

Site visit made on 21 November 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th December 2017

Appeal Ref: APP/Z2260/W/17/3178576

Land south of Briary Close, Margate, Kent CT9 5HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Strategic Land Planning Solutions against the decision of Thanet District Council.
 - The application Ref OL/TH/16/1473, dated 20 October 2016, was refused by notice dated 5 June 2017.
 - The development proposed is outline planning application for the erection of up to 24 dwellinghouses (all matters reserved, except for access).
-

Decision

1. The appeal is allowed and planning permission is granted for outline planning application for the erection of up to 24 dwellinghouses (all matters reserved, except for access) at land south of Briary Close, Margate, Kent CT9 5HX in accordance with the terms of the application, Ref OL/TH/16/1473, dated 20 October 2016, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The application was made in outline with all detailed matters reserved apart from access. I have dealt with the appeal on the same basis and treated the layout and site section drawings submitted as being for illustrative purposes only.
3. Subsequent to the Council's decision the appellant has submitted a Unilateral Undertaking (UU) pursuant to Section 106 of the Planning Act. This addresses the Council's second reason for refusal in respect of the failure to enter into a legal agreement to secure 30% affordable housing and the delivery of the necessary planning obligations required in order to mitigate the impacts of the proposed development on the local infrastructure and protected sites and make the development acceptable in all other respects.
4. The UU covers all heads of terms required by the Council which has confirmed that the conflict with Policies CF2, H14 and SR5 of the Thanet Local Plan, the Habitat Regulations and the National Planning Policy Framework (the Framework) is addressed and consequently the second reason for refusal falls away.

Main Issue

5. The main issue is whether the development of this site for 24 dwellings would harm the future quality and infrastructure provision of the draft allocation for the comprehensive, mixed use development of the wider area.

Background

6. A band of continuous development stretches along either side of the Canterbury Road within the coastal zone west of Margate. This includes the suburban parts of Garlinge, Westbrook and Westgate-on-Sea. The appeal site lies adjacent to and south of the suburban area of Garlinge/Westgate and comprises a roughly square area of undeveloped land of slightly more than one hectare.
7. The appeal site abuts farmland on the three other sides and, along with this, forms part of a larger strategic allocation for up to 1000 dwellings (site ST2) proposed in the draft Thanet Local Plan¹ (DLP). This allocation formed part of a DLP Preferred Options Consultation in 2015 and has subsequently been retained following later consultation on DLP Proposed Revisions in January 2017. In 2018 the Council intends to publish and consult upon a final draft of the DLP prior to submission to the Secretary of State.
8. The appeal site is maintained in a naturally overgrown condition and is bounded by varying amounts of hedging and trees. It is centrally positioned between the cultivated land to either side and fronts onto south side of Briary Close. Access for the 24 dwellings is proposed from Briary Close; a cul-de-sac presently serving a similar number of homes. This existing housing includes the frontage development along the northern side of the street opposite to the appeal site, which runs in tandem to that along the main Canterbury Road which Briary Close joins to the east.
9. For the time being the development plan comprises the saved policies of the Thanet Local Plan 2006 (LP). The appeal site, and the draft strategic allocation it forms a part of, remain outside the settlement boundary defined in the LP and unallocated for housing. The proposal consequently conflicts with current LP Policy H1.
10. However, the Council's decision rests on the conflict found with the emerging DLP and it is acknowledged that the policies of the current LP do not provide the 5 year's supply of housing land required by the National Planning Policy Framework (the Framework). Where this is the case paragraph 49 of the Framework deems the relevant policies for the supply of housing in the LP to be not up-to-date. The Council is seeking to meet the Objectively Assessed Need (OAN) for housing required by paragraph 47 of the Framework through the DLP and the strategic allocations this proposes.
11. Because the current LP policies are out-of-date the presumption in favour of sustainable development established by paragraph 14 of the Framework applies as well as the 'tilted balance' for decision-making set out in the fourth bullet point. This would require granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

¹ Draft Thanet Local Plan to 2031 – Preferred Options Consultation January 2015

Reasons

12. The benefits of the proposal would be a readily deliverable residential scheme that would make a modest but positive contribution to the current under supply of housing, including the provision of 30% affordable units which would meet the maximum requirements of LP Policy H14. This would gain the support of part 6 of the Framework in respect of delivering residential development, boosting housing supply and meeting a need for that which is affordable.
13. The development would be located in reasonable proximity to a good range of services and facilities, including public transport. The proposal would gain the support of the Framework core planning principle to actively manage growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
14. Whilst dependent upon the later approval of acceptable reserved matter details, and to satisfying any necessary planning conditions, I am nonetheless persuaded the proposal would itself result in no material harm to the character and appearance of the area, the wider landscape, the living conditions of neighbouring occupiers and the interests of biodiversity and archaeology.
15. The means of access has been agreed by the local highway authority and therefore the proposal would meet the requirements of paragraph 32 of the Framework in respect of providing safe and suitable access for all people. The site is at low risk of flooding and capable of measures to ensure adequate foul and surface water drainage for the development. Overall, the proposal would generally meet the Framework principle to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
16. The adverse impacts of this proposal relate to the conflict found by the Council with DLP policies SP12 and SP15. The DLP remains subject to further consultation over a pre-submission draft and subsequently to Examination. The draft policies cement the means of meeting the OAN for future housing, dependant mainly on four large-scale strategic allocations. It is evident that this approach to addressing the required step-change in housing delivery has gained significant traction. However, due to the stage of preparation of the DLP, any conflict found with the relevant draft DLP policies can be afforded only limited weight at this point in time.
17. DLP Policy SP12 requires that applications to develop the Strategic Housing Site Allocations (SHSA) be accompanied by a detailed development brief including an illustrative site masterplan featuring all elements of the proposal and indicating phasing of development and supporting infrastructure. DLP SP15 provides the site specific policy for the Westgate-on-Sea SHSA within which the appeal site is located.
18. The Council's key concern is that the disposition of uses and open space should be decided by a comprehensive masterplan for the SHSA as a whole. A comprehensive masterplan for the Westgate-on-Sea SHSA has yet to be produced and so it is necessary to assess the potential degree of harm this self-contained proposal for 24 dwellings would have on the policy objectives for the development of the wider area.

19. The site occupies a central part of the northern extent of this main segment of the SHSA. It divides the land leaving two areas either side of a comparable size which could be separately developed as part of a wider masterplan. The appeal site occupies a relatively small part of the overall strategic allocation and one which adjoins the existing built-up area and is not geographically isolated.
20. Whilst this proposal would meet its own needs for open space it would prevent the inclusion of a buffer in this northern part of the SHSA. The Council's future Open Space Strategy might have added greater weight to the case for such as buffer area but this document has yet to be produced. I am not persuaded by any need to buffer this proposal and consider it appropriate that it might integrate with the adjacent housing. The appellant's suggested SHSA site masterplan and that procured from the owners of the remaining land allocation, whilst neither of any approved status, satisfy me that there would be limited harm from this proposal in undermining the future potential to plan an appropriate network of open and green space for the remainder of site ST2.
21. For similar reasons I find limited harm arising from this proposal in prejudicing a strategic plan for internal road, footway and cycle routes. The scheme would take up the current capacity of Briary Close. However, there is no evidence to suggest this would preclude suitable options from which to access the strategic allocation or preclude a satisfactory internal road network for the remaining SHSA. The layout of this proposal is illustrative and there is little evidence to suggest that it could not be arranged to compliment a suitable wider network of footways and cycle routes.
22. This proposal amounts to a small proportion of the overall SHSA on a site which abuts the built-up residential area and which uses the residual capacity of Briary Close. The Council has not persuaded me that this relatively small housing development would undermine the potential to secure a satisfactory masterplan for a comprehensive, mixed use development of the major part of the SHSA that would remain. It is necessary to assess this proposal on its individual merits and I am not persuaded that it would result in a harmful precedent leading to further fragmentation of the strategic allocation. Consequently, I find limited harm to arise from the conflict found with DLP policies SP12 and SP15.

Other Matters

23. Further concerns have been raised by interested parties at both the application and appeal stages. The Council's decision to refuse planning permission was not in respect of the principle of housing on this site, the suitability of Briary Close to safely accommodate additional highway use, the effect on the living conditions of neighbouring occupiers, the effect on the character and appearance of the area, on ecology, archaeology or drainage. Having given careful consideration to the representations made by interested parties over these particular issues I find there to be no grounds sufficient to outweigh the conclusion reached over the main issue in the appeal.

Unilateral Undertaking

24. The UU accompanying the appeal has been considered. This commits to the proposed development providing the financial contributions sought by Kent County Council towards primary education, secondary education and libraries.

The UU also commits a payment to the Council towards the delivery of the Strategic Access Management and Monitoring Plan ('SAMMS contribution') for the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The SAMMS contribution is to mitigate for the effects on the SPA necessary for the development to comply with the Habitats Directive. The UU also provides a financial contribution towards a Traffic Regulation Order on Briary Close in relation to the development should this be required by the County Council as highway authority.

25. I am satisfied that the UU comprises an obligation meeting the requirements of Section 106 of the Town and Country Planning Act 1990. The obligation made in respect of the contributions towards primary education, secondary education, libraries, SAMMS and the TRO meets the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework and has been given weight in arriving at the appeal decision.

Conditions

26. Although the Council provided a brief series of headings, it did not supply a comprehensive list of suggested conditions. I have considered the conditions suggested by the appellant in the light of the Council's later comments and the tests set out in paragraph 206 of the Framework. To provide certainty and in the interests of proper planning I have imposed the standard outline and time limit conditions and specified the approved plans.
27. In the interests of recording any archaeological interest standard conditions are necessary which require agreement to and adherence with a Written Scheme of Investigation. It is necessary in the interests of safe and suitable access that conditions further govern the means of access proposed. Those applied require the construction of the access prior to occupation such that it would accommodate the turning of refuse vehicles, the restriction of parking and provision of dropped kerbs along Briary Close and the provision and maintenance of visibility splays, bound surfacing and footways for the new estate road.
28. Conditions require agreement to and provision of adequate arrangements for foul and surface water drainage prior to occupation. In the interests of the living conditions of neighbouring occupiers a condition requires agreement to and implementation of a Construction Method Statement and details of external lighting on the development.
29. To protect and enhance biodiversity a condition requires the agreement to and carrying out of a programme for the enhancement of protected species and their habitats. To ensure adequate refuse storage areas and cycle parking facilities conditions require these matters to be provided as agreed in advance. In the interests of the satisfactory appearance of the development conditions require agreement to facing materials, landscaping and tree protection measures. To help minimise the risk of crime a condition requires appropriate design measures to be agreed and provided.

Conclusion

30. The Council is unable to provide the five year supply of housing land required under paragraph 47 of the Framework. Paragraph 49 goes on to state that

relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

31. As relevant policies for the supply of housing are out-of-date the presumption in favour of sustainable development set out in paragraph 14 of the Framework applies. This would mean granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, based on it performing economic, social and environmental roles which should be sought jointly and simultaneously.
32. The proposal would provide modest but positive economic and social benefits through the short term delivery of market and affordable housing without material harm to the local environment. There would be very limited harm to the future quality and infrastructure provision of the draft allocation for the remaining housing in this location. This would not significantly and demonstrably outweigh the benefits found. This development would therefore gain the support of a presumption in favour of development as set out in paragraph 14 of the Framework. Consequently, having taken into account all other matters raised, I conclude that the appeal should be allowed subject to the conditions set out in the Schedule below.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/Z2260/W/17/3178576
Land south of Briary Close, Margate, Kent CT9 5HX

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 237344 100 site location plan; Final Transport Statement and appendices C&A Consulting Engineers Project No 16-029 October 2016; Arboricultural Report by Curtis Barkel 23 June 2016.
- 5) No development shall take place until a Written Scheme of Investigation of site archaeology shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 6) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5.
- 7) The access shown on the submitted plans shall be fully constructed prior to the occupation of the first dwelling and the details required by condition 1 shall include provision for turning within the site when layout matters are considered for an 11.2 metre refuse vehicle.
- 8) The applicant shall progress the installation of double yellow line parking restrictions in Briary Close as shown on the submitted drawings (16-029-015) to ensure safe access to the proposed development.
- 9) The reserved matters shall include provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, and the visibility

splays should be provided prior to the occupation of any of the dwellings hereby permitted.

- 10) The reserved matters details shall include provision of a bound surface for the entire length of the access road to the point where it joins the existing highway to prevent deposition of loose material. Footways along the new access road, and within the development, should be a minimum of 1.8 metres wide to meet standards outlined in the Kent Design Guide. The gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- 11) Prior to the occupation of any of the dwellings hereby permitted the pedestrian dropped kerbs in Briary Close shall be provided in accordance with the approved details.
- 12) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 13) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from construction works;
- viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 15) Prior to the commencement of the development, a programme and timetable for the enhancement of protected species and their habitats shall be submitted to and approved in writing by the local planning authority. The programme shall be based upon the recommendations of the submitted Extended Phase 1 Habitat Survey, dated May 2016. The approved programme shall be carried out in accordance with the approved details and timetable.
- 16) No development above ground level shall take place until details of all external lighting have been submitted to and approved in writing by the local planning authority. The said details shall include heights of columns, light fittings, cowls and levels of luminance. The development shall be carried out in accordance with the approved details and prior to the first occupation of the development. No further external lighting, whether temporary or permanent, shall be installed or brought onto the land.
- 17) Prior to the first occupation of the development hereby approved, details of refuse storage areas shall be submitted to and approved in writing by the local planning authority. The approved refuse storage areas shall be provided before the dwellings are first occupied and shall thereafter be kept available for these purposes.
- 18) Prior to first occupation of the development hereby approved, full details of the cycle parking facilities for each dwelling shall be submitted to and approved in writing by the local planning authority. The cycle parking facilities shall thereafter be retained for these purposes.
- 19) No development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 20) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 21) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and 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 similar size and species.

- 22) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees and hedges (the tree and hedges protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 23) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design, have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented before the dwellings are occupied and thereafter retained in accordance with the approved details.

---End of Conditions---

Appendix 3

From: Heather.Waller@kent.gov.uk <Heather.Waller@kent.gov.uk>

Sent: 13 June 2018 13:52

To: Karen Banks <karen@rebusplanning.co.uk>

Subject: RE: Public Right of Way Enquiry - Land adjoining The Old Forge, High Street, Garlinge, CT9 5LY

Dear Karen

I am sorry for my delayed response,

- KCC does not own the land but have a duty to maintain the surface. The applicant would need to get permission to drive over the land, this is a private issue that we would not get involved with.
- You would need to consult with KCC as it is an offence to disturb the surface of the Highway without prior consent of the Highway Authority either during or following any approved development.
- We would need to see a specification for any alteration to the surface, block paving is not acceptable as it requires continued maintenance and poses hazards.
- We would need to be satisfied that the safety of pedestrians / equestrians has been strongly thought through, primarily we would be concerned about site lines when leaving / arriving the property.

Kind regards

Heather

Heather Waller | East Kent Area Officer – Public Rights of Way & Access Service | Public Protection | Environment, Planning & Enforcement | Kent County Council | The Granary, Penstock Hall Farm, Canterbury Road, East Brabourne, TN25 5LL | Tel: 03000 417171 www.kent.gov.uk