

**R08**

**F/TH/16/1271**

PROPOSAL: Erection of 2No. two storey dwellings with access and parking

LOCATION: Former St Mary Magdalene Church Woodchurch Road  
BIRCHINGTON Kent

WARD: Thanet Villages

AGENT: Miss Donna Staples

APPLICANT: Mr Richard Gradus

RECOMMENDATION: Refuse Permission

For the following reasons:

- 1 The proposed development would result in new homes in the countryside and have a detrimental impact upon the character of the rural area as a result; it is not considered that there is any special justification why countryside protection should be relaxed, under paragraphs 17 and 55 of the NPPF. The proposal is therefore contrary to the NPPF and there are no material considerations that suggest it is appropriate. In this instance permitting development would significantly and demonstrably outweigh the benefits of providing two dwellings.

#### SITE, LOCATION AND DESCRIPTION

The site lies within an area designated as Countryside according to Local Plan Proposals Maps.

The application site lies on the south western side of Park Road, Woodchurch. It is approximately 0.23 hectares in area and, when a site visit was conducted, pigs were being kept on the land.

There is sporadic residential development; Woodchurch Farmhouse opposite, The Granary to the west of the site and Woodchurch Cottages to the south east.

#### RELEVANT PLANNING HISTORY

F/TH/15/0266 Erection of 2No. two storey dwellings with access and parking. Withdrawn

OL/TH/08/1389 Outline application for the erection of 2 dwellings including layout. Withdrawn

#### PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of two, two storey dwellings with access and parking.

The dwellings whilst similar in design terms are slightly different; unit 1 being slightly smaller than unit 2. The main living accommodation is located at ground floor with the bedrooms being located at first floor. The materials for the dwellings are identified as being a slate roof and timber cladding.

Vehicular access to the site would be via a shared access leading to an area of permeable gravel to allow cars to park and manoeuvre. The land would then be subdivided to provide a large curtilage for the proposed units.

### DEVELOPMENT PLAN POLICIES

CC1 – Development in the countryside  
CC2 – Landscape character areas  
D1 – Design principles  
D2 - Landscaping  
H4 – Windfall sites  
TR16 – Car parking provision  
EP13 – Groundwater protection zones  
SR5 – Play space  
HE11 – Archaeological assessment  
HE12 – Archaeological sites and preservation

### NOTIFICATIONS

TWO letter of representation received. The following concerns are raised:

- \* Loss of light to reception room of The Granary resulting from the positioning of unit 1
- \* Effect on ecology
- \* Increase in traffic and pollution
- \* Over-development
- \* Sufficient development in the rural area

**Manston Parish Council:** Do not consider that the planning fits in with the street scene, the area is old buildings and these are too modern.

### CONSULTATIONS

**KCC Highway and Transportation:** The development falls within the criteria for the Local Planning Authority to assess.

**Archaeology** (*Initial Comments*): The site of development is extremely sensitive archaeologically and historically in view of the survival of the medieval St Mary Magdalene Church. Remains associated with this church, including the burial ground, are considered to survive on site and in the immediately surrounding area.

The applicant has discussed general proposed development schemes with KCC Heritage and has commissioned several archaeological assessments, including fieldwork by Trust for Thanet Archaeology (TTA). Through these assessments and on the basis of the interpretation by TTA, it seems that the remains of the church are now very fragmentary but what does survive can be preserved in situ, with the development taking place over and around them.

In principle, this development is acceptable but prior to determination of this application, the applicant needs to demonstrate what the impact on the church remains would be. The applicant does not seem to have submitted any information on or assessment of the heritage issues.

The information required would comprise a summary of the TTA findings and how the development scheme would affect the archaeology. We also need to agree a mitigation proposal. Mitigation can be covered by a condition but in accordance with NPPF, the applicant needs to demonstrate how they have minimised any impact on sensitive archaeological remains. This information needs to be formally submitted to the LPA.

I therefore recommend that the applicant is asked to provide a Heritage Statement with scaled drawings describing the impact of this revised scheme on the archaeology, as known now from the recent TTA work.

*Further comments:* The developer has provided additional information on the evaluation of archaeological remains. The evaluation works by Trust for Thanet Archaeology demonstrated that archaeology was still present on the site, including human burials. However, the area of potentially greatest impact by the development contains possibly only fragmentary remains.

The most sensitive area over the church itself is to be protected. The developer has suggested that each house holding can be accompanied by provisions to ensure there are no extensive groundworks in the gardens. I am not sure still how this is going to be secured but acceptance of this development is subject to confirmation of safe-guarding measures for the important remains associated with the church.

The development could still have an impact on archaeological remains, including on human burials, and there is a need for detailed archaeological work. This can be secured through a suitably worded condition.

Although this development could still be considered to be harmful to the significance of the medieval church, I consider the developer has addressed archaeological concerns as much as possible and has attempted to minimise disturbance. As such conditions are recommended.

**Arboricultural Officer:** There are three roadside Sycamores. One tree covered in ivy directly opposite the farmhouse, difficult to ascertain its health due to the ivy, but probably not worthy of a TPO.

The other trees again are not exceptional specimens; one of these has had wire wrapped around its main stem at 2m creating a potential weakness.

**Southern Water:** The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.

All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should 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.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

**Environment Agency:** Conditions recommended, relating to contamination and drainage.

## COMMENTS

This application has been called in to Committee by Cllr. Gregory on the grounds that it is an acceptable, sustainable development and would be in keeping with the surrounding community.

## Principle

Woodchurch is a hamlet within Thanet; without facilities or services.

It is recognised that as the site is within the countryside, normally new residential development would not be permitted, unless there is special justification. However, given that the Council does not currently have a five-year supply of deliverable housing sites, housing applications such as this, should be considered in the context of the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development. This is because local policies relating to the supply of housing are no longer considered up-to-date (para 49). Paragraph 14 of the NPPF states that where relevant local 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 of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

The proposed development is for two dwellings within an area that is predominately rural in nature with only sporadic housing. By consolidating existing sporadic development the proposal would result in an adverse impact upon the character and appearance of the countryside that would significantly and demonstrably outweigh the benefits of providing residential accommodation. The proposal is therefore contrary to paragraph 14 and Chapter 6 of the NPPF and policy CC1 of the Local Plan.

In this case the application site lies a significant distance from a defined settlement. The site is remote from facilities which are required to support new family dwellings, with there being no direct and safe walking or cycling route. The proposal dwellings would be highly reliant on the private car for the day-to-day needs of the occupiers. However the applicant has provided a justification in terms of a specific need; paragraph 55 of the NPPF.

Paragraph 55 of the NPPF advises that new isolated homes in the countryside should be avoided unless there are special circumstances. The paragraph provides examples of the types of development that would constitute such special circumstances:

- \* "The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- \* Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- \* Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- \* The exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area."

The proposed development does not meet any of the first three of the examples of special circumstances, as identified in paragraph 55. However, the last example requires consideration of whether the proposed dwelling would be of exceptional quality or innovative in the nature of its design. In order to meet this test a design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas, reflect the highest standards in architecture significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The proposed dwellings have been designed to have the appearance of agricultural buildings. The proposed dwellings have windows on two sides. The materials to be used in the construction of the walls are timber cladding; locally sourced where possible with slate and photovoltaics to the roof. The proposed dwellings have been designed on the passivhaus system. The applicant details within their supporting statement that the design reflects the local vernacular of farm buildings and in particular the greenhouses found around Quex Park. The positioning of the dwellings is not related; one would normally expect to see agricultural buildings being grouped together.

Whilst an agricultural appearance of a rural barn maybe acceptable in the context of serving a functional purpose in the countryside, this is not synonymous with a building of exceptional quality or truly outstanding or innovative design.

There is nothing within the supporting documentation to demonstrate that utilising triple glazing, efficient wall systems, solar gain or photovoltaic panels represents particularly ground-breaking technology.

The Framework also requires designs to 'significantly' enhance their immediate setting. In this case, the immediate setting consists of the site which is currently a field and a small group of houses and outbuilding/farm buildings associated with them. The immediate setting around the site is a semi-rural surrounding with a two storey dwelling and opposite an extended farmhouse. It is not considered that the schemes architectural quality would be sufficient to significantly enhance its immediate setting.

## **Living Conditions**

The application site has dwellings to the north west and south east that could be affected by the proposal.

The proposed windows to serve the dwelling are located facing out onto the field rather than the road; the elevations to the roads and facing towards neighbouring dwellings is a part blank and part glazed elevation.

In terms of unit 1, a glazed area serving the main living area at ground floor and a glazed area serving the stairs, hallway at first floor level would face onto the property known as The Granary. Unit 1 does not run parallel to this boundary, but is at a slight angle to it. Unit 1 closets point to this boundary is approximately 1.6m increasing to 3.6m where the glazing starts. The Granary has a number of windows at ground floor and a balcony area on a flat roof area above. The sites are separated by an existing wall with brick piers evenly spaced, although views would be gained over the wall. An increased boundary treatment, could be

secured by condition at this south western end of the proposed dwelling. The building itself having a gable of a maximum height of 6.6m to the ridge dropping down to the eaves level, there will be a loss of light, however this not considered to be of such a level to merit refusal.

With regard to unit 2, due to the distance of separation with No.4 Woodchurch Cottages (approximately 11m to the common boundary) I am of the view that this would not cause any significant harm due to the distance of separation.

Some of the rooms within the proposed dwellings will be served by roof lights rather than conventionally openings, it is considered that this would provide adequate natural daylight to the living accommodation.

### **Transportation**

Access to serve the proposed properties is off Park Road, two parking spaces per dwelling are shown, which are in tandem and there is ample space for visitor space if required. There is also sufficient site within the confines of the site to allow for vehicles to manoeuvre. I am satisfied there are no outstanding highway issues.

### **Other issues**

KCC Heritage has confirmed, following the submission of further information that the development is acceptable in principle subject to condition.

The Arboricultural Officer has confirmed that he considers that the trees are not of sufficient quality to be worthy of a Tree Preservation Order. In order to provide sufficient visibility one of these trees may be required to be pruned.

### **Conclusion**

With no special circumstances being put forward as justification for the dwelling in accordance with paragraph 55 of the National Planning Policy Framework, the proposal would be contrary to the provisions of the framework. Furthermore the introduction of housing in this location would have a detrimental impact upon the form and character of the area. The proposal is contrary to national and local policies on development in the countryside.

Notwithstanding the Local Authority's lack of a 5-year supply of deliverable housing sites, this application is contrary to the NPPF and there are no material considerations that suggest the development is acceptable. In this instance permitting development would significantly and demonstrably outweigh the benefits of providing two dwellings. It is therefore recommended that this application be refused for the following reason.

### **Case Officer**

Gill Richardson

TITLE: F/TH/16/1271

Project Former St Mary Magdalene Church Woodchurch Road BIRCHINGTON Kent

Scale:

