

D04

OL/TH/17/1763

PROPOSAL: Outline planning application for the erection of 22 dwellings including access

LOCATION: Manston Court Bungalows 5 Manston Road Manston RAMSGATE Kent

WARD: Thanet Villages

AGENT: Alister Hume

APPLICANT: Kentish Projects Ltd

RECOMMENDATION: Defer & Delegate

Defer & Delegate for approval subject to receipt of Section 106 agreement securing required planning obligations and the following conditions

1 Approval of the details of the appearance, layout and scale of any buildings to be erected and the landscaping of the site, (herein 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 the 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 pursuant to condition 1 shall include full details of the enhancements to the pedestrian link with Esmonde Drive and Manston Road. These shall be implemented prior to the occupation of the units hereby approved and thereafter permanently retained.

GROUND:

In the interests of sustainability and the integration of the development into the surrounding area.

6 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

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

GROUND:

In the interests of highway safety.

8 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.

9 Prior to the first occupation of any of the units hereby approved the following works between a dwelling 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.

10 Details pursuant to condition 1 shall not show any building exceeding 2 storeys with roof accommodation in height.

GROUND:

In the interests of the amenities of the locality in accordance with saved policy D1 of the Local Plan and the National Planning Policy Framework.

11 Details pursuant to condition 1 shall identify a minimum of 15% of housing to lifetime homes and wheelchair standards and include the specification of such dwellings.

GROUND:

To meet the housing needs of the community in accordance with saved policy HO8 of the Local Plan.

12 Details to be submitted in pursuant to condition 1 shall include the location and size of the affordable housing units.

GROUND:

To ensure that the required level and type of affordable housing is provided in accordance with saved policy H14 of the Local Plan.

13 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

GROUND:

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

14 Prior to the installation of any external lighting, 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 development shall be implemented in accordance with the approved scheme and thereafter maintained 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.

15 In the event that contamination is found that was not previously identified at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken at that time in accordance with a site characterisation report that shall be submitted to and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority, including remediation measures to render harmless the identified contamination given the end use of the site and the surrounding environment, including controlled waters. The remediation measures shall be implemented as approved and completed prior to the recommencement of works. Prior to the occupation of the approved development and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the National Planning Policy Framework.

16 No external meter cupboards, vents, flues or extract grilles or overhead supply cables shall be installed on any principle elevation unless in accordance with details of materials and design submitted to and approved in writing by the Local Planning Authority.

GROUND:

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

17 No development shall take place until a detailed sustainable surface water drainage scheme for the site based on the Surface Water Management Strategy incorporating a Flood Risk Assessment (dated September 2017) and sustainable drainage principles, to include, but not necessarily be limited to, the method of surface water disposal and a timetable for the implementation and a maintenance and management plan for the lifetime of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of through infiltration features located with the curtilage of the site alone.

Where infiltration is to be used to manage the surface water from the development, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority that there is no resultant unacceptable risk to controlled waters.

All surface water drainage from parking areas shall be passed through an interceptor designed and constructed to have a capacity and details compatible with the site being drained.

The management and maintenance plan shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

GROUND:

To ensure that the principle of sustainable drainage are incorporated into this process, to ensure ongoing efficiency of the drainage provisions and to protect vulnerable groundwater resources and human health from pollution in accordance with the National Planning Policy Framework.

18 No development shall take place until details of the means of foul water disposal, 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 prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

19 Prior to the occupation of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved in writing, by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with the provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

GROUND:

To enhance biodiversity

20 Details pursuant of condition 1 above shall include an area of open space in the same location and no smaller than that shown on the indicative layout plan no.23361A_SK001 Rev F received 13 December 2017. 36 percent of the proposed open space shall be formally equipped as a play area.

GROUND:

To provide open space that offers recreational, community and amenity value in accordance with Policy SR11 of the Thanet Local Plan, and guidance within the National Planning Policy Framework.

21 Details pursuant to condition 1 above shall include full details of hard and soft landscaping, including details of play equipment for the site, and an implementation timetable for the agreed works; together with a Landscape Management and Maintenance Plan (LMP) for all areas of the site falling outside the identified curtilage of dwellings.

GROUND:

To provide open space that offers recreational, community and amenity value and to integrate the development into the surrounding area in accordance with Policy SR11 of the Thanet Local Plan, and guidance within the National Planning Policy Framework.

22 Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period, and shall provide details of:

- a. the parking of vehicles of site operatives and visitors.
- b. construction vehicle loading/unloading, turning facilities and access routes/arrangements.
- c. loading and unloading of plant and materials.
- d. storage of plant and materials used in constructing the development.
- e. wheel washing facilities and their use.
- f. measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from construction works.
- g. a Construction Environment Management Plan, including details of operational construction time, enclosures for noise emitting equipment, dust and waste management policy and construction site noise management including siting of stationary noisy or vibrating plant equipment.

GROUND:

To ensure pollution prevention measures are in place for all potentially polluting activities during construction in accordance within National Planning Policy Framework paragraph 109 and in the interests of highway safety

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. 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.

Thanet District Council is committed to reducing crime and the fear of crime through design. We strongly advise the applicant 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 are required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the properties being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Surface water infiltration systems should only be used where it can be demonstrated that they will not pose a risk to underground water quality.

Piling or any other foundation designs using penetrative methods shall be permitted on those parts of the site where it can be demonstrated that there is no resultant unacceptable risk to groundwater.

All existing infrastructure associated with the existing public water main located close to the site should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water.

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

This application is the subject of a legal agreement/unilateral undertaking.

SITE, LOCATION AND DESCRIPTION

The application site (measuring approximately 0.9 hectares) was part of a larger site formerly occupied by a number semi-detached bungalows occupied by Ministry of Defence Personnel (MOD) and their families. The site lies outside any defined built up settlement and is considered to lie within the countryside for planning purposes.

The site is generally overgrown with areas of grassland and some dense scrub cover. The pedestrian paths linking Esmonde Drive to the former MOD site can largely still be seen on site, together with evidence of areas of hard standing within the site and elements of a disused equipped play area located adjacent to the south western boundary of the site. The site is largely level with no notable topographical features.

The site is covered by CC2 (Landscape Character Areas) of the saved Local Plan but is otherwise free of Tree Preservation Orders, heritage constraints or flood risk designations.

Surrounding area

To the south east of the site is a series of residential cul-de-sacs running off the Esmonde Drive (a former MOD residential development comprising some 76 two storey dwellings) and a further 12 dwellings served from Bell Davies Drive. To the north east of the site is a detached commercial building (used for car repairs/dismantling and sales), whilst development associated with the fire training school lies immediately to the north east of the site on the opposite side of Manston Road. A section of the south western site boundary abuts an adjacent field margin, with the remainder set behind an established woodland buffer extending across the south west perimeter of the Esmonde Drive residential development terminating at the junction with Spitfire Way. The airfield and associated development of the former Manston Airport lie to the south and east of the site.

RELEVANT PLANNING HISTORY

There is no planning history related to the application site itself alone, but there were a number of applications relating to the larger MOD site of which the application site once formed a part.

F/TH/03/0249 - Redevelopment of site comprising 34 two storey dwellings, together with detached garages and garage block, access roads and open space, play area and landscaping. Approved June 2003. (This consent is currently being implemented. The siting of the approved dwellings is restricted to land outside of the current application site).

F/TH/00/0027 - Removal/variation of condition 14 of planning consent reference OL/TH/99/0506 which restricts development of the site to 34 bungalows with total floor area of units not exceeding total floor area of existing development. Approved March 2000. (Revised wording of condition 14 - The development hereby approved shall be restricted to the erection of 34 houses of no more than two storeys in height, with the total floor area of the units now exceeding the total floor area of the existing development. GROUND: In the interests of achieving a satisfactory development of this site).

OL/TH/99/0506 - Demolition of existing bungalows and redevelopment for residential purposes. Approved November 1999.

PROPOSED DEVELOPMENT

This application seeks outline consent for the erection of up to 22 dwellings with access to be taken from the approved access road to the adjacent development (F/TH/03/0249) and the provision a new equipped play area within the open space serving the development and the retention and enhancement of the existing pedestrian links between the site and Esmonde Drive. All matters, except access, are reserved for future consideration. Members are, therefore, considering the principle of up to 22 residential units on the application site together with the acceptability of the access to serve the proposed development. All other matters - appearance, landscaping, layout and scale - will be the subject of a reserved matters application(s).

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006) Saved Policies

H1 - Residential Development Sites
H4 - Windfall Sites
H8 - Size and Type of Housing
H14 - Affordable Housing
H15 - Rural Local Needs Housing
D1 - Design Principles
D2 - Landscaping
HE11 - Archaeological Assessment
HE12 - Archaeological Sites and Preservation
SR4 - Provision of New Sports Facilities
SR5 - Playspace
SR10 - Public Open Space
R1 - General Levels of Development
CF2 - Development Contributions
CC1- Development in the countryside
CC2 - Landscape Character Areas
TR4 - New Road and Highway Improvements
TR12 - Cycling
TR16 - Car Parking Provision
CS10 - Contributions to Infrastructure Requirements

NOTIFICATIONS

Letters were sent to the occupiers of adjacent properties, a site notice posted close to the site and the application publicised in a local newspaper.

No representations have been received from local residents.

Minster Parish Council: Support the application on the condition that the six affordable housing units have a local lettings plan which forms part of the section 106 agreement for the development.

CONSULTATIONS

Southern Water: The exact position of the combined sewer within the site must be determined by the applicant before the layout of the finalised development is

finalised. Informatives setting out restrictions on development in the proximity of existing sewers should be attached to any grant of planning permission.

Southern Water can provide foul sewage disposal to service the proposed development and a formal application would be required for the connection. An informative to that effect should be attached to any grant of planning consent. The application makes reference to the use of soakaways to dispose of surface water from the proposed development. The adequacy of this method would need to be fully assessed. A condition requiring details of foul and surface water disposal to be submitted and approved should be imposed on any grant of planning permission.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources. Southern Water will rely on comments from the Environment Agency to ensure the protection of the public water supply source.

Southern Water can provide a water supply to the site. A formal application will be required for connection to that supply.

Environment Agency: No objection to the proposed development subject to the imposition of conditions relating to unexpected contamination, surface water infiltration and foundation design.

Natural England: The application will result in a net increase in residential accommodation, impacts on the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Thanet Council has measures in place to manage that impact and this should mitigate against the potential effects of the development.

KCC (Flood and Water Management): No objection in principle. A condition to secure the submission and agreement of a surface water drainage scheme should be imposed on any planning consent.

KCC (Archaeology): Have reviewed the online submission and our own case notes on the former bungalow site. The adjacent site permitted under TH/03/0249 was the subject of an archaeological evaluation that identified Bronze Age remains. Due to the conditions in that area we agreed further works would be addressed through controlled monitoring of the soil stripping of the site which is hopefully underway on the present construction.

Given the archaeological potential of the area it would be appropriate for further archaeological evaluation and mitigation of the present proposals. I advise that a condition for a programme of archaeological work be attached to any forthcoming consent.

KCC (Highways and Transportation): The proposals are unlikely to have a severe impact on the highway network that would warrant a recommendation for refusal. Vehicular and pedestrian access is to be via the access and internal street already approved under F/TH/03/0249, which are currently under construction. Additional pedestrian access is proposed via connections to existing pedestrian routes in Esmonde Drive and Manston Road. Also note that the internal roads are to remain private. Therefore, raise no objections in respect of highway matters subject to the following being secured by condition - construction management plan, access road and visibility splays as shown on the submitted drawings, completion of pedestrian links as shown on the submitted plans, measures to prevent surface water discharge to the highway, provision and permanent retention of vehicle and cycle parking and turning space, bound surface to the first 5 metres of the access from the edge of the highway and the completion of works between dwellings and the adopted highway prior to the first occupation of the dwelling.

KCC (Biodiversity): Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this biodiversity duty, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

Sufficient information has been provided for the determination of the planning application.

Protected Species - The submitted ecological report has carried out the required range of protected species surveys and taken into consideration any detrimental impacts. Are satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on protected species and sites. Recommend that proposed precautionary mitigation measures are incorporated into any Construction Environmental Management Plan.

Statutory Designated Sites - The development includes proposals for new dwellings within the zone of influence (6km) of the Thanet Coast and Sandwich Bay Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar sites). Therefore, the Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Subject to the above, are satisfied that the proposals may be screened out as not having a likelihood of significant effects upon the designated sites.

Enhancements - The proposed development site provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. Advise that measures to enhance biodiversity are secured by a condition on any grant of planning consent.

KCC (Economic Development): Are of the opinion that the proposed development will have an additional impact on the delivery of its services which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests - 1. Necessary, 2. Related to the development and 3. Reasonably related in scale and kind.

These tests have been applied and give rise to the following specific requirements:

Primary Education - per applicable house (22) £3,324. Total £73,128 towards Birchington Primary School Phase 2 expansion.

Secondary Education - per applicable house (22) £4,115. Total £90,530 towards Ursuline College Phase 2 expansion.

Libraries - per dwelling (22) £48.02. Total £1,056.35 towards additional bookstock at Westgate Library.

Request an informative is imposed on any grant of planning consent relating to high speed fibre optic broadband.

Kent Police: The applicant/agent has not demonstrated that they have considered crime prevention. Recommend that an informative advising the applicant/agent of the availability of the Kent Police's Local Designing Out Crime Officer should be added to any grant of planning consent.

NHS Thanet Clinical Commissioning Group (TCCG): Inevitably, any increase in the local population has a knock-on effect in terms of health care and TCCG would seek to apply this s106 contribution to meet these extra demands placed upon the local primary care health service. With regards to this particular application, despite being modest in size in its own right, it poses a risk to the provision of primary care in the locality as many practices are actively managing their patient list due to lack of clinical capacity, both in terms of workforce and physical accommodation.

Using the current NHS England guidance for premises sizing, the closest surgery to the development, Minster Surgery is considered to be appropriately sized however is poorly served in terms of parking. Any development is therefore going to increase the pressure on access to core GP services from the site.

The practice has recently sought quotes to increase the parking provision on site to relieve the pressure on the existing site. The expected cost of the proposal is approximately £45,000 and the CCG would seek a contribution towards these works.

In respect of this application, a developers contribution is required in the form of £720 per 2 bed unit, £1,008 per 3 bed unit and £1,260 per 4 bed unit.

TDC Environmental Health: Please include a condition requiring details (including those related to its ongoing maintenance) of an acoustic fence along the north east boundary of the site with the commercial building to be submitted and agreed by the Local Planning Authority.

TDC Housing: The submitted planning application confirms that the site will provide 30% affordable housing as per policy. Would like an appropriate allocation (unit size) of the properties across the whole site.

TDC Waste and Recycling: No objection.

COMMENTS

This application is reported to Planning Committee as a departure to the saved Local Plan - policy H1.

The main considerations with regard to the planning application are the principle of development, the impact upon the character and appearance of the local area, the impact upon living conditions of the occupiers of neighbouring properties and future occupiers of the development; highway safety, archaeology, biodiversity impacts, drainage and flood risk considerations together with Environmental Health considerations.

Principle

In considering the planning application under Section 38(6) of the Planning Act, any determination must be made in accordance with the development plan (in this case the Thanet Local Plan 2006) unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) sets out at paragraph 215 that due weight should be given to relevant policies in existing plans according to the degree of consistency with the guidance within the NPPF.

Although there is evidence that there was previous development of the site still partially visible, the site is now largely overgrown and, as such, the site is considered to be non-previously developed land outside of any defined settlement. The proposal is, therefore, contrary to the aims of saved policy H1 that states that residential development on non-allocated sites will be permitted on previously developed land within the existing built up confines unless specified by other Local Plan policies. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis, the NPPF indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In this case whilst the site lies beyond the village confines, it lies between an existing residential site and a residential development site currently under construction. Whilst it is acknowledged that there are limited services currently within a reasonable walking distance of the application site, the site is, however, served by bus services from stops along Manston Road including one outside the main entrance. The bus services provide access to Birchington, Acol, Ramsgate, Broadstairs, Kingsgate, Palm Bay, Canterbury, Wickhambreaux, Wingham, Preston, Minster and Westwood. There are also cycle routes along around the site. It could, therefore, be considered a fairly sustainable location with regards to services and facilities.

The proposed development would also provide a modest addition to the district's housing land supply.

The development of this site for housing could, therefore, be acceptable subject to the detailed consideration of all material considerations including the impact upon the character and appearance of the area, the impact of living conditions on the neighbouring properties and the future residents of the proposed development and highway safety.

Visual Impact on countryside

The site falls outside of the urban confines and within a Landscape Character Area. Saved policies CC1 and CC2 of the Thanet Local Plan looks to protect the open countryside and avoid disturbance to the generally flat/undulating landscape with enclosed fields under intensive arable cultivation at the edges of the urban areas within the district. As set out above, the application site was formerly part of a larger area of MOD residential accommodation. There is existing residential development along the cul-de-sacs radiating from Esmonde Drive and new two storey residential development currently under construction. It is also noted that the site's boundary to underdeveloped land are characterised by established trees and vegetation. As such, it is considered that the proposed development would be seen as an infill development and would not result in an isolated extension into the countryside.

It is considered that whilst the proposed development would be seen in short views, in longer views it is considered that it would be difficult to see the development in isolation given the

existing vegetation to its boundaries with the open countryside to the south and west and the proximity of other development surrounding the site. It is considered that the proposed dwellings would appear merged into the surrounding development and there would have no harmful impact on the surrounding landscape.

Based on the limited views of the site it is considered that there would be minimal harm on the wider landscape, including the Landscape Character Area, and the recommendations contained in the assessment are supported and would be enforced via safeguarding conditions.

Character and Appearance

The NPPF states that planning decisions should aim to ensure that development should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping (paragraph 58). 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 density of the development proposed is 22 dwellings per hectare, which is considered to be in keeping with the surrounding residential development.

The illustrative site layout plan shows that the proposed 22 units would be a mix of semi-detached and detached dwellings. Such dwelling types would be in keeping with the general pattern of development in the existing residential development and the residential development currently being built out.

Whilst the scale and appearance of the proposed dwellings is not being considered at this stage, the information submitted with the application advises that the proposed dwellings would be predominantly 2 storey in height. A development of this height/scale would be keeping with the surrounding character and appearance of the area and the scale of dwellings currently being constructed on the adjoining sites. Given the countryside location of the application site and the modest scale of existing surrounding residential development and the adjoining development a condition is proposed to restrict any future reserved matters application to development that is a maximum height of 2 storey.

Details of the materials to be used in the proposed development is not for consideration as part of this application, but it is noted from the supporting information that the proposed development would take keys from the surrounding residential development. It is considered appropriate to attach a condition to require samples of materials to be submitted and agreed.

On the basis of the information submitted, the impact of the proposed development upon the character and appearance of the surrounding area is considered to be acceptable on the basis of the information provided at outline stage, subject to safeguarding conditions relating to issues such as development height and materials.

Living Conditions

As set out above, as an outline application with only the principles and vehicular access to be considered at this time and only an indicative layout plan, it is not possible to fully assess the impact of the proposed development on the living conditions of neighbours to the site or the standard of living conditions for the future occupiers of the development at this

stage. However, it is considered that the quantum of development proposed provides sufficient flexibility to ensure that living conditions of neighbours can be safeguarded and a good standard of accommodation for future occupiers of the development provided through an appropriate layout. This will, however, need to be fully assessed at the reserved matters stage.

It is noted, that there is a commercial unit used for car repairs and sales which has the potential to generate noise and disturbance for the future residents of the proposed development. A Noise Assessment has been submitted to support the application. This assessment has considered not only the potential noise impact from the adjoining commercial building, but also potential road traffic and aircraft noise. It concludes that the development of the site would not be constrained due to road traffic noise and that standard forms of construction would provide adequate acoustic insulation against aircraft noise for future residents. It notes, however, that there is some potential for noise generated in the commercial building to affect the application site. It, therefore, recommends that mitigation could be achieved via either the exclusion of sensitive residential facades from a small area near the site's northern boundary extending into the site for a distance of approximately 4 metres at the worst case location or a 3m acoustic barrier along the site's common boundary with the commercial building. They advise that the level of sound insulation required for the material forming the barrier can be achieved by any solid, imperforate material that has sufficient integrity to form a barrier of the required height.

The illustrative layout plan shows an area of open space (with play area) running along the rear and eastern side of the adjoining commercial building as well as an acoustic fencing to its rear. The Council's Environmental Health Team have agreed with this assessment and have requested a condition requiring details of the acoustic fence (including its future maintenance) to be submitted and agreed be attached to any grant of consent. This condition is considered to be reasonable and necessary.

Affordable Housing

Affordable housing is dealt with through saved policy H14 of the Thanet Local Plan setting out 30% as the starting point of negotiations on all qualifying developments of more than 15 dwellings or sites of more than 0.5 hectares. Based on the provision of 22 units in total on the site the affordable housing requirement would be to provide 7 units.

The Strategic Housing Manager has confirmed that they would expect the affordable provision to be reflective of the mix of units on the whole site. It is considered reasonable to include a requirement for 100% nomination rights for potential occupants to be controlled by TDC to ensure that people on the local housing register are housed in the affordable housing units.

The applicant has confirmed that they are intending to meet this obligation, secured through a legal agreement. The proposal is, therefore, considered to comply with saved policy H14 of the Local Plan.

Size and Type of Units

The application is in outline form and, therefore, the exact unit sizes or types are not being agreed at this stage. Saved policy H8 of the Thanet Local Plan requires that there should be a mix of dwelling sizes and types to meet a range of community needs. This would need to come forward as part of the reserved matters application.

Policy H8 also requires that 15% of the development is provided as lifetime homes, which the applicant has agreed to.

Play Provision

The Council's Planning Obligations and Developer Contributions Supplementary Planning Document (SPD) (adopted in April 2010) states that for new residential developments of 10 to 49 units a developer will be expected to make a contribution payment for the maintenance and upgrade of play facilities within 0.87km of the site.

In this instance, however, is proposing to provide an area of publicly accessible open space to serve both the future occupiers of the proposed development, the residential development under construction as well as the existing residential occupiers of Esmonde Drive. It is proposed that the open space would be a positive landscape feature within the development helping to integrate it into its surrounding as well as providing a general landscape amenity area together with an equipped play area. Given the lack of other publically accessible landscaped areas and equipped plays areas in the local area it is considered that the provision would be a benefit to surrounding area and a social benefit from the proposed development. It is, however, noted that no information has been submitted as to what would be provided in the play area or how it and the open space would be managed in the future. Subject to the submission and approval of the details of the equipment within the play space and amenity area and its on-going management being secured via a planning condition it is considered that on site provision would be acceptable.

The illustrative layout plan shows the open space located to the rear and western side of the commercial building on the adjoining site. In this location the open space would help to mitigate any potential noise impact from that building and it is considered that this would be the most appropriate location for the open space and play area. It is considered that the location of the open space and play area should be secured via a condition.

Highway Safety

As set out above, this application seeks to agree the principle of 22 dwellings on the site with all matters except access reserved for future consideration. The application proposes to utilise the access road to the adjacent development which is currently under construction and enhances the pedestrian link through to Esmonde Drive.

KCC Highways were consulted on the application and advise that the proposal is unlikely to have a severe impact on the highway network would warrant a recommendation for refusal. They raise no objection to the proposed development subject to conditions relating to a construction management plan, access road and visibility splays as shown on the submitted drawings, completion of pedestrian links as shown on the submitted plans, measures to prevent surface water discharge to the highway, provision and permanent retention of vehicle and cycle parking and turning space, bound surface to the first 5 metres of the access from the edge of the highway and the completion of works between dwellings and the adopted highway prior to the first occupation of the dwelling being imposed on any grant of planning consent.

The requested conditions are considered reasonable and necessary. It is considered that subject to these conditions that the impact on highway safety and would provide a public benefit by providing enhanced pedestrian links within the local area.

Archaeology

The Archaeological Officer at KCC has been consulted on the application and advises that the adjacent site permitted under TH/03/0249 was the subject of an archaeological evaluation that identified Bronze Age remains. Due to the conditions in that area we agreed further works would be addressed through controlled monitoring of the soil stripping of the site which is hopefully underway on the present construction. Given the archaeological potential of the area it would be appropriate for further archaeological evaluation and mitigation of the present proposals. They recommend a condition for a programme of archaeological works be attached to any forthcoming consent.

The impact upon archaeology is, therefore, considered to be acceptable subject to the imposition of the recommended safeguarding condition.

Ecology and Biodiversity

The NPPF states at paragraph 109 states 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 continues at paragraph 118 that "if significant harm resulting from the 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.

A Preliminary Ecological Survey was submitted with the planning application outlining the details of a phase 1 habitat survey carried out on the site. This survey identified that there was the potential for reptiles to be present in part of the site and recommended that a reptile survey be undertaken to inform the determination of the application. This additional survey work has been undertaken and KCC Ecology have confirmed that they now have all the ecological information required to determine the application.

They raise no objection subject to the imposition of conditions requiring the mitigation measures proposed to be incorporated within a Construction Management Plan and to secure the ecological enhancements proposed.

The recommended conditions are considered reasonable and necessary to ensure that any ecological, biodiversity harm from the development is mitigated.

Habitat Regulations

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' 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. The proposed development is 1km from the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy. This has been accepted as an appropriate approach by Natural England.

It is considered that the SAMM request meets the test for inclusion within a S106 agreement. The contribution required in this instance would be £408 per dwelling, totalling £8,976 for the 22 units proposed. The applicants have agreed to pay this contribution and this would be secured through the S106 agreement to accompany any permission.

Drainage and Flood Risk

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 and Drainage Strategy was submitted in support of the application. It concludes that the site can be drained satisfactorily in accordance with National and Local Planning Policy Guidance and that the details of the drainage systems (foul and surface) should be the subject of suitably worded planning conditions.

Southern Water, the Environment Agency and KCC (Flood and Water Management) were consulted on the application and confirm that they have no objection to the application subject to the imposition of safeguarding conditions requiring the submission and approval of details relating to foul and surface water disposal including the use of SUDs. These conditions are considered to be both reasonable and necessary.

Planning Obligations

Policy CF2 of the Thanet Local Plan requires that where a proposed development would directly result in the need to provide new or upgraded community facilities (including transport infrastructure educational, recreational facilities or affordable housing) the Local Planning Authority will negotiate with the applicant for a contribution towards the cost of such provision, which is fairly related in scale and kind to the proposed development.

Such financial contributions would need to be secured via a S106 agreement or unilateral undertaking. The test for such contributions is that they must be fairly and reasonably related in scale and kind to the development proposed.

KCC have been consulted and have advised that there is a need for financial contributions towards primary, secondary schools and libraries. The primary contribution is in the form of £73,128 to be used towards phase 2 expansion works at Birchington Primary School and the secondary contribution is in the form of £90,530 to be used towards the phase 2 expansion of Ursuline College. KCC have advised that these schools are the nearest schools to the application site with a current expansion project, which would justify a need for financial contributions. A library contribution of £1,056.35 is also required towards additional bookstock for Westgate Library.

A request has been received from the NHS regarding the need to mitigate the increased healthcare requirement created by this housing development. They have advised that any contributions secured should be put towards the internal reconfiguration and upgrade of Minster surgery. The formulae used to calculate the contribution is based on a cost per head to provide enhanced facilities. This equates to £360 per person, resulting in an overall contribution of £19,872 for the application site. The principle of the contribution is considered to meet the statutory test of planning obligation, and the applicant has agreed to the principle of a contribution to be part of the Section 106 agreement. The impact upon healthcare provision is therefore considered to be acceptable

It is considered that the above requests meet the tests for inclusion in a S106 agreement/undertaking.

Heads of Terms

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

- 30% affordable housing,

- £73,128 towards primary school (phase 2 expansion of Birchington Primary School),
- £90,530 towards phase 1 (phase 2 expansion of Ursuline College),
- £1,056.35 towards additional bookstock at Westgate Library,
- £8,976 towards the Special Protection Area (Habitat Mitigation Contribution),
- £720 per 2 bed unit, £1,008 per 3 bed unit and £1,260 per 4 bed unit towards the upgrade of Minster Surgery.

Conclusion

Whilst the site lies within the countryside as identified by the Local Plan, the authority does not have a 5 year supply of deliverable housing sites. Accordingly the proposed housing development must be viewed in the context of the presumption in favour of sustainable development and the tests of paragraph 14 of the NPPF, with any adverse impacts of granting permission having to significantly and demonstrably outweigh the benefits from the scheme to withhold planning permission.

The provision of 22 dwellings would make a modest contribution to the District's housing supply, supporting economic and social dimensions of sustainable development, with employment provided through construction. All requests for contributions towards education, social and health care have been agreed by the applicant, and 30% on-site affordable housing is provided together with enhancement of the existing pedestrian link to the adjoining residential development off Esmonde Drive together with the provision of a publicly accessible area of open space with an equipped play area. moderate weight can, therefore, be attached to this application due to these social and economic benefits.

It is also noted that whilst there are limited facilities located within a reasonable walking distances, there are cycle links from the site and the site is located adjacent to several bus stops including one adjacent to the site entrance.

In terms of the environmental dimension, the proposal would result in the loss of countryside, but would appear as an infill between two areas of residential development and an expansion of the other development within the area with limited impact upon the wider landscape area. The density of the proposed development falls below 30 dwellings per hectare, thus in keeping with the rural character of the area, and landscape enhancements are proposed including hedgerows and trees along the boundaries of the site. Kent Highways raise no objection in principle to the proposal, and the proposed access is considered to be both safe and suitable. Therefore overall limited environmental harm would result from the proposal.

It is considered that, with safeguarding conditions and appropriate contributions and items secured via a S106 legal agreement, that there would be no adverse impact of the development on ecology, archaeology, flooding or drainage. The reserved matters application(s) will consider detailed impact on living conditions of neighbouring occupiers, however the development of the site for the development submitted can be accommodated without resulting in a significant adverse impact to residential properties in the vicinity of the site.

Therefore when considering the framework as a whole, the proposal constitutes sustainable development, as any harm is outweighed by the moderate economic and social benefits from the proposal.

It is therefore recommended that Members defer and delegate the application for approval, subject to the receipt of a satisfactory Section 106 agreement to secure the required planning obligations.

Case Officer
Annabel Hemmings

TITLE: OL/TH/17/1763

Project Manston Court Bungalows 5 Manston Road Manston RAMSGATE Kent

Scale:

