

**D06**

**OL/TH/19/1352**

PROPOSAL: Outline application for the erection of a detached bungalow with garage, with all matters reserved

LOCATION: Hackemdown Holland Close BROADSTAIRS Kent CT10 3QJ

WARD: Kingsgate

AGENT: Mr Tony Michael

APPLICANT: Mr Page

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the satisfactory completion of a legal agreement within six months of the date of this resolution securing the required planning obligations as set out in this report and the following safeguarding conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

**GROUND;**

As no such details have been submitted.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

**GROUND;**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

**GROUND;**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

**GROUND;**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

5 Details to be submitted in pursuant of Condition 1 above shall show the building of single storey height, and not exceeding the ridge height of the adjacent bungalow Hacklemdown.

**GROUND;**

In the interests of visual amenity and to safeguard the intrinsic character and beauty of the countryside and green wedge, in accordance with Policies D1, CC1 and CC5 of the Thanet Local Plan

6 The development site area shall be in accordance with submitted drawing 03 received 07 October 2019.

**GROUND;**

To secure the proper development of the area.

7 The details to be submitted in pursuant of Condition 1 above shall make provision for two parking spaces and an adequate turning area within the curtilage of the site and shall be completed prior to the first occupation of the bungalow hereby approved. Thereafter said spaces shall be kept available for parking use at all times.

**GROUND;**

In the interests of highway safety.

8 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

i. Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii. Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND;**

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with the advice contained within the National Planning Policy Framework.

9 No development shall take place until details of the foundations design and any other proposals involving below ground excavation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND;**

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with the advice contained within the National Planning Policy Framework.

**SITE, LOCATION AND DESCRIPTION**

The application site is located within a small enclave of residential dwellings accessed by Holland Close and forms part of the garden area of Hackemdown. Hackemdown is a large single storey detached bungalow located within a large rectangular plot to the southernmost point of Holland Close, orientated to the north west of the plot.

Holland Close lies outside the built up areas of Kingsgate to the north and Broadstairs to the south and is characterised by predominantly large, detached dwellings set within generous plots and has a wholly residential character. Surrounding Holland Close and the adjacent dwellings fronting Whiteness Road is North Foreland Golf Course to the north west and mature woodland to the south east, which provides a landscaped and open/vegetative character.

The application site is located within the Green Wedge and countryside which separates Margate and Broadstairs, and within the Central Chalk Plateau Landscape Character Area (renamed Undulating Chalk Farmland within the Draft Local Plan). This Landscape Character Area is characterised by a generally flat or gently undulating landscape, with extensive, unenclosed fields under intensive arable cultivation.

**RELEVANT PLANNING HISTORY**

OL/TH/12/0319 - Application for extension of time of planning permission F/TH/09/0187 for outline application for the erection of a detached dwelling and associated parking with all matters reserved - Refused 28/06/2012 - Allowed at Appeal 02/07/2013 under reference APP/Z2260/A/13/219/0158

OL/TH/09/0187 - Outline application for the erection of a detached dwelling and associated parking with all matters reserved - Granted 25/06/2009

RN/TH/06/0308 - Renewal of consent reference RN/TH/03/0321 for the erection of a detached bungalow with garage - Granted 21/04/2006

RN/TH/03/0321 - Renewal of outline consent for the erection of detached bungalow with garage - Granted 15/05/2003

RN/TH/00/0282 - Renewal of consent for the erection of a detached bungalow with garage - Granted 16/05/2000

RN/TH/97/0225 - Renewal of consent for the erection of a detached bungalow with garage -  
Granted 20/05/1997

RN/TH/94/0160 - Renewal of consent for the erection of a detached bungalow with garage -  
Granted 20/04/1994

OL/TH/91/0333 - Renewal of consent for erection of a detached bungalow with garage -  
Granted 20/05/1991

OL/TH/88/0327 - Erection of detached bungalow with garage on land adjoining  
Hackemdown - Granted 06/06/1988

TH/85/0269 - Erection of detached bungalow on land adjoining Hackemdown - Granted  
09/05/1985

### PROPOSED DEVELOPMENT

The application proposes outline consent with all matters reserved for the erection of a detached bungalow and garage within the south eastern portion of the garden of Hackemdown.

An illustrative plan indicating the potential location and scale of the detached bungalow has been provided, however all matters including access, layout, scale, design and landscaping are reserved for future consideration through a reserved matters application.

The application site has a long planning history of outline planning consent/ renewal of consent for the erection of a detached bungalow and garage upon the application site. The most recent planning permission was allowed at appeal by the Planning Inspectorate on the 2nd July 2013. This application has since expired, and this consent was not implemented. As such, there is no extant consent for this proposal.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2006 (Saved Policies)**

CC1 - Countryside

CC2 - Landscape Character Area

CC5 - Green Wedges

D1 - Design Principles

D2 - Landscaping

H1 - New Residential Development

SR5 - Doorstep playspace

TR12 - Cycling

TR16 - Car Parking Provision

### NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. One letter of objection was received from the general public. The letter raises the following concerns:

The application makes no reference to the nearby TPO trees B/TPO/1(1956) W1 and W8. Development this close to the wooded areas would require careful management of the root protection areas of the trees and the outline of the development looks to be very close to the protected trees.

An arboricultural report should be submitted to examine the RPA perimeter for the planned development.

## CONSULTATIONS

**KCC Archaeology** - Thanet is generally rich in archaeological remains and the application site lies in an area of potential Bronze Age sites. Immediately west of the property, Bronze Age finds have been made and to the east two tumuli are recorded which are probably Bronze Age barrows with a number of later Saxon graves attached. Work by the Trust for Thanet Archaeology in 2007 immediately south of Hackemdown encountered apparent Roman military remains in advance of construction of a pond for the nearby golf course.

It is possible that significant archaeological remains could be present at the development site which could be damaged or destroyed by proposed groundworks. I would therefore suggest that as part of any planning consent granted provision is made for an archaeological evaluation to be followed by mitigation that is informed by the evaluation. I note that the previous appeal permission included a requirement that reflected our previous advice however we would prefer the use of the clauses as set out below which better define a staged agreement of the evaluation, subsequent mitigation and agreement of foundation details if that is needed to enable preservation in situ to be achieved. It would be preferable for evaluation to take place prior to any detailed application so preservation of archaeology, if needed, is considered in the final design.

**KCC Highways** - The proposed development does not meet the criteria to warrant involvement from the Highway Authority in accordance with current consultation protocol arrangements. Request informatives are attached to the consent in the event planning permission is granted.

**Natural England** - On the basis of the appropriate financial contribution being secured to the relevant scheme, Natural England concurs with your authority's conclusion that this is suitable mitigation, as such the proposed developments will not have an adverse effect on the integrity of Thanet Coast and Sandwich Bay SPA and Ramsar site.

**Southern Water** - The applicant has not stated means of disposal of foul drainage from the site. Require a formal application for a connection to the public foul sewer to be made by the applicant or developer. Request that informatives are attached to the decision notice, should the proposal be approved.

## COMMENTS

This application is brought to Planning Committee as the application is a departure to Policy CC5 of the Thanet Local Plan.

The main considerations with regard to this application is the principle of development, the impact of the proposed development on the character and appearance of the area, the impact upon residential amenity, and the impact upon highway safety.

## **Principle**

### *Housing Need*

There is a current need for housing within Thanet. The NPPF states in paragraph 49 that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact on the green wedge/ countryside, sustainability of the site, character and appearance of the proposed development and highway safety.

### *Impact on Countryside and Green Wedge*

The application proposes the erection of a single detached bungalow on land designed as Green Wedge (saved Policy CC5, draft Policy SP22) and countryside (saved Policy CC1, draft Policy SP21) which separates Margate and Broadstairs, and is within the Central Chalk Plateau Landscape Character Area (renamed Undulating Chalk Farmland within the Draft Local Plan) (saved Policy CC2, draft Policy SP22).

Saved Policy CC1 states that within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.

The site is within the Central Chalk Plateau (renamed as Undulating chalk farmland with the draft Local Plan) which is characterised by a generally flat or gently undulating landscape, with extensive, unenclosed fields under intensive arable cultivation. The character of this area is also defined by the proximity of the edges of the urban areas.

Saved Policy CC5 relates to the green wedge (of which the site forms part) and states that development within the green wedges will not be permitted unless it is not detrimental or contrary to the aims of the policy, or is essential for the development to be located within a green wedge. Four aims of the policy broadly pertain to retain the separate physical identities of towns; to prevent the consolidation of development between the built up areas and open countryside of the green wedge, including the extension of isolated groups of houses or other development; to conserve and protect the essentially rural and unspoilt character and distinctive landscape qualities of the countryside separating urban areas; and to prohibit all but essential development and other development which does not detract from the character and appearance of the area.

In this case, the application site is located within a comprehensive cluster of dwellings within the Green Wedge, served by Holland Close which is surrounded by vegetation and trees. The application site is located to the south east of the existing dwelling, a large detached bungalow which is located immediately adjacent to the Golf Course.

Consent has been granted a series of times from the 1980's-2013 for outline consent for a detached bungalow at this site. The most recent consent was not implemented and has since expired.

In considering the previous appeal, the Inspector noted that the application site was wholly contained by its surroundings and not open to any public views beyond Holland Close, and Holland Close's character was considered to be wholly residential. The Inspector considered that the proposed bungalow would be scarcely visible from outside the curtilage of Hackemdown and that no harm would arise to the character and appearance of the area as a result of the proposed development.

No significant alterations to the surrounding character and appearance of the area or the relevant planning policies have occurred since this assessment was made. The boundaries of the green wedge/countryside and landscape character area have not altered in relation to the application site. This proposal is the same as the proposal which was approved through this appeal reference APP/Z2260/A/13/2190158. Accordingly, given the location of the proposed dwelling within Holland Close, surrounded by thick trees and vegetation to the south and west and the presence of Hackemdown and vegetation to the north, views of the proposed dwelling from the green wedge/countryside and landscape character area will be screened, and the site will be viewed in the context of Holland Close, which has a separate residential character to the surrounding area of the Green Wedge.

With regards to sustainability the site is not served by any public transport and is not within close proximity of public transport. The Planning Inspector previously considered that whilst the proposed dwelling would be within the countryside, the distances to either the built up areas of Broadstairs and Margate were not significant, and a long distance cycle route is available at the end of Holland Close. As such, the Inspector concluded that the proposal would provide a suitable location for a dwelling in keeping with the sustainable development principles included within the NPPF.

As the proposed development is the same as the previous approval, and no significant alterations have occurred to planning policy which would affect this proposal, it is considered that the assessment made by the Planning Inspectorate remains valid in the assessment of this application.

Whilst the proposed development would represent non-essential development within the green wedge and the countryside, it is considered that due to its intended single storey scale and residential garden location, and the presence of tree and vegetation screening around the site and the existing dwelling, that no significant harm would arise to the intrinsic character and beauty of the green wedge, countryside and Landscape Character Area, especially given the fallback position that would allow for a similar sized outbuilding to be constructed within the curtilage of the site.

The proposed development is therefore considered to be in accordance with Policy CC1 of the Thanet Local Plan, with the need for housing outweighing the harm to the countryside in this instance; and as an acceptable departure to Policy CC5 of the Thanet Local Plan, subject to the assessment of all other planning considerations.

### **Character and Appearance**

The proposed development would involve additional built development within the green wedge and countryside. As outlined above, given the location of the application site within a comprehensive close with a wholly residential character and the presence of surrounding buildings and vegetation/ tree screening, together with the intended single storey scale of development, the proposed development is not considered to result in an unacceptable incursion into, or harm to the intrinsic character and beauty of the green wedge, countryside and Landscape Character Area.

As this is an outline application with all matters reserved, precise details of the appearance, scale and siting of the dwelling have not been provided. However, an illustrative plan has been submitted indicating the potential layout, with the design and access statement advising the intention for the proposed dwelling to be single storey in scale. The illustrative details submitted indicate that a detached dwelling and garage could comfortably be accommodated on the application site, with sufficient garden land achieved for the proposed dwelling, and retained for the existing dwelling, resulting in two relatively large plots, which are considered to suitably reflect the character and pattern of development of Holland Close.

It is considered that the intended single storey scale of the proposed development is imperative to make the development acceptable within its context with regards to its visual impact, and as such a condition will be attached to the consent restricting any future reserved matters proposal to a single storey scale.

It is therefore considered that a single storey detached dwelling could be achieved on this site which would not result in harm to the character, appearance or pattern of development of the area, in accordance with Policies D1, D2, CC1 and CC5 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

As the development would be restricted to single storey, and given the separation distances between the site and the neighbouring dwellings, it is considered that a dwelling in the location illustrated would not cause a significant degree of loss of light, sense of enclosure or overlooking to neighbouring occupiers.

Based on the illustrative layout plan the proposed dwelling could offer a high standard of accommodation that meets the national space standards, and the plot is capable of providing suitable external doorstep play space, refuse storage, clothes drying facilities and cycle storage for the future occupiers of the proposed dwelling.

The proposal is therefore not considered to result in harm to the residential amenity of surrounding neighbours or the future occupiers of the proposed dwelling, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Highways**

The proposed dwelling would utilise the existing access to Hackemdown. It is considered that the proposed plot is capable of providing adequate car parking of at least 2No. off street parking spaces and cycle storage within the site to serve the proposed dwelling. Details of parking provision and turning areas would be finalised at reserved matters stage, should the application be approved.

The proposed development is therefore considered to be acceptable in terms of highway amenity and highway safety, in accordance with Policies TR12 and TR16 of the Thanet Local Plan.

### **Archaeology**

The application site is located in an area which has potential for significant archaeological remains to be present. KCC Archaeology have requested safeguarding conditions for an archaeological evaluation followed by mitigation informed by the evaluation prior to the commencement of development.

The agent has agreed to the requested conditions, which shall be attached to the decision in the event planning permission is granted. Subject to these safeguarding conditions, the impact upon archaeology is considered to be acceptable and in accordance with the National Planning Policy Framework.

### **Impact to Trees**

Concern has been raised regarding the proximity of the proposed dwelling to the adjacent woodland, which are protected by a Tree Preservation Order. As this is a outline application precise details of the appearance, scale and siting of the dwellings are not required at this stage. It is considered that the application site is large enough to accommodate a detached dwelling with sufficient clearance to the protected trees to prevent harm to their root protection zone and this will be finalised as part of a future reserved matters application.

### **Special Protection Area**

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 and an appropriate assessment has been undertaken.

A draft Unilateral Undertaking for the required financial contribution of £350 for the proposed residential unit to mitigate the additional recreational pressure on the SPA area has been received and is currently in the process of being finalised.

## **Conclusion**

The application site is located outside the urban settlement confines, within the green wedge. The site has benefited from a series of planning consents and the Planning Inspector judged the most recent application to be acceptable. There have been no significant alterations to planning policy, or the character of the site since this assessment was made. Accordingly, given the concealed location of the application site, within a comprehensive close with a separate, wholly residential character to the surrounding green wedge, and the presence of tree and vegetation screening, together with the built form of Hacklemdown and the intended single storey scale of the proposed dwelling, it is considered that there would be limited harm to the intrinsic character and beauty of the green wedge, countryside and Landscape Character Area as a result of the proposed development.

There is an identified need for housing within Thanet, and therefore whilst the proposed development would provide limited social and economic benefits associated with the construction and occupation of a single additional dwelling, when weighed against the environmental harm, which would also be limited by virtue of the reasons stated above, which relate to the location and context of the application site and the modest scale of the development proposed, the proposed development is considered to be, on balance, an acceptable departure from Policy CC5 of the Thanet Local Plan.

The proposed development is considered to have an acceptable impact upon the living conditions of adjacent neighbours, and highway safety and amenity among other material considerations.

It is therefore recommended that Members defer and delegate this application to officers for approval, subject to safeguarding conditions and the receipt of a signed Unilateral Undertaking securing the required Special Protection Area Contribution.

## **Case Officer**

Jenny Suttle

TITLE:

OL/TH/19/1352

Project

Hackemdown Holland Close BROADSTAIRS Kent CT10 3QJ

