

**D04**

**F/TH/19/0438**

**PROPOSAL:** Mixed use residential and business development comprising 28

**LOCATION:** dwellings, (24no. 3-bed and 4no. 4-bed), 1,013sqm of office floor space (Use Class B1) and a detached building incorporating a shop and cafe, together with associated access roads, paths and vehicle parking

Land Between Manston Road And Preston Road Adjoining Manston Green Industries Manston RAMSGATE Kent CT12 5AX

**WARD:** Thanet Villages

**AGENT:** Miss K Banks

**APPLICANT:** Messrs Smith & Montgomery

**RECOMMENDATION:** Defer & Delegate

Defer and Delegate for approval subject to the satisfactory completion of Section 106 agreement within 6 months securing the required planning obligations as set out in the Heads of Terms and the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND;**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 18/439 02H, 18/439 05C, 18/439 06F, 18/439 10D, 18/439 11B, 18/439 12B, 18/439 13D, 18/439 14C, 18/439 15B, 18/439 16B18/439 17A, 18/439 18A, 18/439 19A, 18/439 20B18/439 21C, 18/439 22A, 18/439 23, 18/439 24A, 18/439 25, 18/439 26A, 18/439 27B, 18/439 28C, 18/439 29B, 18/439 30B, 18/439 31, 18/439 32A, 18/439 33, 18/439 34A, 18/439 35A, 18/439 36C, 18/439 38A, 18/439 39A, 18/439 40C, 18/439 41B, 18/439 43A, 18/439 44A, 18/439 45, 13282-CHR-XX-00-DR-D-6174 P4, 13282-CHR-XX-00-DR-D-6175 P2, 13282-CHR-XX-00-DR-D-6178 P3, 13282-CRR-XX-00-DR-D-6179 P1 and 13282- CHR-XX-00-DR-D-6255 P2.

**GROUND;**

To secure the proper development of the area.

3 No development shall commence until a site characterisation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority and

the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria (a) Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include

- o A survey of the extent, scale and nature of contamination
- o An assessment of the potential risks to
- o Human health
- o Property
- o Adjoining land
- o Groundwaters and surface waters
- o Groundwaters and surface waters
- o Ecological system
- o An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.(b) Submission of remediation scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.(c) Implementation of Approved Remediation Scheme The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

#### **GROUND;**

To ensure that the proposed site investigation, remediation and 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.

4 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved

works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND;**

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

5 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND;**

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

6 No development shall take place until details of the means of foul drainage 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.

7 No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed drainage scheme shall be based on the Flood Risk and Sustainable Drainage Assessment dated August 2019 and 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 within the curtilage of the site without increase to flood risk on or off site.

The drainage scheme shall also demonstrate (with reference to published guidance:

That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risks to receiving waters;

Appropriate operational, maintenance and access requirements for each drainage feature or SUDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

**GROUND;**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

8 No building or any phase of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to, and approved by the Local Planning Authority. The report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures, landscape plans, full as built drawings, information pertinent to the installation of those items identified on the critical drainage assets drawing and the submission of an operational and maintenance manual for the sustainable drainage scheme as constructed.

**GROUND;**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the NPPF.

9 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 features of archaeological interest are properly examined and recorded.

10 The development shall be carried out in accordance with the Construction Management Plan dated 22nd April 2020.

**GROUND;**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

11 The construction of the development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

**GROUND;**

In the interests of highway safety.

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

**GROUND;**

In the interests of highway safety.

13 The area shown on the approved plans for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation/use of the dwelling hereby permitted.

**GROUND;**

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

14 Prior to the first occupation/use of the development, the secure cycle parking facilities, as shown on approved plans shall be provided and thereafter maintained.

**GROUND;**

In the interests of promoting increased cycling in accordance with policy TR12 of the Thanet Local Plan

15 Prior to the first occupation/use of the site hereby permitted the vehicular access approved and associated vehicle crossing point onto the highway, as shown on the shown on the approved plans should be complete.

**GROUND;**

In the interests of highway safety.

16 Prior to the first occupation of the development hereby approved, the redundant vehicle crossing to Preston Road shall be removed and the footway reinstated in accordance with the specifications submitted to, and agreed in writing by, the Local Planning Authority.

**GROUND;**

In the interests of highway safety.

17 Completion of the following works between a dwelling/building and the adopted highway prior to first occupation of the dwelling use of the building: (a) Footways and/or footpaths, 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 and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and paragraphs 108, 110 and 127 the National Planning Policy Framework.

18 Prior to the first occupation/use of the development hereby approved the visibility splays shown on the approved plans shall be provided to the accesses with no obstructions over 1m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND;**

In the interest of highway safety.

19 Prior to the first occupation/use of the development the pedestrian visibility splays shown on the approved plans shall be provided with no obstructions over 0.6m above footway level and thereafter maintained.

**GROUND;**

In the interest of highway safety.

20 Prior to the first occupation/use of the development hereby the highway works shown on the drawings 13282-CHR-XX-00-DR-D-6174 P4, 13282-CHR-XX-00-DR-D-6175 P2, 13282-CHR-XX-00-DR-D-6178 P3, 13282-CRR-XX-00-DR-D-6179 P1 and 13282-CHR-XX-00-DR-D-6255 P2 or amended as agreed with the Local Planning Authority shall be completed.

**GROUND;**

In the interests of highway safety in accordance with paragraph 108 of the National Planning Policy Framework.

21 Prior to the first occupation of the dwellings hereby approved 1 Electric Vehicle Charging point per residential property with dedicated parking and 1 in 10 of all non allocated parking, shall be installed to the specification within Thanet Air Quality Technical Planning Guidance 2016 and thereafter permanently retained.

**GROUND;**

In the interest of air quality and amenity in accordance with EP5 of the Thanet Local Plan and paragraph 181 of the NPPF.

22 Prior to the first use of the business, lock up units or shop/cafe hereby approved 10% of the parkings spaces associated with those uses shall have Electric Vehicle Charging points, which shall be installed to the specification within Thanet Air Quality Technical Planning Guidance 2016 and thereafter permanently retained.

**GROUND;**

In the interest of air quality and amenity in accordance with EP5 of the Thanet Local Plan and paragraph 181 of the NPPF.

23 Prior to the installation of any external lighting, full details of the external lighting, including their fittings, illumination levels and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

**GROUND;**

To ensure that light pollution is minimised in the interest of the visual and residential amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

24 In the event of the cafe/shop being used for the cooking or preparation of hot food that would require the installation of an extract ventilation system, details of the location, size, type and design of the system shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the commencement of such a use, the extract ventilation system shall be installed in accordance with the approved details.

**GROUND;**

In the interest of residential amenity and in pursuance of policy D1 of the Thanet Local Plan.

25 The rating level of noise emitted from the proposed plant and equipment to be installed on the site shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142 2014.

**GROUND;**

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy D1 of the Thanet Local Plan.

26 The use of the business, lock up units and shop/cafe hereby approved shall not be used other than between the hours of 8am and 8pm in any 24 hours.

**GROUND;**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

27 Within 6 months of the works commencing an Ecological Enhancement and Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall detail what ecological enhancements will be incorporated into the site, where they will be located and how they will be managed. The plan shall be implemented as approved.

**GROUND;**

In the interests of nature conservation in accordance with the advice contained within paragraph 170 of the National Planning Policy Framework.

28 Prior to the first occupation/use of the respective part of the development hereby permitted the hard and soft landscaping to which it relates (e.g residential, industrial or shop/cafe shall be carried out in accordance with the details shown on drawing 18/439 06F.

**GROUND;**

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

29 All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

**GROUND;**

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

30 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outermost limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND;**

To protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

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

**GROUND;**

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

32 All windows serving WC's, bathrooms and ensuites in the development hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of each respective dwelling hereby permitted and permanently retained thereafter.

**GROUND:**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

33 No further alterations/extensions to the roof of Plots B01 and B02 whether approved by Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that

Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

**INFORMATIVES**

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

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

The applicant is advised that separate prior approval is required from Kent Highway Services for the new vehicle crossing/removal of the existing vehicle crossing/works within the highway and in this regard they should contact KHS on 08458 247800

A formal application for connection to the public sewerage system is 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](http://www.southernwater.co.uk).

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property 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 (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting

bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer.

### 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. 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 (10/2001 - Grounds Of Manston Green and land adjacent 4 Jubilee Cottage, Manston Road, Manston) covering a number of trees on the south east of the application site.

### RELEVANT PLANNING HISTORY

OL/TH/16/0417 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. Approved 20th September 2018.

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. Approved 4th May 2006

OL/TH/02/1165 Outline Application for the Erection of Two Detached Dwellings. Approved 12th December 2003.

OL/TH/01/0741 Demolition of existing prefabricated timber bungalow and erection of five dwellings (outline). Refused 5th December 2001

OL/TH/95/0701 Erection of two dwelling houses. Refused 30th November 1995.

## PROPOSED DEVELOPMENT

The application is for the erection of 28 dwellings (including 8 detached dwellings and 20 semi-detached two storey dwellings) and approximately 1,013sqm (gross internal area of small office units in two buildings together with 6 small lock up units for storage associated with the office units and a shop/cafe within a detached building).

The majority of the proposed dwellings (26) would be served via new access road from Manston Road with the business units and the remaining 2 residential units served off an existing access from Manston Road currently serving Manston Green Farm. The shop/cafe would be accessed either from the existing access from Manston Road or a new access from Preston Road.

The proposed dwellings would all have private amenity/garden areas and vehicle parking spaces with the business units and cafe/shop also being served by vehicular parking spaces.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan - 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  
EC1 - Land allocated for Economic Development  
EC12 - Retention of Employments sites  
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

### **Draft Local Plan**

SP13 - Housing Provision  
SP14 - General Housing Policy  
SP22 - Type and Size of Dwelling  
SP23 - Affordable Housing  
SP24 - Development in the Countryside  
SP26 - Landscape Character Areas  
SP27 - Green Infrastructure  
SP28 - Protection of International and European Designated Sites  
SP29 - Strategic Access and Management and Monitoring Plan (SAMM)  
SP33 - Local Green Space  
SP35 - Quality Development  
SP36 - Conservation and enhancement of Thanet's Historic Environment  
SP37 - Climate Change  
SP41 - Safe and Sustainable Transport  
SP44 - Accessible Locations  
H01 - Housing Development  
H09 - Housing at Rural Settlements  
H018 - Rural Housing Need and Exception Sites  
GI01 - Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ)  
GI04 - Amenity Space and Equipped Play  
QD01 - Sustainable Development  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
HE01 - Archaeology  
HE02 - Heritage Assets  
CC01 - Fluvial and Tidal Flooding  
CC02 - Surface Water Management  
SE03 - Contaminated Land  
SE04 - Groundwater Protection  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
TP02 - Walking  
TP03 - Cycling  
TP04 - Public Transport  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice placed close to the site and the application publicised in a local newspaper.

18 representations objecting to the application have been received. Their comments are summarised below.

- \* Ill conceived development;
- \* Increased congestion and traffic particularly during peak hours;
- \* Proposed access on Preston Road is on a narrow part of the road where visibility is limited;
- \* Noise and disturbance affecting residents;
- \* Loss of trees;
- \* Historic bund on The Leys will be destroyed;
- \* Development will change the semi rural character of the village irrevocably;
- \* Close to adjoining properties;
- \* General dislike of the proposal;
- \* Inadequate access;
- \* Overdevelopment
- \* Preston Road is already a rat run day and night;
- \* Traffic survey appears to have only considered the impact on Manston Road and not Preston Road;
- \* A considerable number of people use the village hall and church and park in Preston Road;
- \* Overbearing impact and loss of outlook;
- \* Out of keeping with the character of the area;
- \* Strain on existing community facilities;
- \* Local roads not suitable for delivery vehicles such as that which the shop would require nor for construction vehicles;
- \* Non sustainable location;
- \* Simple pleasures like taking the air or walking the dog will be made impossible;
- \* Conflict between different road users;
- \* Development may result in existing residents moving from the village;
- \* Affect on local ecology;
- \* Inadequate parking provision;
- \* Inadequate public transport provision;
- \* Loss of parking;
- \* There have been several near miss accidents in the surrounding area;
- \* Did not receive notification of the community consultation event;
- \* Would the business areas operate 24 hours 7 days a week?
- \* What security arrangements are proposed for the business areas? And
- \* Building designs not complementary to the surrounding area.
- \* Development too high;
- \* Conflict with Local Plan;
- \* More open space needed on the development;
- \* Do not support development if not adopted in the Local Plan.

1 representation has been received in support of the application. It makes the following summarised comments.

- \* Welcome the development as a logical use of the land;
- \* Fields are too small for modern agricultural machinery.

**Manston Parish Council:** Concerned about the proposed alterations to Manston and Preston Road, Who will use the proposed shop/cafe - if it fails will it be turned into housing? Increased numbers of houses will add to pressure from vehicles using Preston Road.

Application is within a designated protected rural area as defined by the Ministry of Housing, Communities and Local Government.

## CONSULTATIONS

**Environment Agency:** The site is mainly greenfield, but has some land use that could have led to potential hotspots of contamination. The site is in a sensitive setting for groundwater resources. There is no desk study provided for this development although this would normally be expected for a development of this scale.

Infiltration SUDs may be appropriate in this location, but will need to be controlled to ensure that the development does not cause unacceptable levels of water pollution. Surface water management should include relevant pollution prevention measures, particularly in areas of car parking/drop off zones for commercial activities.

Note from the application documents that foul drainage will connect to the local foul drainage network. No other foul option is likely to be acceptable at this location.

Planning permission can be granted if conditions requiring a strategy to deal with the potential risks associated with any contamination of the site to be submitted to and approved by the local planning authority, unexpected contamination, no infiltration of surface water into the ground without the consent of the local planning authority, submission and approval of a foul drainage strategy are attached to any grant of planning permission.

**Natural England:** No objection subject to securing appropriate Special Protection Area mitigation.

**Southern Water:** Southern Water can provide foul sewerage disposal and water supply to service the proposed development. A formal request for connection will be required, request that an informative to that effect is attached to any grant of planning permission.

Suds systems are not adoptable by sewerage undertakers so require long term maintenance and management strategies.

The cafe will require a wastewater grease trap.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

A condition should be attached to any grant of planning consent requiring details of foul and surface water drainage to be submitted to and approved by the local Planning Authority.

**KCC Archaeology:** The site was evaluated through trial trenching by the Canterbury Archaeological Trust in August 2018 and reported in December 2018. The work was commissioned by Guildcrest Homes and was aimed at evaluating the site as set out in the outline consent OL/TH/16/0417. The evaluation established that archaeological remains do exist buried on the site though development impacts can be mitigated through a programme of archaeological investigation and recording rather than requiring adjustment of

development. The remains included a background scatter of finds of prehistoric flintwork and an isolated Roman find. Of more significance was the finding of a medieval oven in a sunken feature and ditches possibly associated with it or its contemporary landscape. Given the findings I would advise there is a need for further archaeological works on the site and this can be secured through the following worded condition:

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.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

**KCC Highways:** Initially objected to the proposal with concerns about the proposed works to the highway and parking provision. The proposals have now been amended and revised plans received.

KCC Highways have now reviewed the amended submission and advise:

"I refer to the additional/amended Campbell Reith drawing numbers 6176 Rev P4, 6178 Rev P3, 6179 Rev P1, 6225 Rev P2, Technical Note T2 and Abbey Design drawing number 02 Rev G submitted for the above, and confirm the proposals are now acceptable in highway terms. The proposals are unlikely to generate a level of traffic that would have a severe impact on the highway network, particularly bearing in mind the extant permission for development of dwellings, live-work units, a shop and cafe under OL/TH/16/0417.

The revised access arrangements in Manston Road and Preston Road have acceptable visibility and include additional footways and a pedestrian crossing point in Preston Road, to allow connection to the existing footway network and therefore provide pedestrian access to/from the village and local bus stops.

The proposals also include double yellow lines along the Manston Road site frontage and at the Preston Road access, to prevent on-street parking and protect the necessary visibility requirements at the accesses and pedestrian crossing point. In the case of Preston Road this may displace some existing on-street parking, however this can be accommodated elsewhere in Preston Road.

All roads within the site are intended to stay private, i.e. not be adopted by the highway authority. The amount of parking proposed and the turning facilities provided are such that there is unlikely to be an unacceptable impact on the highway resulting from these particular issues.

I therefore now have no objection in respect of highway matters subject to the following being secured by condition:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:

(a) Routing of construction and delivery vehicles to / from the 'A' road network (this should avoid HGV's travelling through the village) (b) Parking/turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Provision of wheel washing facilities (e) Temporary traffic management / signage (f) Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development (g) Access arrangements, including the provision of visibility splays

- Provision of measures to prevent the discharge of surface water onto the highway.
- Use of a bound surface for the first 5 metres of any access from the edge of the highway.
- Provision and permanent retention of the vehicle parking shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the business unit turning and manoeuvring areas shown on the submitted plans for those specific purposes, such areas not to be used for the parking of vehicles.
- All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the accesses and associated highway alterations including parking restrictions 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, prior to the use of the site commencing.
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
  - (a) Footways and/or footpaths, 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).
- Closure of the existing access prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and maintenance of the driver visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Provision and maintenance of the pedestrian visibility splays shown on the submitted plans with no obstructions over 0.6 metres above footway level within the splays, prior to the use of the site commencing.

INFORMATIVE: 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

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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”.

**KCC Flood and Water Management:** Initially advised that the proposed drainage design was accepted in principle, but required additional details to confirm the viability of infiltration devices.

Following the submission of additional information, they have provided additional comments. They have reviewed the additional information which satisfies concerns in relation to the ground investigations. Though detailed investigation has been provided for limited locations for the site it is advisable that detailed investigations at additional locations are provided to fully demonstrate the assumptions in the design calculations. This could be secured via a planning condition for the submission and agreement of a detailed surface water drainage scheme. Conditions are also recommended requiring the submission of a verification report for the surface water drainage system and surface water infiltration.

**KCC Ecology:** Sufficient information has been submitted to determine the planning application. Satisfied with the conclusions of the submitted report that due to the current management of the site there is no requirement for specific species surveys to be carried out.

Due to the proximity to the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site initially had concerns that birds associated with the designated site may utilise the application site. We have reviewed the wintering bird surveys submitted as part of the Manston Airport application - OL/TH/18/0660. The wintering bird surveys did not specifically survey this site but due to the small size of the site and because Manston Airport is only 400m away we consider that the conclusions of that survey report - that it is unlikely to be used by birds associated with the designated sites - are likely to be valid for this site.

The ecological survey and the aerial photos confirm that there are hedgerows and mature trees within and surrounding the site and from reviewing the plans it appears that, other than to create access, the hedgerows and trees will be retained within the proposed development. The hedgerow and mature trees provide connectivity through the site and we recommend that if planning permission is granted that these features are managed to maintain the connectivity through the site.

One of the principles of the NPPF is that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can be secure measurable net gains for biodiversity.

The report has made some recommendations for ecological enhancements but more could be done to enhance the site for biodiversity. Recommend that if planning permission is

granted that a condition is imposed to secure the submission and agreement of an ecological enhancement and management plan.

Requirement for a contribution towards SPA.

**KCC Economic Development:** The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it 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 duly applied in the context of this planning application and give rise to the following specific requirements

Primary Education - £4,535 per applicable house. Total £126,98. Towards the phase 2 expansion of Manston Green Primary School.

Secondary Education - £4,115 per applicable house. Total £115,220. Towards the phase 1 expansion of additional secondary school places.

Libraries - £48.02 per dwelling. Total 1,344.44. Towards additional bookstock for Newington Library.

KCC recommends that all developers work with a telecommunications partner or subcontractor in the early stages of planning for any new development to ensure that gigabit capable fibre to the premise Broadband connections.

**Thanet Clinical Commissioning Group:** NHS Thanet Clinical Commissioning Group(TCCG) now has the responsibility for requesting Section 106 (s106) health care contributions, on behalf of developments in areas where CCG practices are located. TCCG wishes to apply for such assistance and a healthcare contribution is therefore requested against the above development in accordance with the recognised Thanet District Council Planning Obligations and Contributions Guidance.

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.

The development is likely to increase the local population by c.114 – again using the current NHS England guidance of allowing 0.08sqm per patient, this project is likely to require an additional 9.12sqm of space, roughly equating to 1 consulting room. We have taken the benchmark figure of £3,000 per sqm for development of GP space (as provided by NHS Property Services).

It would be proposed that any contribution is injected into the proposal to relocate the existing Garlinge Surgery into the neighbouring purpose built Westbrook House Integrated Care facility. There are plans being developed to convert existing space into a dedicated primary care facility. The current surgery is located in a suite of outdated portacabins which are no longer considered fit for purpose.

In respect of this application a developer's contributions is required as follows:

28 dwellings with a total occupancy of 114 people - Contribution sought £27,360.

**Kent Police - Designing Out Crime Officers:** The Planning Design and Access Statement has addressed a number of issues that clearly help to minimise and design out opportunities for crime, however there are some areas still to be addressed. The agent/applicant should contact Kent Police to discuss the outstanding issues.

**TDC Environmental Health:** Suggest that the use of the storage units as well as the business units (B1) be conditioned by times of use to 8am - 8pm and advise to add the following condition to cover any plant equipment:

The rating level of noise emitted from the proposed plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Also suggest that 1.8 high close boarded fencing be used to border the small business development area especially on the boundary with Jubilee Cottages and the proposed siting of B01 as this will provide an acoustic barrier against any potential noise from this development.

Cafe/shop

There have been no details submitted in relation to any extraction system or plant being used at the cafe and shop unit therefore recommend adding the following conditions to any consent to mitigate possible noise transference:

The rating level of noise emitted from the proposed plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Prior to the erection or installation of any extraction system at the site details of such shall be submitted to and agreed in writing by the Local Planning Authority. No extraction system other than that agreed in writing by the Local Planning Authority shall be erected or installed at the site.

There are also no proposed opening times for the cafe/shop, therefore recommend conditioning times to 8am until 6pm including deliveries to protect the residential properties at the Preston Road entrance.

Thanet is classified as Urban Medium in accordance with DEFRA guidance, so we must use the central damage costs: Residential costs of £19,567 and Commercial damage costs of £13,846 - a combined total of £33,413. Would request that a condition requiring the submission of an air quality emissions statement is submitted and approved prior to the first use of the development.

All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh

1 Electric Vehicle charging point per dwelling with dedicated parking or 1 charging point per 10 spaces (unallocated parking)

Commercial/Retail/Industrial:

10% of parking spaces (ie. developments with >10 spaces) to be provided with Electric Vehicle charge points which may be phased with 5% initial provision and the remainder at an agreed trigger level

The Construction Management Plan states that working hours will be from 07.30am Monday to Friday however working hours should be conditioned in line with TDC permitted hours so that no work starts before 08.00am.

Consideration may also need to be given to the proximity of this development to the airport. If the development falls within the noise contour areas then appropriate mitigation may be required in accordance with the policy on Manston airport.

**TDC Housing:** The Design and Access Statement states that the applicants will provide 30% of the proposed units as affordable housing in accordance with the NPPF definition. The affordable housing requirement on this site would be 8 units and this should be 5 affordable rented and 3 shared ownership.

**TDC Conservation Officer:** Reviewing the information that has been provided as part of the design and access statement for this application it would appear that the main building which is at risk from harm caused by the proposed works is the nearby Grade II listed building called The Barn at Manston Green.

Listed Buildings and Conservation Areas Act 1990, Section 66 Paragraph 1 which states when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Referring to the existing site proposed for development and that of the existing built form around it, it is visible that although the mentioned grade II listed property is only a short distance from the site in question it is largely obscured from view by less historically

significant and more contemporary developments located around it. The buildings add a sense of enclosure to the site and due to their location and orientation block views emitted from behind the listed building. I can acknowledge that there will be a loss in the sense of openness of the land behind the listed asset, but this would not impact the ability for it to be appreciated and read through long and short views across the site.

It is in my opinion that the existing perceivable character of the nearby grade II listed Barn at Manston Green will remain largely unchanged by the proposed development, despite its substantial scale, and that its setting will not be disrupted by the proposed works. I believe that this application meets local and national guidance and legislation in terms of heritage implications and therefore I do not object to this application.

## 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.

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 businesses 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 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 the 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 the use of private cars, and where feasible to optimise use of previously developed land”

The proposal is contrary to the aims of Saved Policy H1 of the Thanet Local Plan which 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. Saved Policy R1 of the Thanet Local Plan 2006 also limits development at rural settlements to minor development within the confines. Draft Policy H01 states that permission for new housing development will be granted on 1) sites allocated for residential development and 2) Non-allocated sites within the confines of the urban area and villages as shown on the policies map, subject to meeting other relevant Local Plan policies.

Paragraph 83 of the NPPF promotes the retention and 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. Paragraph 84 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The use of previously developed land and sites that are physically well related to existing settlements should be encouraged where suitable opportunities exist.

Section 8 of the NPPF promotes healthy, inclusive communities whilst section 12 requires good design

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact upon the countryside, sustainability of the site, character and appearance of the proposed development and highway safety.

A full allocation of housing for the plan period has been identified within the Draft Local Plan, which in addition to the properties built, granted planning permission, empty properties to be brought back into use, and windfall sites, will exceed the Council's requirement of 17,140 of residential units during the plan period up until 2031. The Draft Local Plan has been through examination and full consultation, and modified in response to the Inspector's comments. The Council's Cabinet has approved the recommendation to adopt the Local Plan, and has recommended adoption to Full Council, which is currently expected to take place in July. It is therefore considered that the Draft Local Plan can be given substantial weight in decision making.

In terms of housing need, the inspectors have not amended any of the figures put forward by the Council within their report, and therefore based upon the information contained within the Draft Local Plan, and supported by the Inspectors' report (para 160-177), specifically paragraph 174 where the Inspector accepted that 'the number of dwellings expected to come forward in the first five years from adoption (7,015) exceeds the five-year housing requirement (6,084)', it is considered that the Council do have a 5 year housing supply equating to 5.77 years (with a 20% buffer).

It is, however, acknowledged that this is a full application for 28 residential units on which could be considered to make a modest contribution towards the Council's housing site as a windfall housing site.

### *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 7 - 10 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 Draft Local Plan

Policy SP01 outlines that the primary focus for new housing development is in the urban area with limited development in Thanet Villages, not including Manston due to limited services and facilities required to meet the day-to-day needs of residents. 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, 48, 48A and 954 go through the village. The number of buses on these routes stopping at Manston are, however, limited with some routes only having 3 or so buses per day that stop there with early morning and afternoon stops only on school days.

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 79 of the Framework, to avoid new isolated homes in the countryside, or those of paragraph 110 to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

The proposal would, however, result in the development of 28 dwellings and over a 1,000sqm of commercial office (B1) units that would add to the local housing stock and contribute to meeting local housing and employment needs. 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 proposed office 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/business meetings and providing opportunities for starting a business, making positive improvements to villager's quality of life. It is also acknowledged that these facilities in themselves 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.

It is considered, therefore, that the application site could be considered as a site acceptable under paragraph 84 of the NPPF as whilst outside of the existing village, it would bring facilities to the villages to increase its sustainability as a whole whilst also incorporating measures to improve access pedestrian and cycling accessibility and potentially making the village more attractive to public transport providers such as bus operators by increasing the population of residents and employees in the area.

*Retail and office 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, emphasis 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 83). 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. The inclusion of the small office units would act as an extension to the existing Manston Green Business Park and would help to improve facilities within the village.

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 countryside location of the site, , the previous planning approval for the site granted under OL/TH/16/0417 and the benefits that the proposal would bring in terms of additional community facilities and a 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.

It is my opinion the application would not be acceptable if it did not include the community facility proposed; shop/café. If permission were granted by Members the community facility would need to be tied by Legal Agreement to prevent residential development of the site without the provision of the community facility.

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 an acceptable departure to the development plan, subject to all other material considerations and the overall planning balance.

### **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 127). 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.

#### *Landscape impact*

Paragraph 170 of the NPPF stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where

appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.

Adopted Thanet Local Plan Saved Policy CC2 (Landscape Character Area) identifies that the application site lies within the Central Chalk Plateau Character Area. This is described as generally flat or gently undulating landscape with extensive, unenclosed fields under extensive arable cultivation. This open landscape is fragmented by the location of large scale developments such as the airport, Manston business park and a sporadic settlement pattern to the north of the airport. The character of this area is also defined by the proximity of the edges of the urban areas. In the draft Local Plan the site lies within the Chalk Plateau Character Area (Policy SP26). The draft Local Plan states that the central part of the district is characterised by the Manston Chalk Plateau - generally flat or gently undulating landscape with extensive, unenclosed fields under extensive arable cultivation. This open landscape is fragmented by the location of large scale developments such as the airport, Manston business park and a sporadic settlement pattern to the north of the airport. The character of this area is also defined by the proximity of the edges of the urban areas. The character area contains the highest point on the island at Telegraph Hill. The elevated plateau results in long distance panoramic views to the south over Minster Marshes and across Pegwell Bay and, in the west, across the Wantsum. The elevated chalk Plateau also forms a skyline in many views back from the lower landscapes in Thanet, including the coast and marshlands.

The site is largely formed by arable land and grassed land adjacent to the adjoining business park. The proposal would 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 currently provide for longer views that can be considered to be of intrinsic benefit.

It is appreciated that the site provides opportunity for landscape planting within the proposed development and to fill in gaps in existing boundary landscaping together with the provision of new soft landscaping. These will help assimilate the development into the village and surrounding area. The site is currently largely enclosed by mature hedges and trees and it is welcomed that, other than for access purposes that much of this existing landscaping is to be retained.

It is acknowledged that there would be an inevitable change in the land use of the application site as a result of the proposed comprehensive residential development being in place. However, there would only be major visual effects in extreme close proximity to the site. Generally, the site would have minor and negligible visual effects on the local context (once built out) and the development has already been accepted in the previous outline

application as one that would not materially change the fundamental characteristics of the wider landscape or character of Manston as it would appear as a logical expansion of the village.

### *Design, layout and density*

Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places. Paragraph 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

The site for the residential element of the development would measure some 1.22 hectares giving a density, at 28 dwellings, of approximately 23 dwellings per hectare. Whilst this would be fairly low density, taking account of its village location and the surrounding pattern of development this is considered appropriate and would offer the transition between the undeveloped countryside and the village. The proposed layout appears spacious with dwellings interspersed with landscaping and views into the countryside retained through parts of the development.

The form and character of development in the locality is 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 and the fact that the proposed development is no more than two storey is considered appropriate for the area.

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 proposed plan would see 26 of the dwellings in a cul-de-sac with 6 dwellings fronting onto Manston Road to the north of Jubilee Cottages. The 2 remaining dwellings would be located to the south of Jubilee Cottages and would be served, like the proposed business units and lock up units which would form an extension to the existing Manton Green Industrial Park. The proposed shop/café would have its own access off Preston Road. These arrangements would be reflective of other development within the village.

The houses are fairly traditional in design and, whilst varied house styles are proposed, they would appear as a cohesive small development. The use of materials which are common in the village such as brick, clay tiles and hanging tiles will also help to ground the development within the village. This approach is considered acceptable in this location, especially given the guidance within the NPPF that Local Planning Authorities should not stifle design or seek to impose a particular architectural style on proposed developments.

Officers were initially concerned that the business units did not reflect their village setting or link well with the existing business units. These have now been amended to give the buildings a more traditional/rural feel whilst still being functional and providing a modern but complimentary link to the existing business units adjoining the site.

Given the above, it is considered that the impact of the proposed development on the character and appearance of the surrounding area is considered to be acceptable, subject to safeguarding conditions relating to issues such as materials and landscaping.

#### *Tree Protection Order*

As stated above, there is a TPO on some trees to the south east of the site. B02 is proposed to be located closest to the protected trees and as initially proposed would have seen the loss of 3 trees covered by the order. A further review of this part of the site has been undertaken and there is some debate as to whether all of the trees protected in 2001 all still remain on site. An established Tulip Tree is located on the site for 2001 and corresponds with the TPO plan. It is considered to be in good health and significant amenity value to the wider area. There is less clarity about whether the other two trees that would have been lost are the correct species/size to be protected under the 2001 order, and the trees on site have notably less amenity value to the surrounding area due to their limited size and visibility. The location of unit B02 within the plot has now been amended to allow the retention of the Tulip tree. Whilst the other trees would be lost, it is noted that these have less amenity value and additional trees would be planted to compensate for their loss. Given this, it is considered that the impact of the relocated bungalow is acceptable to ensure that that character and appearance of the area is not detrimentally harmed by the presence of a bungalow.

#### *Heritage Impact*

The NPPF 2019 states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193). The NPPF goes on to state in paragraph 196 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

The nearest heritage asset to the application site is the grade II listed barn located to the Preston Road frontage close to the existing access to Manston Green Nurseries. It is noted that the barn has been surrounded by a variety of different buildings and other buildings within the farmstead having changed their use in association with Manston Green Nurseries. It is considered that the proposed development would be likely to have a neutral impact on the special architectural and historic interest of the listed barn. Highway improvement works will take place along Preston Road in close proximity to the listed barn which access improvements and vegetation clearance will be likely to open views of the listed barn. Other listed buildings/structures in Manston such as the war memorial, Old Forge House and

Grove Farmhouse (which are all grade II listed) are not considered to be directly harmed by the proposed development given the distance between them and the application site and intervening buildings and structures.

As such, it is considered that the proposed development would not have a significantly harmful effect on nearby heritage assets.

### **Living Conditions**

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 127 states that planning decisions should ensure that all developments (a) function well and add to the overall quality of the area for the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) are sympathetic to local character and history including the surrounding built environment and landscape setting, (d) establish or maintain a strong sense of place, (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and (f) create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Saved policy D1 of the Local Plan seeks to provide development which allows for a good standard of accommodation for its future occupiers/users. This aim is taken forward in the draft Local Plan in its Quality of Development chapter.

The distance between existing dwellings and those proposed varies; however it is noted that two bungalows (plots B01 and B02 ) are shown to the south west of Manston Green Farmhouse (which is also single storey), with a minimum of approximately 14.5 metres between these proposed units and the farmhouse. It is, therefore, not considered that there would be any adverse impact on the residential amenities of the occupiers of the Farmhouse due to the single storey nature of the proposed properties adjacent.

Plot B02 would also share a common boundary with no. 1 The Green. There would, however, be some 17 metres between the closest built form of no. 1 and the proposed dwelling on plot B02 and it is also noted that new tree planting is proposed along the boundary between the two properties. Given this, it is not considered that there would be an adverse impact on the residential amenities of the occupiers of no. 1 The Green from the proposed development.

Plot B01 would sit adjacent to the edge of the proposed office lock up business element of the proposed development separated from it by an existing vehicular and pedestrian access beyond the access to the northwest is no. 4 Jubilee Cottages. There would be over 50 metres between the flank walls of no. 4 Jubilee Cottages and B01 and given this distance and their orientation, it is not considered that there would be any adverse impact from this relationship.

Plot 6 of the proposed development would sit adjacent to no. 1 Jubilee Cottages with a new access (vehicular and pedestrian) proposed between the two and a distance of over 50

metres between the flank walls of the existing and proposed dwellings. It is, therefore, not considered that there would be an adverse impact from their relationship.

The proposed shop/cafe would sit closest to residential plots 18 and 19 of the proposed development. The closest wall of plot 18 to would be some 33m from the closest wall of the shop/cafe with plot 19 some 40 metres from its closest wall to the closest point of the shop/cafe. Given the distances involved and the orientation of the dwellings to the shop/cafe it is not considered that there would be an adverse impact on the residential amenities for the future occupiers of these plots from the proposed shop/cafe.

Units 1 to 8 of the proposed office/business units would sit to the rear of the gardens of proposed residential plots 19, 20, 21 and 22. The office building would be separated from the dwellings by existing established vegetation and at its closest point would be some 33 metres from the proposed dwellings. Given the distances involved, it is not considered that there would be an adverse impact on the residential amenities of future occupiers of these units from the proposed office development. The second office building (units 9 to 18) would be located at an angle to the proposed residential plots 23, 24, 25 and 26 and the existing Jubilee Cottages. At its closest point it would be some 30 metres from the proposed residential units and approximately 55 metres from Jubilee Cottages (nos. 3 and 4). Given the distances involved and the orientation of the building to the proposed and existing units, it is not considered that the relationship would result in an adverse impact to the residential amenities of either existing or future occupiers.

The development has been designed and laid out to ensure that there is no direct overlooking or other adverse effect on residential amenities for future occupiers between proposed dwellings or between dwellings and the proposed business units, although it is considered appropriate to ensure that conditions are imposed to secure the obscure glazing and retention of WC and bathroom windows.

It is noted that shop/cafe and the offices with their associated lock up units have the potential to generate some noise and disturbance, but shops, cafes and offices are all uses considered to be acceptable in, or adjoining, residential areas without having a significant adverse impact on the residential amenities of adjoining occupiers. It is considered appropriate, however, to condition the hours of opening of these units together with hours of delivery to ensure any impact from these non residential uses are minimised.

In terms of the living conditions for the future occupiers of the development, it is considered that each unit would be provided with adequate levels of light and ventilation and be served by a vehicle parking space as well as each having an area of amenity space which would provide space for bin storage, clothes drying and doorstep playspace. All new residential development is required to meet the Nationally Described Space Standards to ensure a good standard of accommodation for future occupiers. The proposed units would meet the respective standards and given the above they are considered to provide a good standard of accommodation for future occupiers.

## **Highways**

Paragraph 108 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 110). These aims are reflected in the Council's Local Plan policies.

A Transport Statement has been submitted to support the application. The statement concludes that the application site is a sustainable location accessible by public transport as well as private vehicles, the proposals are unlikely to generate a level of traffic that would have a severe impact on the highway network, adequate sight lines and parking provision to serve the proposed development can be successfully achieved. Off site highway works are also proposed within the development including a new access proposed off Manston Road to serve the majority (26) of the proposed residential units where the speed limit changes from 40 to 30 miles per hour, the existing refuge on Manston Road would be relocated approximately 7 metres to the north, the existing access on Preston Road will be slightly relocated to improve visibility and a new crossing point on Preston Road adjacent to the relocated access, the provision of an internal pedestrian link between Manston Road and Preston Road and the provision of double yellow lines along the Manston Road site frontage and at the Preston Road access, to prevent on-street parking and protect the necessary visibility requirements at the accesses and pedestrian crossing point. The proposed works have all been tested through a safety audit.

KCC Highways were satisfied that the traffic generation from the scheme would be unlikely to have a significant impact on the wider highway network, but whilst they raised no objection in principle to the highway works proposed by the applicant, they had some concerns initially with the detailing of the scheme. Further work has been undertaken by the applicant to look at the detailing of the proposed highway works, specifically regarding the widening of the proposed Manston Road access, slight relocation of the Preston Road access and the location of the proposed yellow lines adjacent to that access, and KCC Highways have now removed their objection.

The proposed residential development provides at least 2 off-street spaces, with the proposed business units served by 22 car 4 van and 1 lorry space. The shop/cafe would be served by 20 spaces together with a lorry space for deliveries.

KCC Highways have therefore recommended that a number of safeguarding conditions are attached to any permission, relating to the submission and agreement of a construction management plan, the submission and agreement of the layout of proposed roads, footways and other features, completion of works between any dwelling and the adopted highway to be completed prior to the first occupation of that dwelling, provision and retention of visibility

splays, vehicle and cycle, electric vehicle charging points and the turning and manoeuvring areas for the business units, closure of the existing access prior to the use of the site commencing, bound surfacing for the first 5 metres of any access from the edge of a highway, measures to prevent the discharge of surface water onto the highway and the completion of the new accesses, highway alterations and associated parking restrictions including parking restrictions on Manston and Preston Roads prior to the use of the site commencing. Best endeavours should be used to institute a Traffic Regulation order for restricting parking on area shown on the plans along Manston Road and Preston Road outside the site not under the applicants control, provisions within a Section 106 agreement would require the work to the public highway to be completed prior to the occupation of any unit on development, which the applicant has agreed to.

It is not considered that the traffic generated from the proposed development would have a significant adverse impact on the wider highway network and it is considered that the proposed highway works including the new access to Preston Road would allow for appropriate visibility splays to be provided, with no adverse impact from the new access to Manston Road or the relocation of the refuge. The creation of an additional footway, informal crossing points would benefit not only the future residents of the application site, but also existing residents of the village.

Given the above, subject to the imposition of safeguarding conditions, it is not considered that there would be an adverse effect from the proposed development on highway safety or parking in the surrounding area.

### **Affordable Housing**

Paragraph 60 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 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 paragraph 61 which states that the size, type and tenure of housing needed for different groups should be assessed and reflected in planning policies (including, but not limited to, those who need affordable housing and the needs of different groups in the community. Where planning authorities have identified that affordable housing is needed paragraph 62 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 and the Council's Housing Team have confirmed that there is a housing need in the village of Manston.

Based on the provision of 28 units in total on the site the affordable housing requirement would be to provide 8 (8.4) units. In this instance, the applicants are offering a total of 8 affordable units (plots 1 - 8 which are all 3 bed semi detached units). It is considered that the affordable provision offered is acceptable and would comply with saved policy H14 of the Local Plan.

The provision of the affordable housing would be secured through a legal agreement which also secure 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 will be willing to enter into a Legal Agreement to secure 30% on site affordable housing in line with current standards.

### **Size and Type of Units**

Policy H8 of the Thanet Local Plan requires that for development of 10 units or more there should be a mix in the size and type of housing. The proposal is for the provision of 28 dwellings (2 detached bungalows, 6 detached two storey dwellings and 20 two storey semi-detached dwellings) consisting of 2no. 3 bed detached bungalows, 20no. 3 bed semi-detached dwellings, 2no. 3 bed detached dwellings and 4no. 4 bed detached dwellings.

The Strategic Housing Market Assessment confirms that there is a need for 3 and 4 bed units as well as detached and semi-detached units. Whilst there is no provision for smaller units, the proposed mix would provide required types of housing, with the proposed type of housing providing a low density two storey development appropriate within this edge of village location. .

Policy H8 also requires that 15% of the development is provided as lifetime homes. The lifetime homes standard no longer exists and standards relating to accessible and adaptable homes are now covered by Part M4(2) and M4(3) of the Building Regulations. Government guidance advises that Local Planning Authorities can set out a policy in their Local Plans to secure enhanced accessibility or adaptability by reference to Part M4(2) and/or M4(3) of the Building Regulations. Policy QD05 of the draft Local Plan sets out the Council's policy in this regard - Accessibility provision in new developments as required by Building Regulations Part M4 shall be provided as follows: 1) 10% of new build developments will be expected to be built in compliance with building regulation part M4(2) (accessible and adaptable); 2) 5% of the affordable housing units on housing developments will be expected to be built in compliance with building regulations part M4(3) wheelchair user dwellings.

It is considered that this policy has weight given the stage the draft Local Plan has reached. Applied to this application for 28 residential units, it is considered that 3 units (2.8) would meet Part M4(2) of the building regulations and 1 (0.4) unit would meet Part M4(3).

The applicant has an affordable housing provider (west Kent) confirmed for this development and have discussed this requirement with them. They advise that "The M4(2) Lifetime Homes currently do not meet West Kent requirements, as Accessible Tenants will be allocated a home designed for their requirements. Rather than a home that we would have to temporarily vacate for adaptation works. We have accepted "Lifetime Homes" in the past,

but this has been where outlined as an initial planning requirement. The cost of the scheme will increase, We already have an approved budget for the scheme. Adding further requirements will increase the project timeline and can potentially make the scheme unviable for both parties, which is something we must avoid at all cost.`

It is noted that the proposed development would provide 2 units (B01 and B02) would meet the requirements of M4(2), but no M4(3) unit would be provided. In this instance, this is a full planning application with a provider for the affordable units confirmed, as such, it is considered likely that the proposal could come forward relatively quickly following a grant of planning permission to provide affordable units. As such, it is considered that on balance the proposal from the applicants of the 2 M4(2) dwellings is considered acceptable.

It is therefore considered that the proposal complies with Policy H8 of the Thanet Local Plan in achieving an appropriate mix in the size and type of housing.

### **Archaeology**

Thanet is rich in archaeology and saved policies HE11 and HE12 relate to archaeological assessments and preservation.

The site was evaluated through trial trenching by the Canterbury Archaeological Trust in August 2018 and reported in December 2018 following the previous grant of outline consent for the development of the site. The evaluation established that there are archaeological remains on the site though development impacts can be mitigated through a programme of archaeological investigation and recording rather than requiring adjustment of development. The remains included a background scatter of finds of prehistoric flintwork and an isolated Roman find. Of more significance was the finding of a medieval oven in a sunken feature and ditches possibly associated with it or its contemporary landscape.

KCC Archaeology have confirmed that they agree with the findings of the submitted report and the proposed condition is considered to be appropriate as a grampian condition requiring the programme to be agreed prior to development commencing on site

### **Ecology**

The NPPF states at paragraph 170 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 175 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."

An Ecological Scoping Survey has been submitted in support of the application. It states that the site is a mix of area of arable land and some grassland in the southern half. No rare plant species were found on site and apart from a house sparrow (which are still relatively common in this part of Thanet) no notable species of birds were recorded at the site. One sycamore tree was considered to have slight potential for bats by virtue of the shelter given by its ivy covering. However, it is fairly exposed and it is not proposed to be lost in the

proposed development, as such no further bat survey work is proposed. No evidence of great crested newts or other reptiles were observed on site and no suitable habitat identified for them on site. A biodiversity plan for the completed development could include the provision of bird/bat boxes and native planting would secure net biodiversity gain.

In terms of ecological 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.

KCC Ecology advise that they agree with the findings of the submitted Ecological Survey and that there are no requirements for any specific species surveys to be carried out. They note that the hedgerows and mature trees surrounding and within the site are generally proposed to be retained other than for access and welcome this. They recommend that a condition is imposed to secure the submission and agreement of an ecological enhancement and management plan.

The impact upon biodiversity is therefore considered to be acceptable, and in accordance with the NPPF, subject to the imposition of the conditions.

### **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 Section 106 agreement. The contribution required in this instance would be £12,296 for the 28 units proposed (£424 per 3 bed dwelling and £530 per 4 bed dwelling).

The applicants have agreed to pay this contribution and this would be secured through the legal agreement. An appropriate assessment has been carried out on the basis.

### **Drainage and Flooding**

Paragraph 155 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

The site lies in Flood Zone 1 as defined by the Environment Agency, thus is at a low risk of flooding. Given the size of the site, however, a site specific Flood Risk Assessment (FRA) is required to be submitted. The submitted FRA concludes that there would be no risk of flooding affecting property or the welfare of residents (existing or future occupants) arising from the development on the site and surface water discharge from the development can be

adequately managed to ensure no additional risk of flooding either on or off site. They advise that details of proposed surface water drainage could be secured via a condition on any grant of planning permission.

The Environment Agency, Southern Water, KCC as the Lead Local Flood Authority have reviewed the information and conclude that issues relating to flooding and drainage can be dealt with via the imposition of conditions requiring details of the means of foul and surface water discharge (including a verification report in relation to the surface water drainage strategy) from the proposed development to be submitted and agreed on any grant of planning permission.

The principle of the drainage as proposed is therefore acceptable and not considered to impact upon flood risk in accordance with the NPPF, subject to safeguarding conditions.

### **Contamination**

Paragraph 170 e) of the NPPF states planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The Environment Agency states that the site is mainly greenfield, but has some land use that could have led to potential hotspots of contamination. The site is in a sensitive setting for groundwater resources. There is no desk study provided for this development although this would normally be expected for a development of this scale. Infiltration SUDs may be appropriate in this location, but will need to be controlled to ensure that the development does not cause unacceptable levels of water pollution. Surface water management should include relevant pollution prevention measures, particularly in areas of car parking/drop off zones for commercial activities. They raise no objection to the proposed development subject to conditions requiring a strategy to deal with the potential risks associated with any contamination of the site to be submitted to and approved by the local planning authority, unexpected contamination, and no infiltration of surface water into the ground without the consent of the local planning authority.

With the imposition of the requested safeguarding conditions, it is considered that there would be no adverse effect from contamination on the surrounding area/existing residents nor for future occupants of the proposed development.

### **Air Quality**

Saved Policy EP5 of the Council's Local Plan relates to Local Air Quality Management. It states that proposals for new development that would result in the national air quality objectives being exceeded will not be permitted and developments that might lead to an exceedance, or significant deterioration in local air quality will require the submission of an Air Quality Assessment. Such assessments should calculate a damage cost for the

proposed development. Guidance states that damage costs are a simple way to value changes in air pollution and estimate the cost to society of a change in emissions of different pollutants. Damage costs are provided by pollutant, source and location.

An Emissions mitigation Assessment was submitted to support this application. This stated that following the adoption of mitigation measures, the development is not considered to be contrary to any of the national and local planning policies. In line with the requirement of TDC Air Quality Technical Planning Guidance a damage cost assessment was completed which gave a value of between £5,474 best case and £112,554 worst case to be used to implement mitigation measures at the development.

Environmental Health have confirmed that they are satisfied with the assessment and advise that Thanet is classified as Urban Medium in accordance with DEFRA guidance - Residential costs of £19,567 and Commercial damage costs of £13,846 - a combined total of £33,413. They recommend that conditions are imposed to secure the provision of electric vehicle charging points and the submission of an emissions strategy prior to the first occupation of the development to provide details of how the air quality damage costs are to be used to achieve air quality improvements through the development.

It is considered by officers appropriate to secure the submission of the emissions strategy prior to any reserved matters application as it will inform the development of the detailed design for the site.

Given the above, it is considered that the development of the site, with the appropriate safeguarding conditions, would not have an adverse effect on air quality in the district.

### **Play Provision**

Policy SR5 of the Thanet Local Plan states that new family dwellings will be expected to incorporate garden space in order to provide a safe doorstep play area for young children. All of the dwellings proposed have private gardens, in accordance with Policy SR5.

Policy SR5 also requires that where a development in its completed form would amount to ten to forty-nine residential units, the Council will expect a financial contribution to be made for the provision, maintenance and upgrade of play facilities.

Manston Park is the closest play area to the application site and the additional children from the proposed development are likely to have an impact on this play area. The Council's Supplementary Planning Document for Planning Obligations calculates a contribution of £24,500 towards this facility from the proposed development. The Parish Council who manage the park have, however, advised that there is no current project at the park requiring a contribution at this time, therefore requesting a contribution would not comply with Regulation 122 of the Community Infrastructure Levy Regulations which governs planning obligations.

On this basis the proposed development is considered to comply with Policy SR5 of the Thanet Local Plan as a contribution is not required to mitigate the impact of the development, with private gardens provided for all new dwellings.

## **Other Matters**

It is inevitable that there would be noise and disturbance and highway impact from construction works and the applicants have sought to minimise this impact through the submission of a Construction Management Plan. The plan sets out the details of how the construction process will be managed including hours of construction and deliveries, site storage for materials, site waste management, securing the construction site, access routes and parking for construction vehicles.

Environmental Health have reviewed the submitted plan and, whilst they generally find the submitted plan acceptable, they have some concerns about the 7:30am start for construction works on Mondays to Fridays. They advise that they expect works not to commence prior to 8am to minimise any impact on the residential amenities of nearby occupiers. An amended Construction Management Plan has now been submitted by the agent to reflect the later start time requested by Environmental Health. This is welcomed and it is considered appropriate to impose a condition to ensure that development is carried out in accordance with this amended Construction Management Plan.

## **Planning Obligations**

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 on private vehicle travel and increasing the facilities available to them via sustainable forms of transportation. It is considered appropriate that the provision of the shop/cafe should be secured through the Section 106 agreement for the application for the following:

- \* 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.

Without these provisions, it is considered that minimal weight can be attributed to the potential benefits of the shop/café:

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/cafe 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.

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 and secondary education and libraries. The primary education contribution would be £126,980 towards the phase 2 expansion of Manston Green Primary School and the secondary education contribution £115,220 towards additional secondary school places. The library contribution of £1,344.44 would be towards additional bookstock for Newington Library to mitigate the impact of new borrowers from the proposed development. It is considered by officers that the requests for contributions towards primary, secondary schools, community learning, youth service, libraries and social care meet the tests for inclusion in a S106 agreement/undertaking.

Contributions of £27,360 have been requested by the CCG towards the relocation and upgrade of Garlinge surgery. It is considered that this 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:

- 8 units of affordable housing
- 2 units which meet Building regulations part M4(2)
- £126,980 towards primary school (Phase 2 expansion of Manston Green Primary School),
- £115,220 towards secondary education (additional Secondary School Places),
- £1,344.44 towards additional stock and services at Newington Library,
- £12,296 towards the Special Protection Area (SAMM)
- £27,360 CCG contribution for the the relocation and upgrade of Garlinge surgery
- Provision, fitting out and marketing of the shop/cafe
- Off-site highways works and best endeavours to implement a Traffic Regulation Order

## **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.

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 and office units 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 together with the proposed office units 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.

All requests for contributions towards education, social, leisure and health care, have been agreed by the applicant, and 30% on-site affordable housing is provided, as well as proposed highway improvement works. Significant weight can, therefore, be attached to this application due to these social and economic benefits.

In terms of the environmental dimension, the proposal would result in the loss of countryside, but would appear as a natural expansion of Manston with limited impact upon the wider landscape area. The density of the proposed development would be approximately 23 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, drainage or contamination. There would be no impact on the significant adverse impact on heritage assets or the residential amenities of adjoining occupiers and a good standard of accommodation would be provided for future residents.

Therefore when considering the framework as a whole, the proposal constitutes sustainable development, as any harm is outweighed by the significant economic and social benefits from the proposal, and the development supports the direction of the draft Thanet Local Plan. Therefore it is recommended that Members defer and delegate the application to

officers for approval subject to the receipt of a satisfactory legal agreement to secure financial contributions, affordable housing, highway works and the provision of a café/shop on site.

**Case Officer**

Annabel Hemmings

TITLE:

F/TH/19/0438

Project

Land Between Manston Road And Preston Road Adjoining Manston Green  
Industries Manston RAMSGATE Kent CT12 5AX

