

D10

OL/TH/16/0417

PROPOSAL: Outline application for mixed use residential and business development comprising 19 dwellings, 4 live-work units, and a detached building incorporating a shop and cafe, together with associated access roads, paths and vehicle parking, including access and layout

LOCATION: Land Between Manston Road And Preston Road, Adjoining Manston Green Industries Manston Ramsgate Kent

WARD: Thanet Villages

AGENT: Mr John Elvidge

APPLICANT: Montgomery And Partners LLP

RECOMMENDATION: Defer & Delegate

Subject to the following conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected 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 No development or other operations shall take place on site until a detailed construction management statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- (a) Provision for construction vehicle loading/unloading and turning facilities for the duration of the construction period;
- (b) the location of any temporary buildings and compound areas;
- (c) the location of parking areas for construction and other vehicles;
- (d) the measures to be used to prevent the deposit of mud and other deleterious material on the public highway; and,

The development shall be carried out in accordance with the approved construction management statement.

GROUND:

In order that the Local Planning Authority may retain control over the construction activities in the interests of the amenities of the locality in accordance with the NPPF.

6 Prior to the first use of any of the development hereby permitted, a scheme detailing measures to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed.

GROUND:

To ensure satisfactory development of the site.

7 The development hereby approved shall incorporate a bound surface materials for the first 5 metres of the access from the edge of the highway.

GROUND:

In the interests of highway safety.

8 Details pursuant to condition 1 shall include full details (in the form of scaled plans and / or written specifications) to illustrate the following: -

- i) Parking provision in accordance with adopted standard.
- ii) Turning areas
- iii) secure, covered cycle parking facilities

The scheme shall be implemented as approved prior to the first occupation of the units hereby approved.

GROUND:

In the interests of highway safety

9 Prior to the use of the site commencing the accesses and associated alterations in Manston Road and Preston Road shown on the submitted plans or as amended by details to be submitted to and approved by the Local Planning Authority shall be completed.

GROUND:

In the interests of highway safety

10 Details pursuant to condition 1 (in the form of scaled plans and / or written specifications) shall include, but not necessarily be limited to, the following; proposed roads, footways, footpaths, verges, junctions, sewers, retaining walls, service routes, vehicle overhang margins, embankments, accesses, carriageway gradients, driveway gradients and street furniture.

The development shall be laid out and constructed in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

GROUND:

In the interests of highway safety

11 Prior to the first use of any of the units hereby approved the following works between a dwelling or the shop/café and the adopted highway shall be completed:

- a) Footways and/or footpath, with the exception of the wearing course;
- b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

GROUND:

In the interests of highway safety

12 Prior to the first use the existing access to and egress from the site shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.

GROUND:

In the interests of highway safety

13 Prior to the first use of any development served by the new accesses onto Manston Road or Preston Road hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan for that access. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1 metre above the level of the adjacent highway carriageway.

GROUND:

In the interests of highway safety.

14 Details pursuant to condition 1 shall include full details (in the form of scaled plans and / or written specifications) to illustrate the provision of an internal pedestrian link between the Manston Road and Preston Road accesses.

GROUND:

In the interests of highway safety

15 Prior to the first use of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.

GROUND

In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and saved policy D1 of the Local Plan.

16 No dwellings hereby permitted shall exceed 2 storeys in height.

GROUND:

In the interests of the amenities of the locality in accordance with the NPPF and to define the terms of the permission.

17 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

18 No development or other operations shall commence on site until the existing trees and/or hedgerows along the site boundaries to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

GROUND:

To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF and saved policy D2 of the Local Plan.

19 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 Saved policies HE11 and HE12 of the Local Plan.

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, 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 taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

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 Highways and Transportation to progress this aspect of the works prior to commencement on site.

The District Council is committed to reducing crime and the fear of crime through design. You are therefore strongly advised to contact external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety before making any reserved matters application for the development.

A formal application for connection to the public sewerage system and water supply is required in order to service this development. Please contact Southern Water, Sparrowgate House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0199) or www.southernwater.co.uk

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made on submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

SITE, LOCATION AND DESCRIPTION

The application site is located on the periphery of Manston Village. The site is irregular in shape comprising land to the north, east and south of Jubilee Cottages which front Manston Road and land opposite The Leys on Preston Road. The area to the north and east of Jubilee Cottages has a post and wire enclosure to the Manston Road frontage and was ploughed at the time of the site inspection. There are perimeter trees and vegetation particularly to the northern boundary. The land between Jubilee Cottages and the rear of houses in The Green is uncultivated and enclosed by a brick wall. The land fronting Preston Road has trees and vegetation to the road boundary.

There is a Tree Preservation Order on trees to the south of Jubilee Cottages.

RELEVANT PLANNING HISTORY

F/TH/11/0526 Erection of 2No. single storey dwellings, one with integral garage, one with detached garage together with associated parking. Refused. Appeal dismissed

R/TH/06/0288 Erection of 2no. detached bungalows, erection of a detached garage and associated car parking and access, being details pursuant to permission OL/TH/02/1165. Granted 04/05/06

OL/TH/01/0741 Demolition of existing prefabricated timber bungalow and erection of five dwellings (outline). Refused 05/12/01

OL/TH/02/1165 Outline Application for the Erection of Two Detached Dwellings. Granted 12/03/03

OL/TH/95/0701 Erection of two dwelling houses Refuse 30/11/95

PROPOSED DEVELOPMENT

This application seeks outline planning permission for a proposed shop/café and residential development. All matters are reserved (appearance, landscaping, layout and scale) with the exception of access (layout and scale was withdrawn from consideration by the applicant's agent).

The submitted layout show the village shop/café located along the Preston Road frontage. Two dwellings are shown between Jubilee Cottages and The Green; the live/work units are located behind Manston Green Industries. To the North of Jubilee Cottages and extending back into the site towards the proposed shop/café there the remaining dwellings.

A new vehicular access is provided onto Manston Road (at the north eastern end) the illustrative plan shows these will serve the majority of the dwellings, with the exception of the live/work units. The live/work units are shown to utilise an existing access onto Manston Road. A further access onto Preston Road which is shown to serve the proposed café/shop.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006) Saved Policies

H1- Housing
H4 - Windfall Sites
H8 - Mix of dwellings
H14 - Affordable housing negotiations on housing sites
TC1 - New Retail Development
HE11 – Archaeological Assessment
HE12 -Archaeological Sites and Preservation
TR4 – New Road and Highway Improvements
TR12 - Cycling
TR16 - Car Parking Provision
D1 - Design Principles
D2 - Landscaping
SR5 - Play space
SR10 – Public open space
SR11 - Private open space
CC1 - Development in the Countryside (urban and rural confines)
CC2 - Landscape Character Areas
R1 - General Levels of Development
R4 - Village Shops
CF1 – Community facilities
CF2 - Development Contributions

NOTIFICATIONS

A total of eight letters have been received; four letters of support and four of objection
The letters of support detail:

- The need for a village shop and café
- Development would provide a heart to the village following the loss of the post office and shop in the High Street
- Supporter expresses interest in operating the shop/café
- Provides the type of housing and additional residents that can only have a positive effect
- Proposed footpath from Jubilee Cottages to near Wood Farm will be beneficial

The following concerns are made about the proposal:

- Highway safety issues- road is busy and used as a rat run, limited footpaths, speeding traffic, lack of visibility, entrance from Manston Road with the road layout
- Loss of countryside

- No economic benefit - Preston Caravan Park has a shop and the public house serves teas and coffees
- Effect on local ecology, flora and fauna
- Junction of Preston Road and Manston Road subject to repeated flooding, extra run-off may exacerbate the problem
- Lack of school places
- Loss of hedgerow to Preston Road
- Views and skyline would be spoiled
- Out of keeping with the semi-rural location of Manston

Manston Parish Council: This development would cause big issues with the surrounding highways. The parking situation around the site already causes concerns and this would add to the problems.

CONSULTATIONS

KCC Highways: Having regard to the additional/amended drawing numbers 604/203 Rev. B, 204 Rev. D, 205 and 208 Rev. B submitted for the above and also confirmation that the site layout is not for consideration at this time. The proposals are unlikely to generate a level of traffic that would have a severe impact on the highway network. The revised access arrangements in Manston Road and Preston Road have acceptable visibility and include additional footways, including a pedestrian crossing point and build-out in Preston Road, to allow connection to the existing footway network and therefore provide pedestrian access to/from the village and local bus stops. I therefore now have no objection in respect of highway matters subject to the imposition of conditions relating to a construction management plan, discharge of surface water, surface of the access, vehicle parking and turning, cycle parking, completion of access and highway alterations, closure of access, visibility splays and pedestrian link between Manston and Preston Road accesses.

TDC Strategic Housing Manager: Strategic Housing would like 30% of the 19 dwellings to be affordable housing. This equates to 5.7, which we would expect to be rounded up to 6. The split of the units must be representative of the units on the scheme.

In 2013, Thanet District Council undertook a rural housing needs survey in Manston. Although there was only a 26% response rate, the findings were as follows.

- * 14 adults and 1 child have a housing need
- * 8 respondents live in Manston and 1 previously lived there and has family there.
- * Overall a need for 9 affordable homes for local households was identified:
 - 4 single people
 - 3 couples
 - 2 families

This scheme would satisfy the need for affordable units within Manston.

In line with TDC policy, the split of the affordable units would be expected to be 70% Affordable rent (Social rent), and 30% Shared Ownership. This split could be negotiated depending on the units identified as affordable.

If affordable housing were not provided there would be an objection.

The number of affordable units required by the Housing Officer was later reduced to 5.

Kent Police: The applicant/agent has considered crime prevention and has attempted to apply the seven attributes of CPTED in their combined Planning and Design and Access Statements (D&AS) and it was pleasing to note the reference to NPPF paragraph 69 on page 9 of the D&AS which states:

"secondly, 'safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion'"

Should this application proceed, I would welcome a meeting with the applicant/agent to discuss Crime Prevention in more detail, including the security of the residential units and for the proposed shop/café, particularly if an ATM is to be considered.

KCC Regeneration Projects: A contribution of £3324.00 per 'applicable' house (x19) is required towards Phase 1 of the expansion of Birchington Primary School (total £63,156.00) and a contribution of £2,359.80 per 'applicable' house (x19) towards Royal Harbour Secondary School Phase 1 works (total £44,836.20).

To mitigate the impact of this development, the County Council will need to provide additional library books to meet the additional demand to borrow library books which will be generated by the people residing in these Dwellings.

The County Council therefore requests £48.02 per household (total £1104.36) to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.

To provide: 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc.) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.

KCC SUDS: No objection. Recommend conditions relating to the submission of detailed sustainable surface water drainage scheme and no infiltration of surface water drainage.

Southern Water: No objection. Request an informative relating to the public sewerage system and water supply and a condition relating to foul and surface water sewerage disposal.

KCC Archaeology: Given the archaeological potential of the site, the relatively undeveloped nature of it and the potential impact of development I would advise that, the site should be subject to further archaeological evaluation and subsequent mitigation to either preserve in situ or investigate significant remains that may be present. A planning condition is recommended in relation to archaeological field evaluation works.

Natural England: The application site is in close proximity to Thanet Coast & Sandwich Bay Special Protection Area (SPA) and Ramsar site, part of which is also designated as the Tankerton Slopes and Swalecliffe Special Area of Conservation (SAC).

The above site is also designated at a national level as Sites of Special Scientific Interest (SSSIs) (the Thanet Coast SSSI and Sandwich Bay to Hacklinge Marshes SSSI).

In advising your authority on the requirements relating to the Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based upon the information provided, Natural England offers the following advice:

- The proposals are not necessary for the management of the European sites
- Subject to appropriate financial contributions being made to strategic mitigation, the proposals are unlikely to have a significant effect on these sites, and can therefore be screened out from any requirement for further assessment

When recording your Habitats Regulations Assessment, we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects: Appropriate financial contributions should be made to:

- The Thanet Coast and Sandwich Bay SPA SAMM Plan being developed in conjunction with Thanet District Council.
- This strategic mitigation will need to be in place before the dwellings are occupied.

Natural England is satisfied that the proposed developments being carried out in strict accordance with the details of the applications, as submitted, will not damage or destroy the interest features for which the SSSIs named above have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining these applications. Should the details of these applications change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

KCC Ecological Advice Service: 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), the information submitted with the planning application and current photos provided by the applicant we advise that the proposed development has limited potential to result in ecological impacts. We require no additional information to be submitted prior to determination of the planning application.

The photos provided by the applicant confirm that the site is actively managed (mixture of ploughing and grass cutting) and as such it does reduce the potential for habitat suitable for protected/notable species to have established within the proposed development site.

When we originally commented the aerial photos indicated that the site contained rough grassland we highlighted that these habitats may provide suitable habitat for protected/notable species. However the photos submitted by the applicant that there is reduced potential for protected/notable species to be impacted by the proposed development.

There are mature trees within the boundary of the site but we understand that they are not within the redline boundary - we advise that measures are put in place during works (if granted) to protect the trees and their roots from being damaged/impacted by the works.

It's likely that bats forage within the proposed development site - particularly along the boundaries with the mature trees. Lighting can be detrimental to roosting, foraging and commuting bats and we advise that the lighting is designed to be sensitive towards bats. We also advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.

We understand that the final layout of the proposed development will be a reserved matter; we recommend that details of ecological enhancement are included within the proposed layout to demonstrate that they will be implemented.

COMMENTS

The application is brought before Members as a departure to policy H1 of the Thanet Local Plan, as the site is located outside the confines of Manston village, within the open countryside. In addition Cllr. Crow-Brown has requested that the application be determined by the Planning Committee to consider impact on the area.

The key issues in the determination of this application include the principle of development, character and appearance, living conditions, transportation, affordable housing, planning obligations, and other material considerations.

Principle

The application site lies within an area designated as countryside as defined by the Thanet Local Plan. Policy CC1, covers this issue; development in the countryside. This policy 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 'Settlement Pattern and Hierarchy' Topic Paper to the emerging local plan identifies Manston as a rural village and describes it as follows:

“Manston is a small village and has no shops or commercial services other than a public house. There is no doctor or dentist surgery. The village contains a cluster of small industrial units, and other business being mostly local farms. A Parish Plan of 2009 suggests that the majority of residents did not consider there was scope for more housing in the parish, and some sought scheduled bus services to Westwood for shopping and to Minster for a doctor's surgery.”

It identifies Manston as a smaller rural village with no/limited services and the following potential growth and key policy implications for accommodating future development requirements:

“Maintain individual form and character. Maintain and where feasible increase local services to level to serve village population and reduce reliance on other centres.

Housing development should be limited to opportunities within current village confines and to scale reflecting village's character and availability of accessible local services.”

The 'Housing Levels for Rural Settlements' Topic Paper concludes the following for rural housing at Manston:

“Acol, Sarre and Manston

These villages are poorly served with services and facilities required day to day by their residents. The table above suggests that compared with facilities in the larger villages, the scale of growth that might attract even basic services such as a single convenience shop at Acol, Sarre and Manston would be very substantial in proportion to their existing size and difficult for their existing communities to absorb.”

At the villages of Acol, Sarre and Manston housing development should therefore be minor in scale and consistent with their form and historic scale of growth.

Finally, the Strategy for the Planned Location of Housing identifies a key principle as being to “focus new housing development at locations where a range of services can be accessed conveniently without reliance on use of private cars, and where feasible to optimise use of previously developed land”.

The Local Plan Proposed Revision to draft Local Plan (preferred options) January 2017 has now been published. Amongst other issues covered, Section 4 deals with proposed additional housing sites. In combination with the Preferred Option Local Plan published in 2015, the Council is seeking to make full provision for the housing requirement of 17,140 dwellings for the Plan period to 2031.

The weight to be given to the emerging local plan prior to adoption is set out in the NPPF para 216. The weight given depends on the stage reached, the extent of unresolved objections, and the consistency with the NPPF. It is considered that limited weight can be attached to the draft Plan at this stage, however, the Council has been granting planning permission for development on draft allocated sites to ensure a pipeline of new housing.

However it has been determined that the Council does not currently have a 5 year supply of deliverable housing sites as required by paragraph 49 of the NPPF. For residential development, this means that planning applications for housing should be considered in the context of the National Planning Policy Framework's presumption in favour of sustainable development (paragraph 14). This is because local policies (including defined development boundaries) relating to the supply of housing are no longer considered up to date (paragraph 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.

Paragraph 28 of the NPPF promotes the development of local services and community facilities in villages such as local shops, meeting places, sports venues, cultural buildings,

public houses and places of worship. Section 7 requires good design whilst Section 8 promotes healthy, inclusive communities.

Sustainability

The NPPF details that there are three dimensions to sustainable development: economic (building a strong economy), social (providing the supply of housing required to meet the needs of the present and future generations, with accessible local services) and environmental (contributing to protecting and enhancing our natural, built and historic environment). The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life.'

In this case the site is on the edge of the village of Manston on an existing field, close to the main village centre; cross roads, which has a public house. The village also has a Caravan Park which has modest facilities that are incidental to the needs of the site. There are no other services or facilities within the village, for example a village shop, doctors or school. It is however, acknowledged that the site is physically well located to existing residential development in the village.

The village in itself is therefore considered to be unsustainable as its facilities could not support additional dwellings and their occupants. This is verified by the fact that a housing allocation is not made for the village within the Emerging Local Plan. Furthermore in order to access services and facilities, it is clear that the inhabitants of Manston village would be unlikely to access them by foot in Ramsgate. This is because there is no footpath linking Manston village to Ramsgate - Tesco Ramsgate, or schools the site is also separated from these sites by a busy main road which carries significant volumes of traffic. This together with the lack of footpath would in my view represent a significant barrier that would reduce the ability or willingness of potential future occupiers of the proposed dwellings to access the facilities and local services by foot or bicycle.

In terms of public transport, bus numbers 11 and 38 go through the village (11 is the Broadstairs to Canterbury bus and the 38 is the Palm Bay to Birchington route). Route 38 is approximately once an hour during the weekdays, but there are only hourly services to Palm Bay between 09:45 and 13:45 and hourly to Birchington between 10:00 and just after 14:00 hours. Route 11 is more limited with 4 buses to and 4 buses from Broadstairs/Canterbury during the week and Saturdays.

I am of the view that the proposal would be isolated from services/facilities and future occupiers of the proposed dwellings would be very likely to be heavily reliant on the use of a car to access the full range of services and facilities reasonably likely to be required to meet their residential needs. As a result, the proposal for just residential units would not meet the aims of paragraph 55 of the Framework, to avoid new isolated homes in the countryside, or those of paragraph 17, to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

There are no proposed housing allocations in the village of Manston, which reflects the LPA's stance that the village does not meet the definition of sustainable development as defined by the NPPF.

The proposal would, however, result in the development of 19 dwellings and 4 live-work units that would add to the local housing stock and contribute to meeting local housing need. The development as proposed would also be very likely to result in some support for the existing public house after occupation. In order to off-set the unsustainability of the site the development seeks to include a shop/café use, however for the full range of services and facilities - healthcare, education and employment (with the exception of the live/work units) residents would still have to travel outside of the village. This arrangement is similar to the village of Cliffsend, which also shares relatively close links to the town of Ramsgate.

The provision of a shop/café in a central village location would allow residents of this current proposal to be able to utilise the facility as well as serving the existing villagers and reduce their trips outside of the village for grocery provisions and meeting other residents/friends for a coffee as well as village meetings, making positive improvements to villager's quality of life. It is also acknowledged that the facility in itself would provide some benefits for existing and new residents of Manston village itself, in that it would provide some employment opportunities, and overall the shop/café would improve the sustainability of this particular development.

A balanced decision therefore needs to be taken as to whether the specific material considerations suggest that the development would be sustainable weighing up all factors. In this case weight needs to be attached to the lack of a five year housing land supply and the benefits that the proposal would bring in terms of additional retail facilities and a small number of jobs for the village, which would support the existing Manston Green Industries and housing within a central position within the village, which all add to the sustainability of the scheme as defined by the NPPF.

Retail location

In terms of saved policy TC1 (new retail development) it states that a sequential approach to the location of retail development should be taken. This means that retail development should be located within the existing core commercial centres and then if no sites are available edge of centre and then out of centre location considered. However by the very nature of the provision of a village shop it requires a village location, which is clearly not in a core commercial centre. Saved policy R4; Village shops, emphasises the Council's continued stance of supporting shopping provision in Thanet's rural settlements. The NPPF also has this approach promoting the retention and development of local service and community facilities (paragraph 28). In this case the proposal of a shop/café would introduce a use serving the wider village which does not exist currently and which there is a need for.

Taking the above issues into account it is considered that there are specific and extraordinary material considerations that indicate that this application could be determined as acceptable departure to the development plan, subject to all other material considerations and the overall planning balance.

Character and Appearance

The supporting statement indicates nineteen dwellings and four live/work units which would be provided with their own detached studio units.

The proposal will result in the loss of an area of private open space which is to be considered under policy SR11. This safeguards areas that provide active recreation opportunities or meets a deficiency in recreational facilities or has intrinsically beneficial qualities and makes a contribution to the character of the area either in itself or by virtue of the longer distance views it affords. In this case the application site does not provide recreational opportunities or meet a deficiency in recreational facilities. It forms the edge of the settlement providing a transition between the undeveloped countryside and the village, however given the low density of the scheme it could be argued that the residential scheme proposed would still provide this transition. However due to screening from the north, west and south the site does not lend itself to providing for longer views that can be considered to be of intrinsic benefit.

The site is largely formed by arable land and grassed land adjacent to the adjoining business park.

The form and character of development in the locality predominantly two storey and some single storey development. Given this character it is considered that dwelling greater than two storeys in height would be inappropriate in this semi-rural setting. Whilst appearance is a reserved matter, it would be appropriate to condition the height of the proposed dwellings at this outline stage, as a parameter for the reserved matters submission.

The site, where the dwellings would be located, is approximately 2.2 hectares, which is considered more than sufficient to accommodate twenty three dwellings whilst providing a reasonable level of amenity areas to each property. The development has a density of approximately just over ten dwellings per hectare. Whilst this gives a low density, taking into account its village location and the surrounding pattern of development this is considered appropriate and would offer a transition between the undeveloped countryside and the village.

Whilst the predominant form of residential development in the locality is linear development fronting the road there are examples of cul-de-sacs and estate type development within the locality including The Green. The illustrative plans show a small cluster of cottage style dwellings off the proposed Manston Road access and five larger detached dwellings directly fronting the road and then a private drive leading to four detached dwellings. The four live work units and the proposed two bungalows (facing out onto Manston Road) utilise the existing access, and have a close physical relationship with Manston Green Industries. The proposed shop/café would have its own access off Preston Road. These arrangements would be reflective of other development within the village.

It is therefore considered that residential development of the site (with the restrictions outlined above) would be acceptable in this location in terms of impact on the character and appearance of the locality.

Living Conditions

The potential impact upon residential amenity of adjoining residential dwellings would mainly be addressed within the reserved matters submission. The illustrative layout submitted of dwellings within their own plots would ensure that there would not be any unreasonable levels of shadowing, whilst appropriate fenestration arrangement in the proposed dwellings would help to mitigate against any overlooking between plots on the proposed development. Distance between existing dwellings and those proposed varies; however it is noted that two bungalows are shown to the south west of Manston Green Farmhouse (which is also single storey), with a minimum of approximately 20 metres between built forms. The proposed cottages that share a common boundary with Jubilee Cottages (two pairs of semi-detached two storey cottages) and face onto Manston Road are positioned at an oblique angle so that they would face onto the side elevation.

I am satisfied that the amount of development proposed could be accommodated on site without harm to residential amenity.

Transportation

The outline application seeks approval of access. The proposed site would be accessed off Manston Road and Preston Road into the site. KCC Highways initially raised concerns including in relation to the access proposed in terms of visibility, width of the proposed footway, lack of pedestrian connection between the shop/café access and the existing highway footway network on the east side of Preston Road and parking standards.

Since this initial objection additional information has been submitted. This additional information including plans altering the access position on Manston Road, indicative position of a new footway, information to demonstrate that a refuse vehicle can safely enter and egress at the proposed accesses on Manston Road and Preston Road, and Road Safety Audit.

KCC have confirmed that they can withdraw their initial holding objection, based in the additional information/plans and on the basis that the site layout is not for consideration at this time subject to conditions.

Affordable housing

Paragraph 47 of the NPPF says that local planning authorities should use their evidence base to ensure that their local plans meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework. This is reinforced by the guidance at para. 159 on the requirement to prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, to address the need for all types of housing, including affordable housing and the needs of different groups in the community. Where planning authorities have identified that affordable housing is needed, paragraph 50 says that they should set policies for meeting this need on site, unless off-site provision or financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies, the NPPF says, should be sufficiently flexible to take account of changing market conditions over time. Therefore it is for planning authorities to

determine whether affordable housing is required and, in the absence of a national threshold within the NPPF, to set their own thresholds for provision.

Affordable Housing is dealt with through Policy H14 of the Thanet Local Plan setting out 30% as the starting point for negotiations on all qualifying developments of more than 15 dwellings or sites of more than 0.5 hectares. Due to the number of dwellings proposed there is a requirement for affordable housing. The Housing Officer confirms that there is a housing need in the village of Manston (Rural Housing Needs Survey). The applicant has confirmed that they will be willing to enter into a Legal Agreement to secure 30% on site affordable housing in line with current standards.

Archaeology

As part of the application a desk based assessment by the Trust for Thanet Archaeology was submitted. The assessment concludes that the site lies in an area of high archaeological potential with numerous remains recorded in the area of prehistoric to second world war date. The report goes on to say that further research in the form of targeted field evaluation would be required to establish a base line assessment of the archaeological potential, with the design of any field evaluation taking into account the potential direct impacts of the proposed residential development to formulate any further mitigation measures.

KCC Archaeology have confirmed that they agree with the findings of the submitted report and recommended a condition for field evaluation works.

Ecology

The NPPF states at paragraph 109 that the "planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible..." The NPPF then states at paragraph 118 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

In terms of ecology potential Natural England have confirmed that they have no objection to the proposal, subject to a financial contribution relating to the Special Protection Area (SPA) Strategic Access Management and Monitoring (SAMM) Plan. Whilst KCC did initially raise concerns with the scheme from additional photographic evidence submitted by the applicant they concluded that there was a reduced potential for protected/notable species on site. However they requested that measures are put in place to protect trees and their roots during construction and recommended that ecological enhancement measures are included within the proposed layout to be considered at reserved matters stage.

Drainage

Paragraph 103 of the NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere as a result of permitting new development and that any residual risk can be managed. The application site is not within an area prone to flooding

and is designated as being of low risk; accordingly the development would not pose a flood risk issue.

A Flood Risk Assessment (FRA) supports this application (version 2.1), due to the site being over a hectare. This concluded that the site was in flood zone 1 (low probability of flooding). Suitably designed SUDS infiltration system for the disposal of surface water discharge would reduce the post development run-off from the site and reduce the risk to the neighbouring land soakaway will be designed to cater for a 1 in 100 year return period with a 40% allowance for climate change.

KCC Flood Water Management, as the Lead Local Flood Authority have confirmed that they are generally satisfied with the proposed use of infiltration to dispose of the runoff, although permeability testing is strongly recommended before the design, as if the ground is less free draining additional space may be required for attenuation. Any surface water management scheme should be capable of accommodating and disposing of the runoff from the critical, climate change adjusted, 100yr rainfall event without its capacity being exceeded. It should also be able to accommodate subsequent successive smaller rainfall events, with a half-drain time not exceeding 24 hours.

On this basis conditions are recommended in relation to a detailed sustainable surface water drainage scheme, its subsequent implementation, maintenance and management and no infiltration of surface water drainage.

Southern Water has commented that there is currently sufficient capacity within the local network to provide foul sewage disposal to service the proposed development.

The impact upon drainage and potential flood risk is therefore considered to be acceptable and in accordance with the National Planning Policy Framework.

Play Area

Policy SR5 of the Thanet Local Plan requires that for development of between 11 and 49 units, an off-site financial contribution towards the nearest equipped play area is required to be used for new or replacement equipment to serve the development. The Open Spaces Officer has advised that they would seek a contribution for play equipment for Manston Park. The amount will be verbally reported to Members.

Planning Obligations

As set out at paragraph 204 of the Framework, planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and reasonably related in scale and kind to the development proposed.

Policy CF2 of the Thanet Local Plan states that where a proposed development would directly result in the need to provide new or upgraded community facilities, the Local Planning Authority will negotiate with the applicant for a contribution towards the costs of

such provision, which is fairly and reasonably related in scale and in kind to the proposed development.

Requests for financial contributions need to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations (amended in 2014).

These state that an obligation can only form a reason in the granting of planning permission if it meets all of the following criteria:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The applicant has confirmed his agreement to make contributions in terms of affordable housing, primary and secondary education and library provision as well as the SPA mitigation package.

Whilst the application proposes a shop/café, the level of residential development would not justify the provision of the shop as a necessity, given the relatively small number of houses proposed in the application. However, the proposed shop/café would have economic and social benefits to existing and new residents of the village were it to be provided, reducing reliance of private vehicle travel and increasing the facilities available to them via sustainable forms of transportation. The applicant has submitted a unilateral undertaking to secure the provision of the shop/café as part of the development, however negotiation has taken place regarding when the building and services for the shop/café should be provided by, and how a leaseholder would be secured, to ensure the best possible circumstances for the facility to be delivered. Without the following provisions, it is considered that minimal weight can be attributed to the potential benefits of the shop/café:

- The provision of the shop/café should be prior to the occupation of any new dwelling.
- The shop/café should be fully fitted to facilitate these uses (to make it as attractive a business venture as possible) prior to the occupation of any new dwelling.
- Legal agreement to outline what happens in the event that no one to lease the shop/café is found, how it will be marketed and the level of marketing required should be agreed with the Council prior to the commencement of development. The premises should be offered to the Parish Council or similar community group to operate on a peppercorn rent if no leaseholder can be found.
- Remove permitted development rights to restrict conversion to residential.

As identified in the principal section, Manston as a settlement is currently unsustainable, and the provision of shop/café would make this development, and the village, more sustainable. Whilst the operation of the shop/café cannot be secured in perpetuity (as the running of a private business is outside the purview of the planning system), the provision of a building, which is fitted for the use and marketed thoroughly to find an occupier, would be an appropriate planning obligation that could be secured through a legal agreement as the sustainability benefits of the shop/café are necessary to make the development acceptable in planning terms and directly related to the development. The applicant has proposed the shop/café, and therefore it is considered that it is fair and reasonable related to the scale and

kind of the development to require the above timing and controls of this part of the development. Therefore the requirements would accord with Regulation 122 of the Community Infrastructure Levy regulations.

Heads of Terms

The legal agreement to be submitted in support of this application will contain the following commitments:

- 30% affordable housing – five dwellings
- £63,156 towards Phase 1 Birchington Primary School expansion,
- £44,836.20 towards Royal Harbour Secondary School Phase 1 works,
- £1,104.36 towards the additional bookstock required to mitigate the impact of the additional borrowers generated from this development
- Contribution towards play equipment at Manston Park,
- £9,384 (£408 per unit) towards the Special Protection Area
- Provision of café/shop with suitable controls to secure its delivery at an appropriate time in terms of the residential development proposed and retention of the use

Conclusion

The proposed development for housing in this location outside the settlement boundary is in principle contrary to the Local Plan. In addition the village is not in a sustainable location in terms of its proximity to shops, services and employment opportunities. Future residents would be largely reliant upon the private car for health, education and jobs.

Taking into account the lack of a five year housing land supply the application needs to be determined on the basis of paragraph 14 of the NPPF which states 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 provision of housing to meet future needs is a key element of the social dimension of sustainable development. Affordable housing is also proposed through this scheme and expanded facilities for the community will be provided in terms of a village shop café which could provide benefits for the wider village as well as residents of the proposed development.

In economic terms, the provision of housing would have short-term benefits to the local economy during the construction phase, and in terms of employment via the proposed shop/café use and associated spending and longer term economic benefits as a result of increased spending within the local economy, with a likelihood of increased support for the proposed village shop/café and existing public house.

The expansion of the village onto undeveloped agricultural land would inevitably involve a change to the character of the area in environmental terms. However, the site is well related

to the existing built form and, subject to the approval of appropriate details at the reserved matters stage, I am satisfied that development at the site would not result in any significant harm to the character and appearance of the area or wider village.

Illustrative plans have shown that the site could be developed in a manner that would not give rise to material neighbour amenity or highway safety issues. Issues pertaining to character and appearance, ecology, archaeology, drainage can all be dealt with adequately through the imposition of conditions.

It is therefore concluded, with regard to the different economic, social and environment roles of development and the planning balance, that the benefits of approving this application could be considered to outweigh the departure from the Local Plan in this specific instance subject to the specific planning obligations proposed. It is recommended that Members defer and delegate the application to officers subject to the receipt of satisfactory legal agreements (unilateral undertaking and S.106 agreement) to secure financial contributions, affordable housing and the provision of a café/shop on site.

Case Officer

Gill Richardson

TITLE: OL/TH/16/0417

Project Land Between Manston Road And Preston Road, Adjoining Manston Green Industries Manston Ramsgate Kent

