

D07 **F/TH/19/1054**

PROPOSAL: Erection 2No. 3 bed dwellings following removal of existing sheds, workshop/garage and summer house

LOCATION: St Nicholas Court Farm Court Road St Nicholas At Wade
BIRCHINGTON Kent

WARD: Thanet Villages

AGENT: Mrs Jane Scott

APPLICANT: St Nicholas Court Farm Ltd

RECOMMENDATION: Defer & Delegate

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 219/25-03, 219/2504, 219/25-05, 219/25/06, 219/25-07 and 219/27-08,

GROUND:

To secure the proper development of the area.

3 Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

GROUND:

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

4 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, at St. Nicholas Court Farms Ltd, or a widow or widower of such a person, and to any resident dependants.

GROUND:

The site is not in an area intended for residential development, the close proximity to the agricultural holding would likely lead to material harm from noise and disturbance from

agricultural activity if the occupiers of the dwellings approved were independent from the agricultural holding.

5 No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

This strategy will include the following components:

1. A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying and requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

GROUND:

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

6 Prior to any part of the development being occupied a verification report demonstrating the completion works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

GROUND:

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

7 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

8 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details

GROUND:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

9 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

GROUND:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 NPPF.

10 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted.

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway.

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

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

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

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

GROUND:

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

INFORMATIVES

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. This it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with our guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater _ Contaminated Land Centre report NC/99/73

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

One of the principles of the National Planning Policy Framework is that developments should "identify and pursue opportunities for securing measurable net gains for biodiversity." As detailed within the submitted report we advise that at least two bird boxes are incorporated into the site – due to the size of the proposed development we are satisfied that the proposal is sufficient.

SITE, LOCATION AND DESCRIPTION

The application site is located off Court Road, St Nicholas at Wade. It forms part of the larger St Nicholas Court Farm complex. More specifically the site is located to the south of two existing farm cottages known as "Northbourne Cottage" and "Barham Cottage". At the time

of a site inspection it is confirmed that the site was formed partially by the side garden of “Barham Cottage” (it currently has some existing outbuildings in situ) and also by a severed parcel of land (by a closeboarded fence) which was not manicured but forming part of a wider tree screen to the main access into the farm.

RELEVANT PLANNING HISTORY

No specific relevant history for this site.

The two adjacent properties were approved planning permission under planning reference number CH/7/55/110, these were specifically for agricultural cottages (granted in July 1955)

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a pair of semi detached agricultural workers dwellings. The dwellings would be located to the southern side of “Barham Cottage”. The proposed dwellings would be positioned within the plot so that they are in-line with the existing dwellinghouses. Off street parking spaces are shown for each property to the site frontage. The proposed dwellings would be two storey with a hipped roof over and incorporating a shared two storey gable to the front with the main pedestrian access to the property to the side of this.

Each dwelling would provide an open plan kitchen/dining/lounge area, study and W.C. at ground floor and at first floor a master bedroom with en-suite and two further bedrooms together with a family bathroom

The proposed materials include natural slate to the roofs, black stained weatherboarding to the front gable and brick to the remaining elevations.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006 Saved Policies)

- H1 - Residential Development Sites
- H4 - Windfall Sites
- CC1 - Development in the Countryside
- CC2 - Landscape Character Areas
- H16 - New Agricultural Dwellings
- D1 - Design Principles
- D2 - Landscaping
- SR5 - Play Space
- TR12 - Cycling
- TR16 - Car Parking Provision

NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site. No third party representations have been received.

CONSULTATIONS

Environment Agency: Conditions are recommended to make the proposal acceptable in terms of the environment, these conditions relate to contamination and groundwater.

Southern Water: The exact position of the public water main must be determined on site by the applicant. The applicant has not stated details of the proposed means of disposal of surface water from the site- there are no public surface water sewers in the area to serve the development. Alternative means of draining surface water from this development are required

KCC Ecological Advice Service: I

Final comments - The submitted information demonstrates that the proposed development has a minimal potential to impact protected species- this is because the buildings have negligible potential for roosting bats and the vegetation within the site is regularly managed and sub optimal for reptiles.

The report highlighted that foraging/commuting bats may be present within the site therefore we recommend that any lighting proposed is designed to be sensitive for bats. We advise that we do not require a specific bat lighting condition.

There is a potential for breeding birds and an informative should be attached to any consent granted.

Initial comments - No ecological information has been submitted with this application. As a result of reviewing the data we have available to us and the information submitted we advise that further information is required with regards to the potential for ecological impacts to arise as a result of the proposed development.

COMMENTS

This application is referred to the Planning Committee as the proposal represents a departure from the Local Plan by virtue of it being located outside of the village confines on non-previously developed land, which is contrary to Policy H1 of the Thanet Local Plan.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The application site lies outside of the village confines and is 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 cannot currently demonstrate a 5 year supply of deliverable housing sites as required by paragraph 67 of the National Planning Policy Framework (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.

The proposed dwellings are proposed to be occupied by rural workers, the NPPF makes a presumption in favour of sustainable development and has placed a strong emphasis in respect of supporting economic growth in rural areas.

The NPPF, specifically paragraph 78 states that 'housing should be located where it will enhance or maintain the vitality of rural communities'. Paragraph 79 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Policy H16 of the Local Plan is consistent with this, setting out in the open countryside development will be strictly limited unless it can be demonstrated that there is a genuine security concern which necessitates the provision or a new viable agricultural unit requires on site accommodation for operational purposes.

In terms of Local Plan policy, H16 (new agricultural dwellings) states:

The provision of new agricultural dwellings in the District will only be permitted where it is demonstrated that:

- There is a genuine security concern which necessitates that provision

Or

- A new viable agricultural unit requires on-site accommodation for operational purposes

And where the proposal is acceptable in terms of access, design and location.

Where planning permission for a new dwelling is granted on the basis of agricultural requirements, a condition or legal agreement will be required to restrict occupation of the dwelling to agricultural workers and their dependents, or persons last employed in agriculture.

In this instance, it is not considered that the Local Plan policy is relevant in the determination of this application; a security concern has not been identified within the application documentation and this proposal does not concern a new viable agricultural unit; it is an established concern. On this basis the proposal is determined on the basis of two dwellings outside of the settlement confines.

Impact on countryside and Landscape Character Area

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 Wantsum North Shore Landscape Character Area (Policy CC2). It's landscape features are described as very open with few features and the former shoreline is more distinct in some places than in others with the variation in the contour pattern.

The application site partially comprises residential garden land and partially undeveloped vacant land. Tree screening is present along the southern side boundary of the site; and the site is fairly enclosed within the wider context of the site. It is not visible from the entrance into the farm complex, nor is it visible from the main road - Court Road to the north east of the site, due to screening by established vegetation. It is appreciated that the trees are not protected by any Tree Preservation Orders or by virtue of being located within a Conservation Area, and as such they could be removed at any time.

Due to the sites location it would be seen in conjunction with existing dwellings, together with the wider farm complex and its associated buildings, and therefore whilst the site is a distance of approximately 0.5km from the edge of the defined settlement of St. Nicholas at Wade, the proposed dwellings will not appear isolated or unrelated to surrounding development. In addition, if the dwellings are occupied by farmworkers as intended by the applicant, then this arrangement would contribute to the sustainability benefits of the scheme.

Whilst the proposed development would be a clear departure to Policy H1 due to the dwellings countryside location, the provision of two additional dwellings will provide a modest contribution to the district's housing supply, and given the location of the proposed dwellings in relation to surrounding development, the proposed dwellings would not appear significantly harmful to the character and appearance of the site and surrounding area. Accordingly the proposal would comply with the aims of saved Policies CC1 and CC2 of the Thanet Local Plan 2006 (the Local Plan).

Character and Appearance

Paragraph 127 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create place that are safe, inclusive and accessible. Saved policy D1 of the Local Plan outlines that the design of all new proposals must respect or enhance the character and appearance of the area, particularly in scale, massing, rhythm and use of materials.

The dwellings proposed are two storey and detached with 3 bedrooms, to incorporate a farm worker and his family.

The proposed dwellings are set in their respective plots (comparable to Northbourne and Barham Cottage). The proposed dwellings are not a design replication of the relatively simply designed adjoining 1950's cottages and this is not considered necessary in design terms. The appearance of the proposed dwellings will compliment the adjoining properties, with rhythmic fenestration (which is evident in the existing cottages) whilst introducing a gable feature shared between the two dwellings to add interest to the front elevation.

The position of the new dwellings close to the existing farmyard and the design of the property are sympathetic to the character and appearance of the locality. Whilst the proposal is located within the countryside it would be seen in the context of the adjoining dwellings and adjacent the retained tree screen, it is considered that this site could accommodate the dwellings without adversely affecting the locality.

Precise details of material have not be given as part of the application; however these can be safeguarded by condition.

Living Conditions

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The site is located within an established agricultural holding and would be some distance from the nearest residential property outside of such. The dwellings to the north would be located a sufficient distance away to ensure no harmful residential amenity impacts would occur.

Whilst there may be concerns that the occupiers of the proposed dwellings would have disturbances resulting from large agricultural vehicles moving around their site at potentially all hours of the day. The applicant has confirmed that the units would be occupied by farm workers rather than by occupants not associated with the holding. On this basis dwellings would be acceptable, however if they were to be occupied independently from the agricultural holding it would be likely to cause harm to the living conditions of the occupants therein. It is therefore considered that a condition should be attached to link the occupancy of the dwellings to the agricultural holding.

Local Plan policy SR5 requires new dwellings with two bedrooms or more to provide safe doorstep play space for young children. The private gardens would provide a safe play space and space for clothes drying, refuse storage and storage facilities.

In terms of the living conditions of the future occupiers of the proposed dwellings, the Council's Draft Local Plan to 2031 has now been submitted and Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Policy D1 of the Thanet Local Plan requires development to provide a high quality layout and paragraph 127 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to

provide an acceptable level of outlook, natural light and ventilation for the rooms. The proposed dwellings meet all of this criteria in terms of the overall floor space and window provision to habitable rooms.

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

Transportation

It is proposed that the dwelling would utilise the existing access off Court Road.

The submitted plans indicate that each of the proposed dwellings would have a parking/manoeuvring area located to the front of each dwelling. Given the size of the site, it is considered that this is acceptable. Officers are therefore satisfied that there could be sufficient parking provision at the site.

The impact upon highway safety is therefore considered to be acceptable.

With regard to the transport sustainability of the site workers occupying these dwellings would be able to walk to their place of employment. Furthermore the site is approximately 0.5km from the defined village, which has a Post Office, primary school and two public houses, and therefore whilst there is no defined footpath, future occupants could walk or cycle to the village along Court Road, which appears to have limited traffic movements. Given the relationship between the proposed dwelling and the farm complex, and the intention for farmworkers to occupy the units; and given the relatively short distance to the centre of St.Nicholas where there are facilities and services to serve the development, the proposal is considered to be generally sustainable in its location.

Ecology and Trees

A Preliminary Ecological Appraisal was submitted with the application this demonstrates that the proposed development would have minimal potential impact to protected species. There are existing trees on site, these are not protected by a Tree Preservation Order. From a site visit it was clear that these well self seeded and of varying quality. Some of the established shrubs and trees may need to be removed but it is not considered that they are appropriate for protecting.

Contributions

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection

Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

This application includes a draft Unilateral Undertaking which is intended to secure the required financial contribution for the 2no. 3 bed residential units to mitigate the additional recreational pressure on the SPA area.

Conclusion

The proposal is contrary to Policy H1 of the Thanet Local Plan, as it would involve the development of 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.

The two residential dwellings proposed, whilst intended to be occupied by farmworkers, cannot be classified as agricultural dwellings as they do not meet the tests of Policy H16 of the Thanet Local Plan. In terms of judging the application as to whether it represents sustainable development, it is considered that the proposal would provide economic benefits both in terms of creating jobs during construction and supporting villages services, but also by providing two dwellings that are intended to be occupied by workers of the adjoining farm on the edge of the village. In terms of social benefit it would clearly provide a family home for workers to live on and there would be benefits to the commercial enterprise, along with a modest contribution to the Councils housing supply. In terms of the environmental harm it is considered to be relatively limited due to the enclosed nature of the site, the presence of trees to the boundary, and the location of the site within the existing farm complex where the proposed dwellings are seen in relation to the adjacent residential properties.

Given the location of the two dwellings, within an existing farm complex, it is considered that there is the potential for the occupants to be affected by activities associated within the farm, including heavy machinery/plant being moved around outside of normal working hours. Such activity could cause harm to the occupants of the proposed dwellings if they were not associated with the holding, it is therefore considered reasonable to attach an occupancy condition. The proposed dwellings are each afforded curtilage parking, which is considered to be acceptable. The proposal in all other respects is considered to be acceptable.

In summary it is considered that the economic and social benefits of the scheme outweigh any environmental harm resulting from the development.

It is therefore recommended that Members defer and delegate the application to officers for approval subject to safeguarding conditions and the submission of a signed legal agreement securing the required mitigation to the SPA.

Case Officer

Gill Richardson

TITLE: F/TH/19/1054

Project St Nicholas Court Farm Court Road St Nicholas At Wade BIRCHINGTON
Kent

Scale:

