

**A06**

**F/TH/17/0257**

PROPOSAL: Erection of a three storey detached dwelling, together with detached garage

LOCATION: Land Adjacent Wild Thyme Bramwell Court Minster RAMSGATE Kent

WARD: Thanet Villages

AGENT: Mr C Palmer

APPLICANT: Mr Denis White

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 127/1, 127/2 and 127/3 received 21 February 2017

GROUND:

To secure the proper development of the area.

3 No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

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

4 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority

GROUND:

To ensure that the archaeological history of the site is recorded in accordance with the advice contained within National Planning Policy Framework.

5 Prior to the first occupation of the dwelling hereby approved, visibility sight lines measuring 23m x 2m x 23m to the either side of the access, as shown on drawing number 127/1, received on 21 February 2017, shall be provided and thereafter maintained with no obstruction above 1m in height.

**GROUND:**

In the interests of highway safety. Notes:

6 Prior to the first occupation of the dwelling hereby approved, visibility sight lines measuring 23m x 2m x 23m to the either side of the access, as shown on drawing number 127/1, received on 21 February 2017, shall be provided and thereafter maintained with no obstruction above 1m in height.

**GROUND:**

In the interests of highway safety.

7 If, during development, contamination not previously identified, is found to be present at the site, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The proposed works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the Thanet Local Plan Policy EP13

8 No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the Thanet Local Plan saved Policy EP13

**INFORMATIVES**

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

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

**SITE, LOCATION AND DESCRIPTION**

The application site is non-previously developed land within the countryside, on the eastern side of Laundry Road. The site is to the south of a small group of dwellings which includes Pinks Corner Lodge to its east and Wild Thyme and a row of older terraced dwellings to the north.

### RELEVANT PLANNING HISTORY

There are a significant number of planning applications which are relevant to the determination of the current application. The most recent applications which are relevant to this determination of this application are:

F/TH/13/0859 - Erection of a three storey dwelling, together with detached garage. Approved 17th April 2014.

R/TH/11/0814 - Application for the approval of appearance, layout, landscaping and scale pursuant to outline reference OL/TH/08/0567 for the erection of a detached house and garage. Granted

F/TH/10/0562 - Variation of condition (drainage) attached to planning permission F/TH/08/0577 for the erection of a detached dwelling and garage. Granted

F/TH/08/0577 - Erection of a detached dwelling and garage. Granted

OL/08/0567 - Outline application for the erection of a detached house and garage including access. Granted

### PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of a two storey detached dwelling with detached double garage including access.

The proposed dwelling is traditional in design and materials with a pitched red clay tiled roof, clay multi-stock brick walls with oak stained feather edge stained weatherboarding and timber windows. It would comprise a hall, WC, dining room, lounge, kitchen, utility room, family room, study and workshop/store to the ground floor, 5 bedrooms (two ensuite), and a family bathroom to the first floor and a playroom and store within the roofspace. The detached garage would also be of traditional design and materials.

### PLANNING POLICIES

H1 - Residential Development Sites

H4 - Windfall sites

CC1 - Development within the countryside

CC2 - Landscape Character Areas

TR12 - Cycling

TR16 - Car Parking Provision

D1 - Design Principles

D2 - Landscaping  
EP13 - Ground Water Protection Zone  
SR5 - Playspace  
HE11 - Archaeological Assessment  
HE12 - Archaeological Sites and Preservations

## REPRESENTATIONS

**Minster Parish Council** - No comment.

Neighbouring property owners were notified by letter and a site notice displayed near to the site. No representations have been received.

## CONSULTATIONS

**Southern Water** - The application has not stated the final discharge point for foul sewerage disposal. Request that the foul sewerage be discharged to the public foul network. Request that an informative is added to any grant of planning consent to advise that a formal application is required for connection to the public sewerage system.

The public development is some distance from the nearest public foul sewers. The applicant should assure themselves that they have adequate rights to utilise the intervening private drainage systems when connecting to the public system. Otherwise the connection to the public sewerage system could be requisitioned under the terms of the Water Industry Act.

The proposed surface water drainage is not acceptable to Southern Water. Alternative methods for surface water disposal, avoiding infiltration to the ground, should be investigated. The proposed site lies within Source Protection Zone and is situated above Southern Water adits in very close proximity of the Public Water Supply Abstraction (groundwater sources). These are critically important public water supply abstractions with extensive shallow adits and disinfection only treatment, serving the Thanet supply area. The close proximity of the source and the sensitivity of the public water supply mean that careful consideration must be given to the protection of the public water supply.

Request that a condition is requiring details of the proposed means of foulds and surface water sewerage disposal to be submitted and approved.

**KCC Archaeology** - The site lies in a rich archaeological landscape as evidenced by work over the last few years on the East Kent Access Road to the north and east and other works on the south Thanet Scarp. A scheduled Monument of Bronze Age date lies close by on Laundry Road. As with previous applications on this site, would advise that provision be made in any consent for a programme of archaeological works.

## COMMENTS

The application is brought before Members as the application site is non-previously developed land and outside the urban confines within the countryside.

## Principle of Development

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 National Planning Policy Framework (NPPF) directs that housing applications should be considered in the context of the presumption is sustainable development whilst directing that a wide choice of high quality homes should be provided. In rural areas, the NPPF states that "housing should be located where it will enhance or maintain the viability of rural communities." The site is located at a distance of approximately 550m from the built up area of Minster, the nearest village, which contains a range of shops and services, public transport routes and a railway station. However, the route to Minster does not include footpaths along much of its length. Having regard to the location of the site whilst there would be a level of integration with the village, it is not considered that the proposed dwelling would significantly enhance or maintain the vitality of Minster or any other rural community.

The proposed development is for a dwelling 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 saved policies H1 and 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 dwelling is traditional in design and materials. Whilst such a dwelling is considered to be acceptable in this rural location this is not synonymous with a building of exceptional quality or truly outstanding or innovative design. It is also noted that there is nothing within the design of the proposed dwelling which represents particularly ground-breaking technology.

Whilst it is established that the principle of the proposal would be contrary to both saved policies H1 and CC1 and the guidance in the NPPF, regard must be had for other material considerations. The most recent planning permission for the erection of a dwelling and detached garage was granted in 2013 (F/TH/13/0859). Whilst this permission has recently expired, the grant of planning permission is material and must be considered in determining the current application.

The 2013 permission was approved as an acceptable departure from the Local Plan. There have been no material changes in Local Plan policy since the previous application was determined and no significant changes in the circumstances of the site and the sustainability of the site. On this basis, it is considered that it would be unreasonable to object to the proposal now on the basis of these Local Plan policies.

### **Character and Appearance**

The proposed dwelling would be of the same size, design, location and materials as the previous approved application.

The proposed dwelling would be of a scale, design and finish commensurate with the size of and Wild Thyme. The properties to the east of Laundry Road and to the south of no.6 are considered to have their own identity from the small properties in the surrounding area which directly address the road. The proposed dwelling and garage would continue the character established by Wild Thyme which is set back from the road. The proposed materials are considered good quality and, together with the design of the proposed dwelling and garage, are considered to be acceptable in this rural location.

It is, therefore considered that the proposal would have no adverse effect on the character or appearance of the area.

### **Living Conditions**

The new dwelling has been designed to avoid an adverse effect on the residential amenities of the occupiers of adjoining properties.

The closest upper floor windows in the proposed property would be approximately 14m from the side elevation of Wild Thyme. These windows would serve a landing and bathroom at first floor level and an attic room. Given the separation distance and the relationship between these two properties would have with each other it is not considered that the overlooking created would be sufficient to warrant withholding permission in this instance.

The closest upper floor windows to Pinks Corner Lodge would be located some 16m from the rear of the property, some 17m away from the rear most part of that property (a conservatory) and some 21m from its main two storey rear elevation. These windows would serve bedrooms in the proposed dwelling. Whilst these are habitable rooms, given the separation distances between the two properties it is not considered that there would be any issues of overlooking from the proposed dwelling to Pinks Corner Lodge.

The property would be of a generous scale and would include front and rear amenity areas and off street parking. It is considered that the proposed dwelling would provide a good standard of residential amenity for its future occupiers.

### **Highways**

The proposed dwelling would be served by three off road car parking spaces which would be served by an access onto Laundry Road. This access and level of car parking was established by previous permissions for the site and it is considered that this level of car parking would be sufficient to meet the demands generated by the development. Furthermore it is considered that the turning areas would be sufficient to allow vehicles to enter and leave the site in a forward gear, whilst the access incorporates appropriate sight lines. For these reasons, it is considered that the proposal would be of no detriment to highway safety, the free flow of traffic or highway amenity.

### **Other Matters**

The site lies within an area where significant archaeological finds have been made. As there is a reasonable prospect of further archaeology on the application site, it is considered that it

would be reasonable and appropriate to require a programme of archaeological work to be undertaken should planning permission be granted. This can be secured by condition.

Having regard to the previous use of the site (light industrial), it is considered that it would be reasonable to include a condition on any grant of planning permission to assess and remediate and previously unidentified contamination, should any be discovered during development.

### **Conclusion**

Whilst the proposed development is located within the countryside, contrary to the provisions of the NPPF, it is considered that, on balance and given the history of planning permissions for residential development on the site, it would be unreasonable to refuse permission on this basis. Furthermore given that the details of the proposal have been assessed and found not to be detrimental (subject to the imposition of safeguarding conditions), it is recommended that the application be granted.

### **Case Officer**

Annabel Hemmings



TITLE:

F/TH/17/0257

Project

Land Adjacent Wild Thyme Bramwell Court Minster RAMSGATE Kent

