

R02

F/TH/21/0566

PROPOSAL: Erection of 2no. 2-storey 3-bed and 4no. 4-bed dwellings with associated parking and landscaping following demolition of

LOCATION: existing buildings

Ozengell Farmhouse Haine Road RAMSGATE Kent CT12 5ER

WARD: Thanet Villages

AGENT: TaylorHare Architects Ltd

APPLICANT: Mont Blanc Developments Ltd

RECOMMENDATION: Refuse Permission

For the following reasons:

- 1 The proposed development, due to the lack of a footway link along this part of Haine Road which is partly unlit and subject to the national speed limit of the road, would result in conflict between pedestrians/cyclists and users of the highway, resulting in an unsustainable development due to future occupiers being dependant on private vehicles and an unacceptable impact on highway safety. The development would, therefore, be contrary to policies SP43, QD01, QD02, TP02 and TP03 of the Thanet Local Plan and paragraphs 110, 111 and 112 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The application site lies to the west of Haine Road. The site is currently occupied by a single dwelling (Ozengell Farmhouse) which is vacant and fire damaged with the remainder clear of development, but largely overgrown. There is an unlit and un surfaced bridleway bordering the site to the south, with agricultural fields to the north and west of the site. The buildings on the eastern side of Haine Road include two Listed buildings (Ozengell Grange (Grade II), a house dating from 1711 of red brick construction with a clay tiled roof, and a tithe barn (Grade II*) dating from the late 14th or early 15th century. The barn is an oak frame construction, with a flint base and weatherboard elevations. These buildings are largely shielded from view by mature tree belts. From historic images of the application site it appears that it was covered by a number of mature trees including a tree belt to its Haine Road frontage which allowed limited views into the site. Prior to the previous planning application being submitted a number of trees within the site have been removed including those fronting Haine Road. The rear and sides of the application site still benefit from tree belts.

RELEVANT PLANNING HISTORY

F/TH/19/0345 - Erection of 4 No 4 Bed and 2 No 3 Bed dwellings following demolition of existing dwelling and outbuilding. Refused 8th August 2019. Appeal dismissed 29th December 2020. This appeal is appended to this report at Annex A.

PROPOSED DEVELOPMENT

This application seeks planning permission for residential redevelopment of the site with 2 no. 3 bedroom dwellings and 4 no. 4 bed dwellings following the demolition of the existing dwelling and attached outbuilding.

Each of the dwellings would be two storey and served by private amenity areas and parking spaces. The dwellings have been designed to take inspiration from the surrounding area, including the existing dwelling, but do not seek to create a pastiche. Materials proposed include brick, timber cladding and zinc roofs and detailing.

Access to the development would be taken from the existing access to the site from Haine Road and a footway would be provided along the frontage of the site with Haine Road.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP11 - Ramsgate
SP14 - General Housing Policy
SP15 - Strategic Housing Sites - Manston Green
SP22 - Type and Size of Dwellings
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP36 - Conservation and Enhancement of Thanet's Historic Environment
SP37 - Climate Change
SP43 - Safe and Sustainable Access
SP44 - Accessible Locations
H01 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Development
QD02 - General Design Policies
QD03 - Living Conditions
QD04 - Technical Standards
HE01 - Archaeology
HE03 - Heritage Assets
CC02 - Surface Water Management
SE04 - Groundwater Protection
TP01 - Transport Assessment and Travel Plans
TP02 - Walking

TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Consultations were sent to adjoining occupiers, a site notice posted close to the site and the application publicised in a local newspaper. No representations have been received.

British Horse Society: "Nationally, equestrians are limited to just 22% of the rights of way network nationally (significantly less for carriage drivers) and even this figure is somewhat misleading as much of it is fragmented, resulting in dead-end bridleways or restricted byways. In Kent, the figure is even lower at just 16.6%. As such any negative impact on these limited resources for development purposes is to be strongly opposed.

We note that bridleway TR10 borders the southern boundary of this proposed development. In the event that the council is minded to approve this planning application, we ask that a condition of the planning is to ensure that the path is maintained open and accessible during all works and that it should not be used for vehicular access nor as a place to store materials before, during or after the development is constructed. Fencing to the boundary of the development should not encroach on the width of the bridleway and a usable width of 3 metres should be maintained."

CONSULTATIONS

Natural England: With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives

Southern Water: Southern Water records show the approximate position of water distribution main in the immediate vicinity of the development site. The exact position of the

public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised.

- The 9 inches water distribution main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water distribution main without consent from Southern Water.
- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water distribution main.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of the construction works.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers"

(southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect water supply apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example, "The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public water supply main."

The applicant has not stated details of means of disposal of foul drainage from the site.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local

Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved, in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage to enter public sewers

The proposed development would lie within a Source Protection Zone. The applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern Water of the outcome of this consultation.

KCC Flood and Water Management: No comment.

KCC Biodiversity: We have reviewed the information in support of this application and advise that sufficient information has been provided to determine the planning application. However, we note that any future application at this site will require an updated ecological assessment as the submitted preliminary ecological appraisal is almost out-of-date (in alignment with CIEEM guidance).

Designated Sites - The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

Breeding Bird Informative - Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent:

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. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Ecological Enhancement - Under section 40 of the NERC Act (2006), and the NPPF , biodiversity must be maintained and enhanced through the planning system. Additionally, the implementation of enhancements for biodiversity should be encouraged.

The ecology report recommends enhancements which are appropriate for the development. As such, we advise that a condition is attached to planning permission, if granted, to secure the implementation of enhancements.

Suggested wording:

Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved by, the local planning authority. This will include the incorporation of recommendations within section 4.10 of the Preliminary Ecological Appraisal (KB Ecology December 2018). The approved details will be implemented and thereafter retained.

KCC Highways: "I refer to the above planning application and confirmation of the status of the site. I note the site is not connected to the existing footway network, requiring pedestrians to walk in the carriageway in Haine Road and Manston Road to reach the nearest bus stops and other services/amenities in the area. Haine Road in the vicinity of the site is an unlit, busy 'A' road with measured speeds in excess of 40 mph and its use by pedestrians is therefore likely to create hazards for users of the highway.

The proposals therefore do not provide safe access, contrary to the NPPF, and I would recommend refusal on this basis.

With regard to the Manston Green development there is still no guarantee that the development will be built out and Haine Road downgraded and improved as envisaged, even if there are time limits on reserved matters. This naturally also applies to the provision of alternative pedestrian and cycle routes through Phase 1 to Manston Road and the

improvements to public bridleway TR10. Our comments on the reserved matters approval for Phase 1 included the need to completely close off the connections shown to Haine Road until such time as later phases provide suitable improvements to allow users to safely cross the same. The current application site could therefore be occupied before the alternative pedestrian and cycle connections to Manston Road, and Haine Road downgrade/improvements, are in place.

Whilst bridleway TR10 is immediately to the south of the site, this bridleway is unpaved, unlit and not overlooked. The walking distance to the bus stops in Manston High Street is approximately 1400 metres. The walking route to the nearest bus stops in Haine Road/St John's Avenue to the north is approximately 800 metres long and approximately 200 metres of it is on a dedicated footway (this would increase to approximately 300 metres with the development immediately to the south of Spratling Lane). The bus services in Haine Road/St John's Avenue are more frequent than those through Manston and provide far less circuitous routes to Westwood Cross, Margate and Ramsgate. The nearest facilities such as schools, doctors' surgery and food store are to the east of the site off Manston Road and to the north off New Haine Road. Pedestrians are therefore far more likely to try and walk along Haine Road than they are to use the bridleway to the west.

I note the proposals are essentially the same as those dismissed on appeal under reference APP/Z2260/W/19/3243926 (application reference F/TH/19/0345). The appeal Inspector confirmed that the proposals would be contrary to national and LP policies that identify safe and convenient movement by pedestrians as an important priority for new development."

Contaminated Land Officer: Further to review of the desk study report (Ref. 19/11522/DG/GO, Albury SI, March 2019) submitted in connection with this application. I can confirm that further intrusive investigation is required to assess the risks from potential identified sources of contamination (including potential infilled old quarry, made ground, ACMs and full metals suite) from former site uses. As such recommend that condition relating to unexpected contamination and Site Characterisation and Remediation be attached to any planning consent to safeguard the development

COMMENTS

This application has been called to committee by Cllr Pugh for Members to weigh up the increased risk of fly tipping and difficulties securing the site against the lack of pedestrian access to the proposed development, especially in the light of the Manston Green progressing.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application site is part previously developed land (the part with the existing buildings) and part non previously developed land (the rest of the site). At the time the previous application was considered the site was outside of any defined settlement and considered to

be in the countryside for planning purposes. Since the adoption of the new Local Plan the site now lies within the urban area. Policy SP01 of the Local Plan (Spatial Strategy - Housing) states that the primary focus for new housing development in Thanet is the urban area. Policy H01 (Housing Development) states that permission for new housing development will be granted on sites allocated for this purpose and on non allocated sites within the confines of the urban area and villages.

At the current time, the District Council has not met its Housing Delivery test. Consequently, the Council's policy SP01, which focuses housing development within the urban area, is considered out-of-date and the weight attached to this policy is limited. In accordance with paragraph 11 of the NPPF, applications for housing should be considered in the context of the presumption in favour of sustainable development. Paragraph 11 of the NPPF describes the presumption in favour of sustainable development and closes by saying that where development plan policies are out of date, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused".

The application site is not allocated for development in the Local Plan, but it is surrounded by a Strategic Housing Allocation (SP15) known as Manston Green for up to 785 dwellings. Outline planning consent with all matters except access reserved for future consideration was granted for Manston Green in October 2019 (OL/TH/14/0050 refers) and a reserved matters application for phase 1 of the larger site in October 2019 (R/TH/19/0499 refers, covering 220 dwellings) which must have commenced works by October 2021 to remain extant. Reserved matters applications have been submitted for 2 further phases of the larger site (2 and 3), but these are currently invalid (R/TH/21/0499 and R/TH/21/1109).

Given that the Council has failed the Housing delivery test, the fact that in the new Local Plan the site now lies within the urban area, that there would be some social and economic benefits from the provision of the dwellings towards the NPPF's aims of sustainability and the fact that they would make a contribution to the District's housing supply (albeit a minor one), the principle of housing development on the site is considered acceptable.

Character and Appearance

The application site is surrounded by the allocated Manston Green site, which would mean that once the adjacent development is built out, the impact on the wider landscape from the proposed development would be limited. . It is, however, recognised that any development on the application site is likely to come forward prior to a significant number of dwellings on the Manston Green site. As such, it is appropriate to consider whether the impact of the proposed development on the character and appearance of the area would be acceptable as a stand alone development.

- Design

Paragraph 130 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local

character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The application proposes the demolition of the existing building on the site and the erection of 6 two storey dwellings on the site. It is proposed that they would be laid out to resemble a farmyard courtyard of buildings with access taken from the existing site access. Steeply pitched roofs and pronounced gables would be features of the proposed dwellings and materials would include stock bricks, timber cladding and zinc for the roofs. A proposed landscaping scheme has been submitted by the applicant which shows the retention of the existing trees to the rear of the site as well as new tree planting introduced within the site and along the frontage of the site with Haine Road. It is considered that the proposed development would be low density and with the existing and proposed planting could largely be sheltered from longer views. The scale of the development would not appear incongruous when surrounded by the landscaping and the development would sit comfortably within the context of the buildings opposite, not appearing out of keeping with the form and pattern of development in the area..

It would be considered appropriate to secure samples of the proposed materials for the proposed dwellings and boundary treatments as well as securing the planting and retention of the landscaping should consent be granted.

- Loss of existing building

Paragraph 194 of the NPPF states that in determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than sufficient to understand the potential impact of the proposal on their significance. Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (paragraph 195). The effect of a proposal on the significance of a non designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 201). Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (paragraph 204).

The existing dwelling on the site is not listed in its own right and, whilst it is considered that there may have been some historic links with the farmstead on the eastern side of Haine Road, any functional link with that site has clearly been lost and given the strong separation

created between the two sites via Haine Road (which has been in place for a number of years) it is not considered by officers that the building is curtilage listed. It is, however, considered by Officers to be a non designated heritage asset. Paragraph 197 of the NPPF is, therefore, relevant. The proposal would see the demolition of the existing building ie. the total loss of the non designated heritage asset. In this instance the current condition of the building with its extensive fire damage is noted and, given the contribution the proposed development would make to the housing stock with the district and the public benefits associated with this, it is considered that the loss of the non designated heritage asset could be accepted.

Therefore taking into account the design of the proposal and the loss of the existing building, the proposal is considered to be acceptable in terms of the character and appearance of the area, in accordance with Policies QD02 and HE03 of the Thanet Local Plan and the National Planning Policy Framework.

- Condition of site

The Planning Statement submitted in support of the application draws attention to the "deleterious condition of the site, including both the farm house and the wider site" and advises that the site attracts fly tipping and vandalism. It also draws attention to the correspondence received in relation to the existing farmhouse from the Council's Empty Property Officer who seeks to engage with the owners of homes believed to be empty with the aim of bringing them back into use.

This issue was addressed by the Inspector when determining the appeal against the previous refusal, concluding that "the existing site is in poor condition and subject to dumping, but that is the responsibility of the landowner and there is nothing to prevent it being made secure." The Planning Statement makes reference to this comment in the appeal decision and advises that due to the dangerous condition of the site, the only option available to secure the site would be the erection of 2.4m high hoardings which would require a grant of planning permission.

It is noted that a grant of planning permission for residential development on the site is not the only means of securing the site against vandalism and fly tipping. It is not clear why the applicants believe that such a high boundary treatment is required to secure the site, but it is considered that a wall of say 1m high along the boundary of the site with Haine Road with an access gate, which would not require planning permission, would be sufficient to deter unauthorised access to the site. Therefore little weight is afforded to the argument that securing development of the site is a requirement for the condition of the site, and the impact on the character and appearance of the area, to improve. This is entirely under the site owner's control.

Whilst the Council does indeed wish to engage with owners of vacant properties and bring them back into use, it is considered that the existing dwelling is likely to require demolition rather than being easily brought back into an active use.

Setting of Listed buildings

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting to 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.

The Framework defines Listed Buildings as a designated heritage asset and defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

As outlined above, historically the application site would have been within the curtilage of the wider farmstead, including the now listed buildings opposite the site. Having considered the scale, density, design and layout of the proposed dwelling, it is considered that the development would not result in harm to the setting or the historic features of the listed buildings at Ozengeil Grange (Grade II) and the tithe barn (Grade II*).

The agent advises that the development of the site with its landscaping plan and proposed landscape management plan would enhance the setting of the Grange and its associated barn.

Whilst it is acknowledged that this would be beneficial visually, it is noted that the site as set out above no longer has a functional relationship with Grange or the barn and given the established separation by Haine Road are not necessarily read in the same context. As has been previously mentioned the site is within the applicant's ownership and additional planting and a landscape management plan could be carried out without the requirement for planning permission to be granted for the proposed development.

Archaeology

Thanet is rich in archaeology and policy HE01 of the Local plan seeks to ensure that archaeology remains are adequately assessed, preserved and protected. Paragraph 189 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest Local Planning Authorities should require developers to submit an appropriate desk based assessment and, where necessary, a field evaluation. Paragraph 195 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 205 states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record the evidence of our past should not be a factor in deciding whether such loss should be permitted.

KCC Archaeology reviewed the previous application and advised that they considered the building onsite is a non designated heritage asset and given that the proposal would see the demolition of the building would wish a record to be made of the building prior to and during demolition secured via the imposition of a condition.

They also state that the Historic Environment Records identifies a large number of archaeological sites in the landscape surrounding the property and the site has high archaeological potential. It is, however, noted that the northern part of the site historically included a substantial chalk pit and within that area archaeological remains may have been lost. Given the potential for prior disturbance to the site, they are satisfied that archaeological matters can be addressed through condition and recommend a condition is imposed on any grant of planning consent to secure a programme of archaeological works.

Given the above, Officers are satisfied that matters relating to archaeology can be dealt with via conditions attached to an approval of the application

Living Conditions

Paragraph 119 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.

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03 (Living Conditions) states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass. Policy QD04, which are the National Described Space Standards (March 2015). Policy GI04 states that new family dwellings (those with 2 or more bedrooms) will be expected to incorporate garden space in order to provide a safe "doorstep play area" for young children. With doorstep playspace being defined as playspace for young children which is immediately adjacent to, closely visible and safely accessible from the dwellings served.

Given the distances between the application site and surrounding residential development, it is not considered that there would be any adverse impact from the proposed development on the residential amenities of existing occupiers.

The proposed dwellings would be spacious (meeting the Technical Standards for dwelling sizes) with good levels of light and ventilation. They would each be served by vehicle parking and private amenity areas. Issue of safe access from the site is covered in the Transportation section below.

The proposal is therefore considered to be acceptable with regards to residential amenity in regard to existing residents, and in terms of space standards and provision of gardens for future residents. in accordance with Policy QD03 and QD04 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

Paragraph 110 of the NPPF states that In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst other aims: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and b) safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 112 goes on to highlight that Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy SP37 of the Local Plan states that new development must take account of the need to respond to climate change: 1) by minimising vulnerability and providing resilience to the impacts of climate change through the use of up to date technologies, efficient design and appropriate siting and positioning of buildings; 2) mitigating against climate change by reducing emissions and energy demands through the use of up to date technologies; 3) realise and make best use of available opportunities to reduce the impact of climate change on biodiversity and the natural environment by providing space for habitats and species to move through the landscape and for the operation of natural processes, particularly at the coast. Policy SP43 of the Local Plan states that the Council will work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient means of transport. Development applications will be expected to take account of the need to promote safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Whilst policy SP44 states development generating a significant number of trips will be expected to be located where a range of services are or will be conveniently accessible on foot, by cycle or public transport.

Under Policy QD01, all developments are required to: 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes (subject to HE05 where applicable), 2) Make the best use of solar energy passive heating and cooling, natural

light, natural ventilation and landscaping, 3) Provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children, whilst Policy TP03 states new development will be expected to consider the need for the safety of cyclists and incorporate facilities for cyclists into the design of new and improved roads, junction improvements and traffic management proposals.

No objection has been raised by KCC Highways in relation to the number of vehicular traffic movements that would be generated by the proposed development or the level of parking proposed within it.

- Pedestrian Movements from the site

The application site is located outside of any urban confines alongside Haine Road which is a busy access road with a speed limit of 60 mph. There are no footpaths along either side of the road along the road frontage at this point and for some metres either side of the application site. It is noted that the proposed development includes the provision of a footpath along the frontage of the site, but no further. Concerns are raised about the safety of the future occupiers of the site who would be likely to walk in the unlit carriageway of Haine Road to get to bus stops and services and amenities. This would be a substantial hazard for highway users. It is noted that there is a bridleway immediately to the south of the site which could be utilised by pedestrians but this is unpaved as well as unlit and not overlooked. The walking distance to the bus stops in Manston High Street is approximately 1400 metres. The walking route to the nearest bus stops in Haine Road/St John's Avenue to the north is approximately 800 metres long and approximately 200 metres of it is on a dedicated footway (this would increase to approximately 300 metres with the development immediately to the south of Spratling Lane. The bus services in Haine Road/St John's Avenue are more frequent than those through Manston and provide far less circuitous routes to Westwood Cross, Margate and Ramsgate. Pedestrians are, therefore, far more likely to try and walk along Haine Road than they are to use the bridleway. As such, it is considered that the site is unsustainable with all future occupiers having to rely on private vehicles for transport as well as likely to have a significant impact on highway safety. KCC Highways have advised that development of the site could be supported if pedestrian links could be provided to join existing footpaths along Haine Road but this would involve many metres of land most of which is outside the control of the application.

The applicant's advise that the development approved on the surrounding area Manston Green (OL/TH/14/0050) would provide footpaths along the remainder of Haine Road and would also result in its downgrading as well as securing a contribution to pump priming additional bus services to the area and that this application would provide the area of footpath (missing from the Manston Green development as the site was not included in that application) allowing the proposed footpaths in those application to connect to it. The

Planning Statement submitted with this application also highlights the link with this development but also highlights concerns that the Inspector did not consider the guidance within the NPPF as a whole, but relied on certain paragraphs when determining the appeal. It also highlights that the Inspector gave little weight to the submission at the time of the previous application and the appeal that whilst the road is a national speed limit road (60 miles per hours), the 85th percentile speeds at the site frontage is some 42 miles per hour in both directions and that there have only been 3 traffic incidents recorded in the the previous 3 years, most of the traffic on Haine Road is cars which some light commercial vehicles, that cyclists do use Haine Road (before sunrise and after sunset) and that there was no acknowledgement in the appeal decision that the site lies within comfortable cycling distances of a number of local services and amenities. It is also highlighted that the Inspector failed to acknowledge that the neighbouring footpath and the neighbouring bridleway could provide convenient walking and cycling access during daylight hours particularly when the weather is fine and dry.

The current relevant local plan policies and paragraphs of the NPPF are set out in detail above and the strong emphasis on providing sustainable means of travel including, walking, cycling and public transport and inclusive access for all users are emphasised within them. It is noted in paragraph 110 of the NPPF that appropriate opportunities to promote sustainable transport modes should be taken up, in terms of type and location of the development. Part b is clear in requiring that safe and suitable access to an application site should be achieved for all users.

The information relating to actual speeds of vehicles using Haine Road gathered during the traffic survey are noted as are the number of accidents (although no updated traffic surveys or accident reports have been provided to support this current application). The use of the road by cyclists at various times of the day are also noted, as is the fact that the site is a comfortable cycling distance from services and amenities. It is, however, noted that Haine Road is, at this current time, a 60 mph road which is unlit, with no footpaths or verges currently in the area where pedestrians could shelter from vehicular traffic. Whilst survey work identified that the majority of vehicles using the road were cars or small commercial vehicles, this would have been at the time of the survey and there is no means within the power of the applicants of preventing various types of vehicles using this public highway. Whilst it is accepted that neighbouring footpath/bridleway would allow some access by means of cycling or walking for future occupiers of the development, this would, as recognised by the applicants, only be within daylight hours and periods of good weather. Outside of those times, future occupiers of the development would have no real choice but to rely on private vehicles or to attempt to cycle/walk along Haine Road.

- Manston Green development

Turning now to the Manston Green development. Outline planning consent was granted for the erection of 785 dwellings, highways infrastructure works (including single carriageway link road), primary school, small scale retail unit, community hall, public open space in July 2016. This was an outline consent with all matters reserved for future consideration other than access. Five phases of development were identified at the outline stage and to date only the reserved matters for phase 1 has been submitted to and approved by the Council (R/TH/19/0499). Phases 2,3, 4 and 5 would provide the adjoining footpath links along Haine

Road and there are no valid applications relating to those phases with the Council for consideration at the time of writing this report.

In dismissing the appeal, the Inspector advised that the main issue was whether the proposed development would be sustainable having regard to its location, and having regard to highway safety. He noted that bus services along Haine Road are proposed to be funded in part by a financial contribution from the Manston Green development, the first part of which is due after completion of the 100th dwelling in phase 1 and that the reserved matters for phase 1 also included an extension to the bridleway to provide access to new and existing services in Manston Road. He concluded that phase 1 of the Manston Green Development, when completed, would provide safe pedestrian and cycle highway access for the occupants of this site. He advised that there was no indication before him "of the likely timetable for starting the scheme, let alone completing it." He went on to highlight that the appellant was not the developer of Manston Green and he had nothing before him to firmly indicate any completion dates or even starting dates for any phase. He noted that at the time of his appeal site visit that no development of Manston Green had begun. Nor had the strategic road been started which would skirt the western perimeter of the wider site which would enable the downgrading of Haine road and he noted that element alone would be likely to take a significant amount of time to construct. He concluded that "Notwithstanding the likely later completion of the appeal scheme in 2023, without any firm indication of when or whether completion of safe transport links for future occupants of the appeal scheme would occur, the development would not be sustainable in terms of the social and environmental objectives set out on page 5 of the National Planning Policy Framework (NPPF) or the highway safety and sustainable transport objectives of paragraphs 109 and 110. It would not comply with the comparable aims of policies TP02, TP03, QD01, QD02, SP43 and SP44 of the Thanet District Local Plan of 2020."

The applicants for this application highlight the fact that the reserved matters for phase 1 of the Manston Green development was approved in October 2019 and that details to discharge pre-commencement conditions for that phase having been submitted to the Council and subsequently discharged. They also highlight the fact that Staner Hill junction improvements are likely to commence in summer 2021 and finish in Autumn 2022. They conclude that the temporary, and limited, lack of pedestrian links resulting in a greater reliability upon the car for occupiers of this development would not significantly and demonstrably outweigh the benefits of the scheme.

Whilst it is noted that the reserved matters for phase 1 has been approved and its pre-commencement conditions discharged, with the commitment to a timetable for the Staner Hill Junction improvements works set out, it is noted that applications for phases 2 and 3 have only just been submitted to the Council for consideration, and no development has taken place to secure the commencement of works within Phase 1. Furthermore, the specification for the 'Highway Works' to be completed within phase 1 are yet to be formally approved in writing by KCC, which is required prior to the commencement of works on any phase. KCC has advised that in order for this element of the legal agreement to be complied with they would expect for Stage 2 approval from KCC's Agreements Team to be required.

Whilst development on phase 1 must commence before October 2021, there is no completion date under the control of either the applicant of this scheme or the Council if

dwelling are not fully constructed for occupation. In terms of phases 2 and 3, required for downgrading the Haine road and footpath links either side, the applicant of those schemes would have 2 years from approval of those schemes to implement the development, with the pedestrian links required prior to occupation of dwellings in those phases after that.

Given this, it is not considered that there is certainty that the footpaths for the Manston Green development will come forward and all phases built out, and even if it is, it is likely that the development related to this application would come forward prior to the Manston Green improvements, meaning that the harm to highway safety and the safety of potential occupiers as outlined above will still occur for a period of time, thereby failing to achieve sustainable development.

Ecology and biodiversity

Para 179 a) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

A preliminary Ecological Appraisal was submitted in support of the application. It concluded that the trees that were to be retained on site should be protected during construction. No recommendations for further work were made in relation to amphibians, reptiles, Hazel Dormice, badgers or birds other than to ensure that any clearance works should be done outside the bird nesting season (March to August inclusive). It did however, recommend that one night time survey by two surveyors should be undertaken to confirm that the existing building on the site was not used by roosting bats. A one night bat survey was subsequently undertaken and found that no bats were seen emerging from the building and only a low number of common pipistrelle bats were seen and heard commuting and foraging. As such the survey concludes that the building was not being used as a bat roost and no mitigation or licence would be expected to be required prior to its demolition.

KCC's Biodiversity Team have reviewed both reports and raise no objection to the proposed development, subject to the imposition of a condition to secure on site ecological enhancements as part of the development and an informative relating to avoiding works to trees and established landscaping during the breeding bird season.

The suggested condition is considered to meet the tests for the imposition of conditions and it is considered that with this condition that there would be no adverse impact on the ecology from the proposed development.

The applicants also advise that enhanced landscaping and the proposed landscape management plan would provide biodiversity benefits and enhancements which would accord with the aims and objectives of both local plan policies and the NPPF. Again, it is not considered that granting planning permission is the only means of securing these benefits and it is noted that some of the site has begun to be reclaimed by nature, which may in itself provide ecology/biodiversity benefits.

Habitat Regulations

European sites are afforded protection under the Conservation and Habitats and Species Regulations 2010 (as amended the Habitat Regulations) and there is a duty placed upon the competent authority (in this case TDC) to have regard to the potential impact that any project may have on those sites. Projects (therefore planning applications and prior approval) can only be permitted having ascertained that there will be no adverse effect on the integrity of the protected area, either alone or in combination with other projects or plans.

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

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) an appropriate assessment for every application proposing an increase in residential units must be undertaken and a financial contribution is required for all additional residential development to contribute to the district wide mitigation strategy (which forms part of the Local Plan). This mitigation has meant residential developments would accord with the Habitat Regulations. This requirement is set out in Policy SP29 of the Local Plan.

The Council has carried out an appropriate assessment on the development in accordance with the Conservation of protected species and Habitat Regulations. Both Natural England and KCC Biodiversity raise no objection to the impact of the development on the statutory nature conservation sites subject to the financial contribution to mitigate the effect of the development in the SAMM. The applicants have advised that they will provide this contribution and have provided a completed undertaking to that effect.

Flooding and drainage

Paragraph 159 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). Policy CC02 (Surface Water Management) states that "New development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible. SuDs design, together with a robust long term maintenance plan should be included as an integral part of the master planning and design process for new development and should, wherever possible, incorporate multi-functional benefits for people and wildlife.

The application site lies within flood zone 1 as shown on the Environment Agency's Flood Risk Maps and as such, is considered to be at a low risk of flooding and given that the site is less than a hectare in size there is no requirement for the applicants to submit a Flood risk Assessment.

The application form states that surface water from the development would be disposed of via a sustainable drainage system but the means of disposal for foul sewer is not identified.

The Environment Agency raised concerns in relation to the foul drainage disposal and that it should be via mains drainage on the previous application. It is considered that this matter could be dealt with via the imposition of conditions requiring details to be submitted prior to commencement of development (excluding demolition of the building) which would ensure the Groundwater Protection Zone and principal aquifer is safeguard

Contamination

Paragraph 174 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. Policy SE03 (land affected by contamination) states that development on land known or suspected to be contaminated or likely to be adversely affected by such contamination will only be permitted where: 1) an appropriate site investigation and assessment (agreed by the Council) has been carried out as part of the application to establish whether contamination is present and to identify any remedial measures necessary to ensure that the site is suitable for the proposed end use; 2) the proposed remedial measures would be acceptable in planning terms and would provide effective safeguards against contamination hazards during the development and subsequent occupation of the site. Planning conditions will be attached to any consent to ensure that remedial measures are fully implemented, before occupation. In the case of sites where contamination is only considered to be a possible risk, a site investigation will be required by condition.

The Council's Contamination Officer has reviewed the application and advises that further intrusive investigation is required to assess the risks from identified sources of contamination. They do not object to the application, but recommend that conditions relating to site characterisation and remediation and unexpected contamination are attached to any grant of planning consent.

The applicant's highlight that the proposed development, if approved, would lead to environmental improvements through the removal and remediation of any potential contamination of the site which would also ensure protection of the groundwater source protection zone at this point.

Whilst this would be an improvement and a requirement secured by condition if consent for residential development on site, the site is within the applicant's ownership and these works could be carried out at any time. It is not considered that the only way that these works could be achieved would be to grant the requested planning consent.

These conditions are considered reasonable and it is considered that, subject to their imposition, that there would be no adverse impact in relation to contamination from the proposed development.

Conclusion

The proposal is for 6 dwellings and given the need for housing in Thanet and the fact that the Council has failed the housing delivery tests the proposal is considered against the criteria of sustainable development within the NPPF with regard to other material planning considerations.

The NPPF 2021 has at its heart the presumption in favour of sustainable development as set out in section 2 of the NPPF 2021 Achieving sustainable development involves the pursuit of economic, environmental and social objectives. The relationship of this scheme to the objectives is summarised below and a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages:

In terms of the economic dimension of sustainable development the provision of 6 new dwellings would give rise to employment during the construction phase of the development, and is likely to result in an increase in the use of local services and facilities, both of which will be of benefit, albeit modest, to the local economy.

In terms of the social dimension of sustainable development paragraph 60 of the NPPF refers to *'the Government's objective of significantly boosting the supply of homes'*. The NPPF points out that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly' and that 'development in one village may support services in a village nearby'

The scheme brings forward modest benefits with 6 additional market dwellings, a small contribution to market housing in the area, it is likely to support shops and services and it would allow increased social interaction between residents existing and new, and

employment personnel albeit in a modest way. The scheme is considered to be well designed as sought by paragraph 8.b) of the NPPF.

In terms of the environmental dimension of sustainable development the environmental issues are assessed in earlier sections of this report but to summarise, it is not considered that the proposal would have an adverse effect on the countryside, given the allocation of the surrounding area for development for comprehensive redevelopment and it is considered that the scheme would not have an adverse effect on the character and appearance of the area or biodiversity/ecology issues. It is, however, noted that the lack of a footway link along this part of Haine Road, which is narrow, partly unlit and subject to the national speed limit (60mph) would result in highway safety issues from pedestrians/cyclists from this development using the road. Given this, it is considered likely that the site is unsustainable in transportation terms in the short and potential medium term with all future occupiers having to rely on private vehicles for transport.

Overall it is considered that the public benefits of the scheme would be significantly and demonstrably outweighed by the harm set out above. The development of six dwellings is considered to satisfy economic and social objectives but fail the environmental objective of sustainable development as required by the NPPF. Therefore the application is recommended for refusal.

Case Officer

Annabel Hemmings

TITLE: F/TH/21/0566

Project Ozengell Farmhouse Haine Road RAMSGATE Kent CT12 5ER

Scale:

