

R04

OL/TH/18/0567

PROPOSAL: Outline application for the erection of 6No. dwellings with all matters reserved

LOCATION: Land North West Of Down Barton Road St Nicholas At Wade BIRCHINGTON Kent

WARD: Thanet Villages

AGENT: Mr D Brown

APPLICANT: Mr M Walker

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed dwellings, by virtue of their location and scale, would impact upon long distance views, and detract from the open and undeveloped rural character of the area, severely detrimental to the appearance of the Landscape Character Area, and thereby failing to protect the intrinsic character and beauty of the countryside, contrary to Thanet Local Plan Policies CC1, CC2 and D1, and paragraphs 127, 130 and 170 of the National Planning Policy Framework.

2 The proposed development is located in an area where there is the potential for significant archaeology, and no archaeological field evaluation has been submitted with the application to determine the presence, location, nature, significance and condition of any archaeological remains within the site. As such, the proposed development in the form proposed could affect significant archaeological remains, and is therefore considered contrary to paragraph 189 of the NPPF.

SITE, LOCATION AND DESCRIPTION

The site lies outside the village confines of St Nicholas-at-Wade, as established by the Thanet Local Plan proposals map. The site is a parcel of land currently part of a stable and horse paddock to the north west. The site fronts Down Barton and is located opposite Nos. 1 to 7 Prospect Place and No.1 Downbarton Farm Cottages and its north eastern boundary extends to the public right of way leading to St Nicholas Court.

RELEVANT PLANNING HISTORY

OL/TH/17/1412 - Outline application for the erection of 1no. detached bungalow with all matters reserved. Refused - 16/11/17. Dismissed at Appeal.

Reasons for refusal:

'The site is outside the built up area boundary of any settlement and represents an unsustainable and isolated form of development within the countryside, not outweighed by any economic, social or environment benefits, contrary to Policies H1 and CC1 of the Thanet Local Plan and Paragraphs 49 and 55 of the National Planning Policy Framework'

'The proposed dwelling, by virtue of its location, would appear visually divorced and isolated within the open landscape which is characteristic of the western side of Down Barton Road, and out of keeping with the open rural character of the area, contrary to Thanet Local Plan Policies CC1, CC2 and D1, and paragraphs 17, 58, 60 and 61 of the National Planning Policy Framework'

F/TH/15/0293 - Change of use and conversion from stable to dwelling with external alterations Refused - 18/06/2015. Dismissed at Appeal.

Reason for refusal:

'The site is outside the built up area boundary of any settlement and, as such, represents an unsustainable and isolated form of development within the countryside, contrary to Policies H1 and CC1 of the Thanet Local Plan and Paragraphs 49 and 55 of the National Planning Policy Framework'

F/TH/09/0406 - Change of use of land for keeping of horses together with erection of stable building, sand school, fencing, manure store and associated access for domestic purposes
GTD 09.09.2009

F/TH/97/0517 - Retention of a field shelter and parking of a horse lorry in accordance with the provisions of section 73A (2) (a) GTD 22.09.1997

PROPOSED DEVELOPMENT

The application is in outline form and following the submission of amended plans reducing the number of units proposed, the application is now for the erection of 6no. Dwellings, with all matters reserved.

An illustrative block plan has been submitted as part of the application, which shows the provision of 6no. semi-detached dwellings with a minimum of 2no. Off-street parking spaces per property and a private garden area.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

CC1 - Development in the Countryside (urban and rural confines)

CC2 - Landscape Character Areas
D1 - Design Principles
D2 - Landscaping
H1- Housing
SR5 - Play space
TR12 - Cycling
TR16 - Car Parking Provision

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. Six letters of objection and one letter of support has been received. The main concerns are:

- Overbearing and out of scale,
- Lack of parking,
- Drainage system is already at capacity,
- Lack of infrastructure,
- Loss of light,
- Loss of privacy,
- Noise disturbance,
- Site is not suitable for the development,
- Highway safety,
- Land is not allocated for housing in the Draft Local Plan,
- Isolated development that is not a logical rounding off of the village,
- Reduce the open character of the landscape,
- Loss of grazing land,
- No need for the development

One letter of support has been received; properties will provide housing for future generations, adequate parking provided; there will be social benefits; views will not be obstructed.

MP Sir Roger Gale - I note with concern that the proposed development is not designated in the emerging Draft Local Plan and that permission has already previously been refused. I would hope very much that the concerns expressed by (my constituent) are taken into account when this application is considered.

St.Nicholas Parish Council - No objections to the development in principle, however concerns are raised with the narrow road. The Parish Council feel it is essential that the road to access the properties is widened as it is currently inadequate.

CONSULTATIONS

KCC Highways and Transportation - The provision of 6 new dwellings would be unlikely to lead to any notable increase in traffic movements in this location, however provision should

be made to encourage sustainable forms of travel and reduce the impact on nearby properties.

Currently there are no footways in Down Barton Road along the frontage of the proposed application site. The highway authority would expect any proposed development at this location to provide a 1.8 metre wide footway along the site frontage to provide a safe facility for future occupants and existing residents.

Although parking is a detailed matter which is not being considered within this application it is worth noting that illustrative plans show an area for visitor parking. A minimum of 1 visitor parking space must be provided for the new dwellings to accord with Kent Residential Parking Standards (IGN3), and it is suggested that additional visitor parking be provided to offset the loss of parking for existing residents by widening the carriageway to 4.8 metres along the frontage of the application site. All works within the highway will need to be carried out under a section 278 agreement.

KCC Public Rights of Way and Access - No comments to make.

KCC Biodiversity - No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that the proposed development has limited potential to result in ecological impacts.

If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements is attached.

Statutory Designated Sites

The development includes proposals for new dwellings within 6km of Thanet Coast and Sandwich Bay Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

The applicant will need to contribute to the SAMM to enable them to demonstrate that they will avoid a likely significant effect on the designated sites. However, a recent decision from the Court of Justice of the European Union means that an Appropriate Assessment is required to be carried out by Thanet District Council. The ruling has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, for this application, such an assessment will need to be carried out.

Ecological Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". This development offers opportunities to incorporate ecological enhancements, such as bird boxes for threatened species like the Swift and House Martin. Therefore, we advise that a condition is attached to any planning consent in order to secure ecological enhancements.

Environment Agency - We have reviewed the information submitted and consider that planning permission could be granted with safeguarding conditions.

Southern Water - The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant. We request that should this application receive planning approval, an informative is attached.

KCC Archaeology - Thank you for your consultation letter of the 27th April with respect to the above development proposal to the north west of Down Barton Road. I have previously provided advice with respect to the proposal (TH/17/1412) for a single dwelling on an area of this site highlighting the archaeological potential of the property and area which I repeat below.

From the Kent Historic Environment Record and collection of aerial photographs I note that the proposal is located in an area of significant archaeology with prehistoric landscapes surrounding St Nicholas. Cropmarks recorded close to the site appear to be the vestiges of a significant WW2 buried landscape at the village which was heavily defended with encircling entrenchments. I have included below images from our 19405 collection of photographs which illustrate the trenches (left) and their subsequent backfilling post war. It would appear that in the site there are remains of the zig-zag trenches and also an area that may be a strong point which would seem strategically located near the road.

The proposals may therefore affect significant archaeological remains. For the previous development we had stated a need for the design of development to be informed by the archaeology and its potential preservation. We had recommended that in that instance the use of conditions for evaluation & mitigation and for agreement of foundations) on the outline consent could achieve preservation if needed. This would only have been achievable as long as evaluation works are undertaken in advance of any detailed application and measures for safeguarding archaeology are taken into account in subsequent design including potentially the repositioning of buildings.

Paragraph 189 of the National Planning Policy Framework guides:

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been

consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

For the present application there has been no assessment of the archaeological potential of the site or the impact from the development proposals. The development is a more intensive use of the site than had been previously proposed as can be seen from the illustrative plan in the Design and Access Statement and the potential for relocating buildings to accommodate archaeological safeguarding is much reduced. I would therefore recommend that the planning application should not be determined until the applicant has undertaken an archaeological field evaluation to determine the presence, location, nature, significance and condition of archaeological remains on the site and assessed the impacts of the development proposals on them, taking account of how the development may be able to respond to the safeguarding of archaeology where appropriate.

COMMENTS

The application represents a departure from Policy H1 of the Thanet Local Plan, but has also been called in by Cllr Reece Pugh to enable members to consider the impact upon vehicle generation, access issues and highway safety, and by Cllr Derek Crow-Brown to enable members to consider how the development of the site could meet a housing shortfall, especially given the proximity of the site to a recently approved housing development outside of the village.

Principle

The application site lies outside of the village confines and located on non-previously developed land and is therefore contrary to Policy H1 of the Thanet Local Plan, which requires that new residential development is on previously developed land within the urban confines.

The Council does not currently have a 5 year supply of deliverable housing sites as required by paragraph 67 of the NPPF. Planning applications should therefore be considered with a presumption in favour of sustainable development and the provisions of the NPPF with specific reference to Section 2 and paragraph 11(d).

In determining whether the development of the site is acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact on the countryside and character and appearance of the area, impact on the highway network, impact upon living conditions, and sustainability of the development.

Character and Appearance

Policy CC1 of the Thanet Local Plan states that new development within the countryside will not be permitted unless there is a need for the development that overrides the need to protect the countryside. There is a current need for housing within Thanet, and this needs to be balanced against the visual impact of the development upon the countryside.

The site also lies within the St.Nicholas at Wade Undulating Chalk Farmland Landscape Character Area (formerly known as the Former Wantsum Channel Character Area) for which the key sensitivities and qualities as identified within the Council's Landscape Character Assessment (2017) include the openness and undeveloped character of the farmland that contributes to the essentially rural character and relatively dark skies; occasional quiet rural lanes; and long distance panoramic views, big skies and uninterrupted sea views from elevated locations.

There has been a previous application for the erection of a dwelling on the site, which has been refused by the Council on two grounds, that the site is outside of the village confines and will represent an unsustainable and isolated form of development within the countryside; and that the proposed dwelling, by virtue of its location, would appear visually divorced and isolated and out of keeping with the open rural character of the area.

When considering the previous application the Inspector was of the opinion that given the proximity of the other nearby dwellings and some day to day living facilities in the village that the application site would not be an isolated location for a home, and it would therefore be an appropriate location for a dwelling.

The Inspector did find, however, that 'the bungalows siting would be a divorced one, which visually would relate poorly with the dwellings on the northern side of Down Barton Road, given that the bungalow would be randomly sited in a field.' Given the siting of the proposed bungalow within an open paddocks, which forms a 'transition site between the built up area of the village and the undeveloped countryside', the Inspector concluded that the proposed development would be 'contrary to Policies CC2 and D1 of the Thanet Local Plan', and that the modest contribution of a single dwelling to the Council's Housing Land Supply did not outweigh the harm to the character and appearance of the area, and the intrinsic beauty and character of the countryside (which should be safeguarded), to which he attached great weight.

The proposed development, as amended, is for the erection of 6no. Dwellings. Whilst the potential layout, which indicates a linear pattern of development, could be viewed as more in character with the surrounding pattern of development; the presence of additional development above that of the previously refused bungalow would have a greater impact upon the vast, flat, open and undeveloped character of the landscape, and long distance panoramic views within the Character Area, a concern previously given great weight by the Inspector.

A Landscape and Visual Impact Assessment has been submitted by the agent to assess the visual impact of the proposed development upon the Landscape Character Area. The assessment concludes that that the proposed development would not result in any significantly adverse effects on landscape character and would only result in adverse impacts on the visual amenity for properties immediately adjacent to the site and the view along Down Barton Road to the west, but that these would not be significant and would diminish over time. The grounds for this view is that there are existing stable buildings on the site, along with bunding and non-native planting, and that the provision of native planting and hedgerow planting along the boundaries will help to improve this view. Officers of the Council are not in agreement with this opinion. The Inspector has previously determined that the provision of a single dwelling on the site would cause harm as it would not respect or enhance the character or appearance of the landscape. The assessment submitted does not sufficiently justify how the harm to the Landscape Character area could be overcome. The suggestion of mitigation planting along the boundaries would not address this harm as it would still result in the loss of a vast flat, open landscape, and harm to the panoramic views, main features of this Landscape Character Area. Furthermore, the assessment advises that the views of the open flat landscape from the properties opposite the site will not be affected as the proposed development would replace existing views of the agricultural buildings, which are already providing visual intrusions into the countryside. This view is again not supported by officers, as the inspector, within the appeal decision, considered that the proposed dwelling would not have been comparable with the nearby stable block because the stable block occupied a relatively discrete location and is a form of building often found in the countryside.

It is therefore considered that the submitted Landscape and Visual Impact Assessment does not provide the necessary justification to address the Planning Inspectors concerns raised through the previously refused application, and as such the proposed development would be contrary to Policy CC2 of the Thanet Local Plan and paragraph 170 of the NPPF.

Living Conditions

The application is in outline form only, with only the principle of development being considered. However, an illustrative block plan has been submitted showing the possible location of the 6no. Dwellings.

The proposed development is not neighboured by any residential development to the sides or rear, with the closest neighbouring residential occupiers being opposite the site.

There is a distance of 10.5m between the front elevation of the proposed development and the front elevation of the neighbouring properties opposite. Such a distance is considered to be acceptable to retain an adequate amount of outlook and light for the neighbouring occupiers.

Whilst there may be some loss of privacy, this would be between the front elevations and across a highway, and would not result in any loss of privacy for private amenity space. The detailed design and layout of the dwellings is not known at this stage, with the possibility for

the dwellings to be set further back on the site or with windows that do not result in direct overlooking. The impact upon neighbouring privacy is therefore considered to be acceptable.

Each of the proposed dwellings would be provided with a secure private amenity space in accordance with Policy SR5 of the Thanet Local Plan, and there is space within the curtilage of each proposed dwelling to accommodate refuse storage, cycle storage and clothes drying.

The impact upon the living conditions of future and existing occupiers is therefore considered to be acceptable and in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

Transportation

Access to the site is not being applied for at this stage. Consideration can therefore only be given to the provision of 6no. Units on the site, and the potential impact to highway safety as a result of these additional vehicle movements.

KCC Highways and Transportation have been consulted and have advised that 'the provision of 6no. New dwellings would be unlikely to lead to any notable increase in traffic movements in this location'. They have advised, however, that provision be made for sustainable forms of travel to reduce the impact on nearby properties. Specifically the provision of a footway along the frontage of the proposed application site is required in order to provide a safe pedestrian facility for both future and existing residents. Space has been shown within the proposed site plan for the provision of road widening/footpath to link the site to the existing footpath (the design of which could be agreed through a future reserved matters application for the layout), the provision of which is a sustainability benefit resulting from the scheme, and this would need to be required by virtue of a safeguarding condition to inform any reserved matter submission.

As such it is not considered that the proposed development would result in a severe impact upon highway safety, in accordance with the NPPF.

Archaeology

Paragraph 189 of the National Planning Policy Framework states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

KCC Archaeology has advised that from the Kent Historic Environment Record and aerial photographs the application site would appear to be located in an area of significant archaeology with prehistoric landscapes surrounding St Nicholas. Cropmarks recorded close to the site appear to be the vestiges of a significant WW2 buried landscape at the village which was heavily defended with encircling entrenchments. The site appears to

contain the remains of the zig-zag trenches and also an area that may be a strong point which would seem strategically located near the road.

The submitted application includes no assessment of the archaeological potential of the site or the impact from the development proposals. The proposed development is a more intensive use of the site than that proposed through the previous application for a single dwelling, meaning that the potential for relocating buildings to accommodate archaeological safeguarding is much reduced. As a result, the KCC Archaeology Officer objects to the application on the basis that the proposed development in the form proposed could affect significant archaeological remains, the impact of which could only be determined through the undertaking of an archaeological field evaluation to determine the presence, location, nature, significance and condition of archaeological remains on the site.

In response to this comment a watching brief report has been submitted by the applicant; but KCC advise that this not does provide an evaluation of the site, and the conclusion of the report is that given the high density of cropmarks in the surrounding farmland, archaeological remains could still be present in this location. KCC Archaeology therefore advise that their views have not changed, and that an archaeological field evaluation should be submitted prior to the determination of the application, without which the application should be refused.

The proposed development is therefore unacceptable as it fails to comply with paragraph 189 of the NPPF.

Other Issues

- *Ecology*

Whilst no ecological information has been submitted with the application, KCC Biodiversity have advised that having reviewed the data they have available to them that the proposed development has limited potential to result in ecological impacts. No further information or conditions are therefore required.

- *Drainage*

No concerns have been raised by either Southern Water or the Environment Agency regarding drainage from this site, and as such the impact on flooding is considered to be acceptable subject to safeguarding conditions and informatives.

- *Protected sites*

The Council has confirmed with Natural England that contributions are being sought on planning applications for residential development below 10 dwellings received after 30th October 2018 towards the Council's Strategic Access Management and Monitoring Plan to mitigate recreational impact on protected sites from housing development, due to the submission of the draft local plan to the Planning Inspectorate. In this instance the application

was received prior to this date and therefore the previous position applies in relation to the need for mitigation and assessment.

Conclusion

The proposal is contrary to Policy H1 of the Thanet Local Plan, as it would involve the development of non-previously developed land outside of the village confines. Policy H1 has limited weight, and therefore consideration needs to be given as to whether the proposed development would constitute sustainable development.

Whilst the number of units proposed through this application has increased, which would increase the economic and social benefits of the development, an increase of only 5no. Units above that previously considered could not be viewed as anything other than a modest benefit similar to the previous application.

The site is considered to be sustainably located on the edge of the village, with a footpath provision fronting the site also provided through the application; however, the site is located within the Landscape Character Area, which is characterised by a vast flat, open landscape. The Inspector when considering the previous application for a single dwelling concluded that the development of the site would cause harm to the Landscape Character Area, and given the increase in the scale of development through this application, and the lack of a sufficient justification to address this visual harm, it is considered that great weight should be attached to these environmental concerns, which are not considered to be outweighed by the social and economic benefits.

Whilst there is a need for housing, there is also a need to protect the intrinsic beauty and character of the countryside, and in this instance the need for the development is not considered to outweigh the harm to the countryside and the Landscape Character Area.

It is therefore recommended that members refuse the application on the grounds of the unacceptable harm to the character and appearance of the area, and the surrounding landscape setting of the Landscape Character Area, contrary to Policies CC1, CC2 and D1 of the Thanet Local Plan and paragraphs 127, 130 and 170 of the NPPF.

Case Officer

Emma Fibbens

TITLE: OL/TH/18/0567

Project Land North West Of Down Barton Road St Nicholas At Wade
BIRCHINGTON Kent

