

Public Document Pack



Date: 11 December 2023
Our ref: Planning Committee (Extraordinary) Agenda
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PLANNING COMMITTEE

19 DECEMBER 2023

A meeting of the Planning Committee will be held at **7.00 pm on Tuesday, 19 December 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Crittenden (Chair); Councillors: Bright (Vice-Chair), Albon, J Bayford, Boyd, Dennis, Driver, Garner, Keen, Makinson, Matterface, Paul Moore, Rattigan, Rusiecki and Wing

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

3. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 5 - 8)

To consider the report of the Director of Place, copy attached for Members of the Committee.

Note: Copies of correspondence relating to applications received will be available for members' perusal in the Members' Room from 5.00pm on the Friday before the meeting until the date of the meeting.

For Deferral

3a **D01 F/TH/21/1671 - LAND SOUTH OF CANTERBURY ROAD WEST, RAMSGATE** (Pages 9 - 280)

Item
No

Subject

3b **D02 F/TH/23/1341 - GARAGE BLOCK REAR OF 161 TO 213 CLEMENTS ROAD, RAMSGATE** (Pages 281 - 304)

3c **D03 F/TH/23/1339 - SITE OF FORMER DANE VALLEY ARMS, DANE VALLEY ROAD, MARGATE** (Pages 305 - 332)

For Approval

3d **A04 F/TH/23/0850 - LITTLE CLIFFSEND FARM, CHALK HILL, RAMSGATE** (Pages 333 - 354)



Please scan this barcode for an electronic copy of this agenda.

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992



If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

THANET DISTRICT COUNCIL

PLANNING COMMITTEE

19TH DECEMBER 2023

BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

(A) Standard Reference Documents - (available for inspection at the Council offices and via thanet.gov.uk and gov.uk)

1. Thanet District Council Local Plan and associated documents.
2. Cliftonville Development Plan Document
3. Broadstairs and St Peters Neighbourhood Plan
4. Westgate-on-Sea Neighbourhood Plan
5. Birchington-on-Sea Neighbourhood Plan
6. The National Planning Policy Framework and the National Planning Practice Guidance issued by the Department for Levelling Up, Housing and Communities.

(B) Register of Applications for Planning Permission (Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015))

(Copy of applications together with accompanying plans or drawings are available for inspection via the Council's website <https://planning.thanet.gov.uk/online-applications/> or at the Council offices)

(C) Background Papers in relation to specific reports in the Schedule of Planning Applications

(Copies of background papers and any appeal decisions referred to are available via the Council's website <https://planning.thanet.gov.uk/online-applications/>)

I certify that the above items are not exempt information.

(D) Exempt information in accordance with paragraph of Schedule 12 (A) of the Local Government Act 1972.

N/A

I certify that the above items are exempt information.

Prepared by: IAIN LIVINGSTONE



SIGNED:.

Proper Officer

DATE:11th December 2023

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART A

TO: THE PLANNING COMMITTEE

DATE: 19 December 2023

Application Number	Address and Details	Recommendation
D01 F/TH/21/1671	Land South Of Canterbury Road West RAMSGATE Kent	Defer & Delegate
MAJOR	Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure. Ward: Cliffsend And Pegwell	
D02 F/TH/23/1341	Garage Block Rear Of 161 To 213 Clements Road RAMSGATE Kent	Defer & Delegate
	Erection of 9No self contained flats, comprising of 4No 1-bed and 5No 2-bed, following demolition of existing garages together with associated access, landscaping and parking Ward: Northwood	
D03 F/TH/23/1339	Site Of Former Dane Valley Arms Dane Valley Road MARGATE Kent CT9 3RZ	Defer & Delegate
MAJOR	Erection of 4-storey building accommodating 7No 1-bed and 6No 2-bed self-contained flats, and erection of 4No 2-storey 3-bed semi detached dwellings, together with associated access, parking, and landscaping Ward: Dane Valley	

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART B

TO: THE PLANNING COMMITTEE

DATE: 13 December 2023

Application Number	Address and Details	Recommendation
A04 F/TH/23/0850	Little Cliffsend Farm Chalk Hill RAMSGATE Kent CT12 5HP Change of use of land from agricultural to the keeping of horses; formation of access routes for horses and agricultural vehicles, sand school, lunge, vehicle parking area and bunds. Ward: Cliffsend And Pegwell	Approve

D01

F/TH/21/1671

PROPOSAL: Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure.

LOCATION: Land South Of Canterbury Road West RAMSGATE Kent

WARD: Cliffsend And Pegwell

AGENT: Mr Peter Atkin

APPLICANT: .

RECOMMENDATION: Defer & Delegate

Defer and delegate the application for approval subject to the transfer of the financial contributions in the agreed heads of terms and the following safeguarding 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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered:

Proposed Site Layout AA8931-2003 - Rev S
Proposed Tenure AA8931-2004 - Rev V
Proposed Roof Plan AA8931-2005 - Rev T
Proposed Typology Plan AA8931-2006 - Rev T
Proposed Parking Plan AA8931-2007 - Rev T
Proposed Refuse Strategy AA8931-2009 - Rev S
Proposed Building Materials AA8931-2010 - Rev S
House Type Av1 AA8931-2100 - Rev C
House Type Av1 and Bv1 AA8931-2101 - Rev B
House Type Av2 AA8931-2102 - Rev C
House Type Av3 and Bv1 Plans AA8931-2103 - Rev C
House Type Av3 and Bv1 Elevs AA8931-2104 - Rev C
House Type Av3 and E Plans AA8931-2107 - Rev D
House Type Av3 and E Elevs AA8931-2108 - Rev C
House Type Av4 AA8931-2109 - Rev C
House Type Av5 Plans AA8931-2110 - Rev C
House Type Av5 Elevs AA8931-2111 - Rev C
House Type Bv1 AA8931-2112 - Rev C
House Type Bv1 and Bv2 AA8931-2113 - Rev C
House Type Bv3 AA8931-2114 - Rev C
House Type C AA8931-2115 - Rev C
House Type Cv2 AA8931-2116 - Rev C

House Type C and Cv2 AA8931-2117 - Rev C
House Type D AA8931-2118 - Rev C
House Type Dv2 AA8931-2119 - Rev C
House Type Dv3 AA8931-2120 - Rev C
House Type E AA8931-2121 - Rev C
House Type G AA8931-2122 - Rev C
Flat Block Plans AA8931-2123 - Rev E
Flat Block Elevations AA8931-2124 - Rev E
House Type Av3 and E Lowered Eaves AA8931-2125 Rev E
House Type Bv3 Semi-Detached AA8931-2126 - Rev C
House Bv3 and D AA8931-2127 - Rev C
Schedule of Plots and House Types AA8931 - Rev C
Schedule of Accommodation AA8931 - Rev L
Street Scenes Block A, B AA8931-2200 - Rev A
Street Scenes Block C, D, E AA8931-2201 - Rev C
Street Scenes Block D, E AA8931-2202 - Rev A
Street Scenes Block F, G AA8931-2203 - Rev B
Street Scene Block F, G, H AA8931-2204 - Rev E
Street Scenes - Clive Road/Southern Boundary AA8931-2205 - Rev J
Street Scenes - Clive Road/Southern Boundary AA8931-2206 - Rev A
Western Edge Street Scene
Landscape Masterplan AL8931-02000 - Rev L
Landscape General Arrangement Plan AL8931-02001 - Rev N

GROUND;

To secure the proper development of the area.

3 A. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

B. The archaeological investigation and recording shall be carried out in accordance with the agreed specification and timetable.

C. Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;

b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;

c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

D. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

GROUND

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

4 Prior to the first occupation of the development hereby permitted a scheme of interpretation that includes information boards in public open space areas of the development should be agreed with the Local Planning Authority. The scheme should include the location for information boards, their content and timetable for their establishment. The interpretation boards will be established in accordance with the agreed scheme.

GROUND

To ensure that the archaeological interest of the development site is appropriately interpreted and presented in the public realm, in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

5

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 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 Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

6 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 Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

7 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

GROUND

To ensure that the proposed development will not cause harm to human health or pollution of the environment, , in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

8 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no

resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details

GROUND

To protect vulnerable groundwater resources in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

9 Within six months of works commencing (including site clearance), a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP will be based on the 'Landscape master Plan' (PRP October 2021) and include the following.

- a) Description and evaluation of features to be managed (including a native-species only landscape scheme);
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan, and;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

GROUND

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

10 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

11 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 protect the district's groundwater, in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

12 Prior to the installation of the pumping station, details of its layout and design shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show the boundary of the pumping station a minimum of 15m from the nearest habitable room window within the nearest residential dwelling. The pumping station shall be installed in accordance with the approved details, and thereafter maintained.

GROUND:

To protect the amenity of future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan.

13 Development shall not begin in any phase 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 upon the Flood Risk Assessment and Drainage Strategy report (08 October 2021). The submission shall also 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 risk 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, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

14 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for that phase, 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 operation and maintenance manual for the sustainable drainage scheme as constructed.

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, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

15 Prior to the occupation of the development hereby approved, details of an acoustic barrier, to be erected along the southern boundary of the site, and the eastern boundary of the equipped play area adjacent to no. 17 Clive Road, including details of its ongoing maintenance shall be submitted to and approved by the Local Planning Authority and once approved this shall thereafter be installed and permanently retained.

GROUND:

To protect the amenity of existing neighbouring properties and the future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan.

16 Prior to the occupation of the development hereby approved, the recommendations as set out within the Acoustic Associates Sussex Report dated Oct 2021 shall be implemented and thereafter retained.

GROUND:

To protect the amenity of future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan.

17 Prior to the commencement of the development hereby permitted, , an emissions mitigation assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance shall be submitted and approved in writing by the Local Planning Authority. The emissions mitigation assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

GROUND

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and advice contained within the National Planning Policy Framework

18 Prior to the commencement of the development hereby permitted, an air quality emissions statement that provides details of how the air quality damage costs, as calculated within the emission mitigation assessment reference dated , are to be used to achieve air quality improvements through the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and advice contained within the National Planning Policy Framework

19 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and 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) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements

GROUND

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

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

GROUND

In the interests of highway safety, in accordance with the advice contained within the NPPF.

21 The area shown on the approved plan numbered AA893102007 Rev T 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 of the dwelling hereby permitted.

GROUND

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

22 Prior to the first occupation of the flat block hereby permitted, the secure cycle parking facilities, as shown on approved drawing no. AA8931-2003 Rev S shall be provided and thereafter maintained.

GROUND

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

23 Prior to the first occupation of each individual dwelling the following works between that dwelling and the adopted highway shall be complete

- (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 the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the NPPF. .

24 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered AA8931-2007 Rev T, shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

GROUND

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and the advice as contained within the NPPF

25 Prior to the first occupation of each residential unit, the associated vehicular access shall be provided and maintained with pedestrian visibility splays of 2m x 2m, with no obstructions over 0.6m above carriageway level within the splays.

GROUND:

In the interests of highway safety.

26 Prior to the first occupation of the development hereby permitted, a full Travel Plan and a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The agreed programme shall thereafter be implemented in full.

GROUND

To facilitate the use of alternative means of transport in accordance with Policies TP01 and SP43, and the advice contained within the NPPF.

27 No vehicular access shall be gained from Clive Road other than by emergency service vehicles, and retractable bollards installed prior to the first occupation of the development as shown on the approved plan numbered AA8931-2003 Rev S.

GROUND:

In the interests of highway safety.

28 Prior to the first occupation of the 70th unit within the development hereby permitted, a pedestrian/cycle connection point shall be provided onto the existing pedestrian/cycle path through the eastern boundary adjacent to unit no.141, as shown on plan numbered AA8931-2003 Rev S.

GROUND:

To provide pedestrian and cycle connections, and improve sustainability, in accordance with Policies TP02 and TP03 of the Thanet Local Plan.

29 Prior to the first occupation of the block of self-contained flats, the doorstep playspace area associated with that block shall be made available for use, and fully enclosed with boundary treatment to a minimum height of 1.5m, with details to be submitted to and approved in writing by the Local Planning Authority. The doorstep playspace and boundary treatment shall thereafter be maintained.

GROUND:

In order to provide a safe doorstep play area in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

30 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway
- o walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

31 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

32 Prior to the first occupation of the development hereby permitted, full details of the local equipped area for play, as shown on plan numbered AL8931-02000 Rev N, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include how the play area is laid out, details of the equipment (to include a minimum of six pieces), and details of the boundary treatment. The equipped play area shall be provided in accordance with the approved details, and be operational and made available for use prior to the occupation of no more than 20% of the dwellings.

GROUND:

To provide an adequate equipped play space to serve the development, in accordance with Policy GI04 of the Thanet Local Plan.

33 The public right of way enhancement works to PROW TR32 within the site shall include its widening to 3m, and its resurfacing with a hoggin surface, or alternative as otherwise agreed by the Local Planning Authority. The PROW shall maintain this agreed surface material through the turning head in order to prioritise the PROW in the interest of pedestrian safety. The enhancement works shall be carried out prior to the first occupation of the development hereby permitted.

GROUND

To enhance pedestrian movement and improve sustainability, in accordance with Policy TP02 of the Thanet Local Plan.

34 Prior to the provision of the community garden, details of the shed, planters, boundary treatment, and management plan shall be submitted to and approved in writing by the Local Planning Authority. The community garden shall be provided in accordance with the approved details and thereafter maintained in accordance with the management plans.

GROUND:

To provide community growing space, and to protect visual amenity, in accordance with Policies GI04 and QD02 of the Thanet Local Plan.

35 Prior to the commencement of development hereby permitted, an Open Space specification shall be submitted to and approved in writing by the Local Planning Authority, to accord with principles shown in the landscape masterplan numbered AL8931-02000 Rev N. The Open Space Specification shall:

- Identify the location and extent of the main areas of formal and informal open space to be provided;
- Outline local play space to be provided;
- Detail how the relevant areas of public open space and play areas are to be laid out, paved, planted or equipped ; and

- Identify space for allotment use within or adjacent to the orchard area (or provide a justification as to why this provision is not achievable);

The landscaped areas, open space and play space in any phase shall be laid out and implemented in accordance with approved details and shall be permanently retained thereafter and used for and made available for public amenity and play space purposes only.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, and provide local play space, in accordance with Policies QD02, GI04 and GI06 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

36 All dwellings hereby permitted shall be provided with the ability for connection to Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity.

GROUND:

To serve the future occupants of the development in accordance with Thanet Local Plan Policy SP14 and the guidance within the National Planning Policy Framework.

37 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

GROUND

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

38 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

39 The first floor kitchen/lounge window in the side elevation of the development serving flat 1.3 hereby approved shall be non-opening below 1.73m above the finished internal floor level, and 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 the first occupation of the development hereby permitted and permanently retained thereafter.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

40 The refuse storage facilities for the flats as specified upon the approved drawing numbered shall be provided prior to the first occupation of the flats and kept available for that use at all times.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

41 Prior to the construction of the external surfaces of the development hereby approved samples of the materials to be used in the construction of the building(s) shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

GROUND

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

42 Prior to the installation of the windows and doors hereby approved, details and manufacturer's specification of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

43 All new window and door openings shall be set within a reveal of not less than 100mm

GROUND

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Thanet District 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.

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.

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

SITE, LOCATION AND DESCRIPTION

The site is located to the north of Cliffsend on agricultural land. The site lies south of a recently approved housing scheme for 62no. dwellings, allocated within the Local Plan, which is currently under construction. The site lies north of Parkway Station, with the A299 running parallel to the southern boundary of the site. Public Right of Way TR32 adjoins the western and southern boundaries of the site. To the east of the site are existing residential properties, which are predominantly detached units that are either single storey or 2-storey in height. The existing residential properties front Cliff View Road and Clive Road. Clive Road extends up to the boundary of the site. To the west of the site is agricultural fields and a section of the A299.

RELEVANT PLANNING HISTORY

No relevant planning history for this site, although the adjacent development on the site to the north, which has the same applicant, had the reference OL/TH/17/0152, and was for the

erection of 65no. dwellings. The applicant has referred to this scheme as Phase 1 in many of the supporting documents.

PROPOSED DEVELOPMENT

The proposal is a full application for the erection of 141no. dwellings, including 8no. 1-bed flats, 60no. 2-bed dwellings, 59no. 3-bed dwellings, and 14no. 4-bed dwellings. Dwellings are 2-storey in height, and a range of detached, semi-detached and terraced units are proposed, along with a single 2-storey flat block.

Access to the site is via the adjacent housing development, and onto Canterbury Road West. An emergency access is provided onto Clive Road. Parking is provided in the form of 288no. private parking spaces, and 47no. visitor parking spaces.

Soft landscaping buffers are provided to the southern and western boundaries of the site, along with a community growing garden, open amenity playspace, an equipped play area, and a wild flower park with picnic areas.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP02 - Implementation
SP13 - Housing Provision
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP23 - Affordable Housing
SP24 - Development in the Countryside
SP26 - Landscape Character Areas
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds
SP35 - Quality Development
SP38 - Healthy and Inclusive Communities
SP41 - Community Infrastructure
SP43 - Safe and Sustainable Travel
SP45 - Transport Infrastructure
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
GI06 - Landscaping and Green infrastructure
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology

CC02 - Surface Water Management
CC04 - Renewable Energy
CC05 - District Heating
SE04 - Groundwater Protection
SE05 - Air Quality
SE06 - Noise Pollution
SE08 - Light Pollution
CM01 - Provision of New Community Facilities
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP04 - Public Transport
TP06 - Car Parking

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. 21 letters of objection have been received raising the following concerns:

- Loss of agricultural land,
- Impact on health service, local doctors surgery oversubscribed,
- Infrastructure can't support further development,
- Insufficient drainage capacity,
- No primary school in village, increased vehicle movements and traffic for children from development to get to school,
- No shop in village,
- S.106 contributions aren't benefiting the village,
- Impact on nature reserve,
- Impact on quiet village atmosphere, loss of narrow roads and country lanes,
- Assessment of needs survey has not been carried out,
- Two years of breeding surveys are required,
- Impact on neighbouring property from adjoining proposed park, noise, privacy, security,
- Impact on adjacent residents from construction works,
- Vehicular access is in dangerous location,
- Density of housing too great,
- Emergency access onto Clive Rd won't work, needs access gate to prevent use other than during emergencies,
- Contractors should not use Clive Road,
- Lack of footpath connections, making pedestrian movement unsafe,
- No decent bus service and no shelters,
- Impact on wildlife,
- Impact on air quality from additional traffic,
- Size and scale of the development is inappropriate,
- Surrounding properties are mainly 1.5 storeys high, consideration has not been given to this when creating the design,
- Blocks of flats are not appropriate,
- No need for the homes within the local plan,

- Impact on highway safety, cars already speed along the roads, so accidents will be likely,
- Clive Rd will become a noisy thoroughfare, road is narrow and there is insufficient parking, resident permit parking needs to be provided,
- Lack of bungalows, not in keeping with village character,
- Lack of landscaping,
- Features in ponds should be provided to limit mosquito breeding sites,
- Contamination of water source (aquifer),
- No allocation in the Local Plan for this site,
- Play area next to residential properties will cause anti social behaviour and overlooking,
- Cliffsend is being overdeveloped,
- Bollard on Clive Rd will create a divide between communities.

Cliffsend Parish Council -

1. Introduction

1.1 This document is written and submitted on behalf of the Cliffsend Parish Council. It contains the unanimous response from the Council to the planning application F/TH/21/1671. The application is described as "Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure - land south of Canterbury Road West, Ramsgate" We note that the actual application that has been submitted is for 145 dwellings.

2. Omission of Consultation and Necessary Adjustments to Important Dates

2.1 The Local Planning Authority (LPA) has a statutory requirement to consult the Parish Council for planning applications. The government publication "Consultation and PreDecision Matters - statutory consultees, Table 2" refers. Thanet District Council (TDC) is the LPA for this application. The TDC website states that their planning department consulted the Parish Council on 23/11/21 and 2/11/22 but received no response. This is incorrect. It has been confirmed by the Cliffsend Parish Council Clerk that no consultations were received on these or any other dates. The reason for this needs to be investigated as we believe this is not an isolated occurrence. This document aims to correct that omission for F/TH/21/1671 by proactively submitting a response. This will enable the application to be considered according to statutory requirements.

2.2 It is noted that no decision has been made on the planning application and the agreed expiry date is currently set as 11/8/23. We maintain that any decision must be deferred until this document has been fully considered and there is the opportunity to call it in by a District Councillor, if considered necessary. This may require TDC to adjust some dates, to meet their statutory obligations.

2.3 We look forward to working collaboratively with TDC to consider this application, either by email or dialogue. We are confident that our views represent the great majority of the residents in Cliffsend. Such collaborative working would obviate the need for a great many individual residents to contact the TDC planning department separately - which would save time and effort all round. In any case, we look forward to receiving your response prior to any decision, according to The Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 25.

3. 29% Recent Growth in Cliffsend Dwellings

3.1 Cliffsend is included in the Thanet Local Plan with sites allocated for new house building, as specified in Policy HO9. Most of those houses have now been completed, with the last site nearing completion. Policies HO13, HO14 and HO15 refer. This growth in dwellings is quantified in the Band D figures published by the TDC Council Tax department. They show growth from 718 (in 2019/20) to 863 (in 2023/24). These figures exclude the last site (HO13), which is expected to be complete within the next few months. The imminent inclusion of these dwellings will increase the Band D figure to 928. That is an increase of 29% over a five year period. Few locations, if any, have grown by such an amount over such a short period of time. This must be taken into account when considering any further proposal to build yet more houses.

4. 49% Increase in Dwellings - The Quantifiable Impact of F/TH/21/1671

4.1 Although the planning application is titled as 141 dwellings, the actual submission being considered is for 145 dwellings. If planning permission was granted, it would cause Cliffsend Parish to grow from 29% to a total of 49% over a period of 5 or 6 years. This is a staggering increase that would cause irreparable harm to the village, its residents, and the environment. It would contravene several of the Thanet Local Plan policies, as outlined later in this document. This is illustrated in figure 1 below, the aerial view of Cliffsend: -

4.2 It also needs to be highlighted that the planning application for these additional houses is not part of the Thanet Local Plan. Indeed, the site and housing quantities were considered and excluded when the Plan was drawn up, agreed, and adopted in July 2020. There is no good reason to unilaterally change the plan now to increase the numbers unnecessarily, based purely on a developers' proposal.

5. Infringement of Relevant Policies (Reference: TDC Local Plan, Adopted July 2020)

5.1 Policy SP01 states that the primary focus for new housing development in Thanet is in the urban area. Cliffsend is not in the urban area. The site being considered for F/TH/21/1671 is Grade 1 agricultural land. SP01 recognises this as the "best and most versatile agricultural land". The same policy states the importance of any housing development to be "of a size and scale commensurate with the size of the relevant settlement". An increase in dwellings from 29% to 49% is not.

5.2 The application for additional dwellings is over and above the housing provision set out in policy SP13. That policy meets the National Planning Policy Framework. There is no reason or agreement to increase the SP13 figures. Indeed, any such increase would be a unilateral decision by TDC in direct contravention of the statutory requirements for agreeing the Local Plan.

5.3 Policy SP14 states the importance of assessing the cumulative impact on heritage assets. Cliffsend (and Pegwell Bay in particular) is a rich heritage site, recognised with national and international designations. This ranges from pre-historic and archaeological sites to the first UK landing of the Romans, the arrival of the Vikings, the arrival of Christianity (St Augustine), and through to the more recent history of the strategic importance in WW1 and WW2. Few sites have a richer heritage. Over development, albeit incrementally, does not safeguard or preserve this heritage or conform to SP14.

5.4 The National Planning Policy Framework (NPPF) states that local plans must recognise the intrinsic character and beauty of the countryside. The Local Plan supports this by stating "There is a presumption against development in the countryside as the sites allocated in this

plan meet the development needs of the district". For the avoidance of doubt, F/TH/21/1671 is not a site allocated in The Plan. SP24 lists the criteria for the only permissible exceptions to this policy. F/TH/21/1671 meets none of the listed criteria. Furthermore, policy H09 states the specific housing developments that are permitted in Thanet's rural settlements. This planning application is not included. Lastly, policy HO16 lists the only permissible exceptions to the rural housing development sites. This planning application meets none of the exception criteria.

5.5 Policy SP26 requires the conservation of Thanet's landscape character and local distinctiveness. Additionally, the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. This planning application meets neither of those requirements. Although the site is not directly on the Pegwell Bay shoreline, it does provide for a wide and sweeping view from Canterbury Road West to the Bay and onwards to the Straits of Dover and France. This is recognised in SP26. This view would be obscured or even lost all together by building 145 additional houses. This is illustrated in photos 1 to 3 below.

5.6 The planning application is in direct contravention of policy E16. The policy states "planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land". An additional 145 dwellings are "significant". The land is "best and most versatile" by definition, because it is classified as Grade 1 agricultural land. 5.7 Granting planning permission would also contravene GI01, GI02 and GI03. Please see section 7.1 below for further details.

6. Further Planning Applications and "Creeping" Over-Development

6.1 The developer has indicated that this current planning application will not be their final one. Their overall plan is to incrementally build several hundred houses in Cliffsend, adjacent to and extending from their 65 dwellings currently nearing completion (TDC policy HO15). Please see Figure 1 above, for details. F/TH/21/1671 is just the first of their additional applications. Consideration of F/TH/21/1671 needs to take this bigger picture into account, including the likelihood of setting a precedent for the creeping over-development of Cliffsend and other Thanet villages. This would not be compliant with TDC policy or NPPF.

7. Other Considerations

7.1 Environmental and Increased Pollution The environmental, wildlife and biodiversity value of Pegwell Bay is recognised nationally and internationally. It includes: -

- o A National Nature Reserve (which is categorised as "Kent's most important coastal nature reserve" by The Kent Wildlife Trust).
- o A Special Area of Conservation (SAC) for conservation of natural habitats and wild flora and fauna (ref: Natural England)
- o A Special Protection Area (SPA) for the conservation of wild birds (ref: Natural England) including a bird hide overlooking Pegwell Bay.
- o A Site of Special Scientific Interest (SSSI) as designated by the UK Wildlife and Countryside Act.
- o A Thanet Coast Marine Conservation Zone
- o An international Ramsar site, listed as "A Wetland of International Importance".
- o The winter home for the following birds that migrate from the arctic - Brent Goose, Curlew, Dunlin, Golden Plover, Grey Plover, Lapwing, Oyster Catcher, Purple Sandpiper, Redshank, Ringed Plover, Sanderling, Turnstone (reference "East Kent Bird Wise")
- o Priority countryside stewardships for lapwings, redshank and snipe (reference Natural England)

o Pegwell Bay is also home to a seal colony.

Southern Water has insufficient infrastructure capacity to treat sewage from the current number of houses, particularly when it rains. When this occurs, Southern Water discharge sewage into the sea. Pegwell Bay contains two outfalls that Southern Water use to discharge the sewage (see figure 1 above, for details). The additional houses in the planning application would worsen this problem and undoubtedly result in more frequent sewage discharges into Pegwell Bay. Granting planning permission will increase the pollution. It is unnecessary, harmful and could be considered as irresponsible for such a sensitive and important biodiversity site. It would also contravene policies GI01, GI02 and GI03.

7.2 Pedestrian Safety.

Cliffsend amenities all lie in the south of the village. They comprise the village hall, playground and recreational field. The planning application is sited in the north of the village. The only access to these amenities from the north of the village is via one road (Foads Hill) over the railway line. Most residents walk to these amenities because the distance is small and there is very limited car parking. Foads Hill passes over the main high-speed railway line (Thanet Parkway station is nearby) via an unmanned level crossing. It is a narrow, single-track road that descends from the level crossing to the village amenities. Crucially, it has no footpath. It currently represents a safety risk for pedestrians, including parents and children attending the village hall activities (sometimes with prams/pushchairs), elderly or other people unsteady on their feet, and wheelchair users. The addition of another 145 houses and their occupants would increase the number of pedestrians having to make this journey. This would increase the associated risk significantly.

8. Conclusion

8.1 The entire Parish Council of Cliffsend maintain that planning permission for F/TH/21/1671 should not be granted. There are multiple grounds for not granting permission. This document has identified many.

(Supplementary Comment)

1. Introduction

1.1 This response is written and submitted on behalf of Cliffsend Parish Council (CPC). It supplements the Parish Councils first response, which was submitted on 1/8/23 and posted onto the TDC planning website on 2/8/23. The planning application F/TH/21/1671 is described as "Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure - land south of Canterbury Road West, Ramsgate" We note that the actual application that has been submitted is for 145 dwellings.

1.2 The first response from Cliffsend Parish Council focussed on the TDC Local Plan policies and identified several of those policies that would be contravened if the application gained approval. This second response focusses on the requirements of the National Planning Policy Framework (NPPF).

1.3 It is noted that the NPPF "provides a framework within which locally-prepared plans for housing and other development can be produced." In the case of Thanet, the locally-prepared plan is the TDC Local Plan, which was adopted in July 2020. Furthermore, "planning law requires that applications for planning permission be determined in accordance with the development plan..." and "The National Planning Policy Framework... is a material

consideration in planning decisions." Therefore, there is a statutory obligation to comply with the NPPF and the TDC Local Plan.

1.4 The following table in this document refers to the titled sections of the NPPF. The statements in italics are copied from the NPPF. The right-hand column assesses the planning application against the NPPF requirements and clarifies whether the application conforms to or contravenes the NPPF. The table assesses the policies in the order they appear in the NPPF, not necessarily in priority order for this planning application.

2. Summary

The planning application contravenes the National Planning Policy Framework in many instances. On these grounds, it should not gain approval. Details are given in the table below.

The main NPPF contraventions are summarised as:

- o The houses are in excess of those identified in the adopted TDC Local Plan. They are not needed.
- o The application builds on, and destroys, Grade 1 agricultural land.
- o The application creates unsafe conditions for pedestrians walking to the Cliffsend village communities - especially for children, the disabled, people with reduced mobility, and people pushing prams or buggies.
- o The application does not conserve or enhance the natural environment or characteristic of the village. On the contrary, it partially destroys an iconic Thanet landscape.

The NPPF economic objective is not relevant or applicable to F/TH/21/1671), as the planning application is for dwellings only. There is no contribution to the economy in Cliffsend or Thanet.

The NPPF social objective requirement is fully met by the TDC Local Plan, with some 17,000 new dwellings and locations identified. The TDC Local Plan includes a significant number of new houses in Cliffsend, which have been or are being built. Application F/TH/21/1671 is in excess of those requirements. It is purely a commercial venture by a property development company. There are no material considerations to override or contravene the TDC Local Plan or this NPPF requirement.

F/TH/21/1671 contravenes this because it is not in accordance with the development plan.

The proposed development land is Grade 1 agricultural land. Converting that into a housing estate directly contravenes this NPPF policy. It is also adjacent to a Source Protection Zone 1 chalk aquifer. In addition, destroying the agricultural land and surrounding hedges works against TDC's declared strategy to achieve net zero carbon emissions by 2030.

Cliffsend is classified as a Rural Area in Thanet. There is no local need, either in Cliffsend or Thanet, for these additional houses because they are in excess of the identified housing requirements in the TDC Local Plan. Furthermore, the local residents do not want this Grade 1 agricultural land to be built on. Proceeding with the development would not reflect local needs. As such, it would contravene this NPPF policy.

The planning application does not achieve this. It does not propose a safe plan. In fact, it will increase the risk of serious injury for pedestrians and cyclists. This is because the only connection from the proposed site to the amenities in Cliffsend (i.e. the recreation ground, the village hall, and the only shop/convenience store in the village) is via a narrow, single-track

road, downhill, with no footpath or verge on either side (Foads Hill). This already represents a serious risk. Pedestrians have to stop and stand sideways on the road to avoid being struck by a passing vehicle. A wheelchair user, or someone pushing a pram/buggy, does not have sufficient safe space if a large lorry or commercial vehicle is travelling down the road at the same time. Now consider increasing this risk. A significant number of additional pedestrians and cyclists, from the 145 houses in the planning application, would need to make this journey to get to the village amenities. There is nothing in this planning application, or in the developer's previous application to build 65 houses (which is nearing completion on an adjacent site) to avoid exacerbating this safety issue. In total the developer is applying to build 210 houses without any mitigation. This contravenes the NPPF. Cliffsend Parish Council recommend a site visit to understand the very real risk this presents. We also recommend taking appropriate safety precautions, such as wearing high-viz clothing.

As described above, the planning application is in direct contravention of this policy.

The application simply does not meet most of these requirements.

CONSULTATIONS

KCC Highways -

(Final Comment)

Further to previous comments dated 13 October 2023, clarification was sought with regard to the layout in relation to PROW TR32. Public Rights of Way and Access Officers have confirmed a Section 106 contribution, which is appropriate.

Tracking for a fire tender has been submitted in line with previous comments, which is acceptable.

A Landscape MasterPlan has been submitted, whereby all planting should not obstruct internal visibly splays.

The provision of visitor parking is considered appropriate and distributed accordingly.

In line with previous comments, I concur with that the proposal will not have a severe impact on the local highway network. I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.

(Interim Comment)

Thank you for your consultation in relation to the above planning application. Further to previous comments dated 31 December 2021, 10 June 2022 and 20 December 2022, additional information has been submitted.

Cycle and Pedestrian Links

Public Rights of Way Officers have been consulted appropriately, and the layout plans have been updated to ensure that PROW TR32 is illustrated. The layout has been amended with the footpath route remaining the same, with a 3 metre wide footpath provided. The footpath is to be upgraded and improved to provide a link up to Thanet Parkway and the newly implemented Cycle Track N of the station. However, I require clarification of this as it is not immediately clear on the submitted plans.

Traffic Regulation Order

A TRO for double yellow lines along the spine road should be secured by way of a suitable condition.

Tracking

Updated tracking has been submitted for a 13 metres long refuse freighter. Overrun takes place at the turning area between Plots 39/4. Overrun takes place at the turning area between Plots 44/60. Overrun takes place at the bend opposite Plots 138/139. These issues remain from comments dated 20 December 2022. This could be addressed as part of a landscaping strategy. Suitable turning for a fire tender is required at Plots 1-4, 12/13 and 141. Fire tender tracking was requested in response dated 10 June 2022.

Parking

I note that the overall provision of visitor parking has been reduced from 50 to 47 spaces. Two spaces have been removed in the south west area of the site to enable to routing of PROW TR32. This represents an additional 13 spaces compared to the originally proposed 34 visitor spaces.

There is a large proportion of tandem parking within the overall scheme design. As previously outlined, this requires an additional 0.5 visitor spaces per tandem arrangement to provide some offset and prevent haphazard parking on the highway that tandem parking can often create.

There is no visitor parking along the spine road between Plots 27-37. However, double yellow lines along this stretch of highway would be sufficient to address this and prevent on street parking.

Traffic Impact Assessment

Previous correspondence outlined traffic impact assessments for Canterbury Road West / A256 roundabout, which indicates that the junction will operate within capacity during the AM and PM peak periods.

The Hengist Way / Canterbury Road West roundabout sees an increase of 20 two way trips in the AM peak and 17 two way trips in the PM peak where no further assessment was considered necessary.

Conclusions

Confirmation of the exact parameters of the PROW TR32 are required. I suggest that the routing and surfacing of the footpath is secured by way of a suitable condition. This should offer a tangible route for all users to Thanet Parkway Station and Cliffsend.

Overall I raise no objection to the proposal on highway safety grounds, and am minded to accept that there will not be severe impact on the highway network.

The transport evidence should identify opportunities for encouraging a shift to more sustainable transport usage. The development proposals offer no alterations to the network to encourage or enable modal shift to walking, cycling or public transport to and from the site. I suggest a Travel Plan is secured by way of a suitable condition to reduce dependency on the private car.

(Interim Comments)

Comments have previously been provided on 31 December 2021 and 10 June 2022. Further details have been submitted respond to these comments.

Cycle and Pedestrian Links

Public Rights of Way colleagues have maintained a holding objection, where it is critical that engagement is made to progress the application. It is noted that the revised Masterplan does not show the route of TR32 and the alignment would appear to be incorrect.

Adoptable Highway

The spine road is outlined to be offered for adoption, and will be subject to a separate S38 Agreement.

Traffic Regulation Order (TRO)

As previously noted, a TRO for double yellow lines should be applied for along the length of the spine road. This would prevent ad hoc parking in close proximity to Thanet Parkway station. This can be Conditioned by way of best endeavours with a Section 106 contribution towards consultation, advertising and implementation. Confirmation is required from KCC TRO Coordinator.

Tracking

Updated swept path illustrations have been submitted to show a 13 metres refuse freighter accessing and turning in the site. The turning areas have trees that obstruct the turning (Plots 44/60 and Plots 4/39). The planting / landscaping will need to be addressed as part of a separate condition.

Overrun takes place adjacent to Plot 96 and opposite Plot 138/139.

Overrun takes place at the bend at Plot 113.

Parking

An additional 16 visitor parking spaces have been provided to offset the number of of tandem spaces.

All parallel spaces should measure 6 metres in length, and ensure that planting / vegetation does not obstruct doors opening.

Parking along the western boundary (Plots 1, 40-43 and 61-65) requires a 1 metres margin to the western boundary to enable vehicles to manoeuvre.

Plot 1 - There does not appear to be sufficient space for vehicles to turn. Visitor spaces will also require this area to turn sufficiently.

Plots 39 and 40/41 - There appears to a a conflict between the on plot parking and frontage parking. Any overhang of Plot 39 parking would see parking Plot 41 unusable.

Plot 25 - Visitor parking immediately abuts an area of landscaping and planting.

Plots 52-55 - Parking is at an angle to the highway, where planting obstructs visibility.

Plots 76-81 and 102-112 - Planting obstructs visibility at accesses.

Pedestrian visibility splays of 2 metres x 2 metres are required on either side of accesses and driveways. This can be secured by a suitable condition.

(Interim Comments)

Further to previous comments dated 31 December 2021, additional information has been submitted by WHA in response to a number of outstanding issues previously raised.

Full details of cycle and pedestrian links.

Full details of the extend of adoptable highway.

Details of any proposed TRO should be outlined whereby a contribution may be considered appropriate.

Tracking is required for refuse and emergency vehicles.

Tandem parking will require an additional 0.5 parking spaces.

An assessment of the local highway junctions should be completed to establish the impact on the surrounding junctions.

Canterbury Road West / A256 Roundabout:

To enable the impact of Phase 2 traffic, an assessment of Canterbury Road West / A256 has been undertaken. This suggests that the junction will operate within capacity during the AM and PM peak period.

A299 Hengist Way / Canterbury Road West

It is acknowledged that during the Phase 1 application, it was accepted that 30% of traffic would travel from the west (A299 Hengist Way / Canterbury Road West roundabout), which

equates to 20 two way trips in the AM peak and 17 two way trips in the PM peak. Therefore, no further junction assessment is considered necessary, which is accepted.

Pedestrian & Cycle links

Connection to the south of the site to connect with the existing cycle way via upgrades to PRow TR32 would provide a connection over the A299 to become a key route for residents accessing Thanet Parkway Station. This may be possible by the upgrade of the existing connection between Clive Road and footway/cycleway. This could be secured by way of a suitable Condition.

Adoptable Highway

The proposed spine road associated with Phase 1 is proposed to be adopted. It is considered appropriate to introduce a Traffic Regulation Order (TRO) to implement double yellow lines along the spine road. Similarly this would prevent parking within Phase 2 from commuters utilising Thanet Parkway train station. This should be secured by way of a suitable Condition and a Section 106 contribution towards the consultation, advertising and implementation of the TRO.

Additional tracking and indication of the adoptable highway has been provided. In line with Thanet DC refuse strategy, tracking for a 13 metres refuse freighter is required.

I note there is potential overrun at the turning area at Unit 44 / 60. Overrun takes place at Unit 9 and the bend at Unit 55. Again, overrun takes place opposite Unit 84.

An additional 1 visitor space has been provided. However, this does not fully address the large amount of tandem parking with very little visitor parking proposed to mitigate this. Guidance outlines an additional 0.5 spaces per tandem arrangement. While it is acknowledged that this may not be entirely necessary or appropriate, an increase in visitor parking to mitigate this is required to prevent ad hoc parking on the highway.

(Initial Comments)

A Transport Assessment has been submitted to support the proposed development of 145 dwellings at Canterbury Road West, Cliffsend, Ramsgate, referred to as Phase 2. Land immediately to the north has an extant consent (TH/17/0152) for up to 65 residential dwellings.

The proposed 145 dwellings are proposed to utilise the vehicular access established as part of 'Phase 1' at Canterbury Road West via a priority junction. The Phase 1 layout includes a 'spine road' which leads directly to the current application site to the south. Canterbury Road West provides direct access to the Thanet Way A299 and A256 and the wider highway network.

Canterbury Road west is subject to a 30mph speed limit in the vicinity of the approved access. Road narrowings and priority working has been introduced between the Hengist Way A299 roundabout to the west of the site, creating a gateway feature to Cliffsend.

Pedestrian and Cycle Links

The site connects to the wider footway in Canterbury Road West. Phase 1 ed a pedestrian crossing point near Arundel Road to improve access to the existing eastbound bus stop in Canterbury Road West. The development should make a financial contribution for a footpath connection between the site and Thanet Parkway Station, thus providing suitable pedestrian access and encouraging travel by non car modes. The TA outlines that Thanet Parkway has the potential to significantly change travel habits for future residents, and acknowledges the increased increase in bus and rail services that will be provided. No details have been provided as to how Phase 2 will further encourage cycling and walking to the station.

Para 3.18 states that there will be provision on the application site for buses to stop. Discussions will need to be held with KCC Public Transport and the bus provider to understand the viability and whether any financial contribution is required. This will require the access to be suitably wide enough (6.75 metres) to accommodate buses through the site.

A further cycles way connection is sought towards the south of the site to connect with the existing cycleway that crossed A299 Hengist Way.

Access

The area of proposed adoptable highway is required.

Parking controls will need to be considered to ensure commuter parking does not occur within the site. This will take the form of a Traffic Regulation Order (TRO). which is subject to a separate application process and consultation exercise.

The proposal seeks to utilise the existing priority junction via Canterbury Road West. This sees a total of 210 dwellings utilising the access. An emergency access is proposed at the eastern boundary of the site to connect with Clive Road.

Kent Design outlines that developments of between 50 and 300 dwellings should have two points of access, or is a loop with a short connection to a single point of access and a secondary emergency access link.

The Phase 1 development provides a 'loop' which has shared surfaces and remains private whereby it will not be adopted by the highway authority. The main street / spine road to the current application site has pavements of either side and is adoptable.

As noted, Phase 1 provides a suitable loop arrangement. The suitability of the existing junction to accommodate the increased traffic demand has been assessed.

Tracking is required fro refuse freighters and emergency vehicles. Suitable turning areas do not appear to be available at the end of the proposed cul-de-sacs within the development.

Pedestrian visibility splays of 1 metres x 1 metres with no obstruction above 0.6 metres are required behind the footway on each side of the access. Forward visibility around bends should be illustrated.

Parking

In line with Interim Guidance Note 3 (IGN3), parking has been calculated as follows:

In line with Interim Guidance Note 3 (IGN3), parking has been calculated as follows:

1 bedroom Flat	8	1 space per unit	= 8
2-bedroom House	62	1.0 spaces per unit	= 94
3-bedroom House	61	1.5 spaces per unit	= 116
4-bedroom House	14	2 spaces per unit	= 42
Visitor Parking	145	0.2 spaces per unit	= 34

The proposal seeks a total of 294 parking spaces for the proposed 145 units.

Tandem parking will require an additional 0.5 visitor parking space.

Cycle parking is proposed where each plot will have on-plot cycle parking in the form of a shed, while flats will have communal cycle parking provision for 1 space per unit.

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).

Trip Generation and Distribution

TRICS has been interrogated to understand the proposed trip rates associated with the development. This sees 67 two way movements in a AM peak and 58 two way movements in the PM peak.

The TA utilises the distribution split as agreed at Phase 1, which established 70% development traffic travelling eastbound and 30% travelling westbound on Canterbury Road West. The secondary access is proposed for emergency vehicles only, whereby all development traffic will enter and exit the site via Canterbury Road West.

PICADY has been utilised to understand the likely impact of the proposed development on the existing highway network. Tempro has been utilised to calculate the growth projections. This considers two scenarios of the year of the site being built and occupied (2023) and a future 5 years assessment (2028).

This data indicates the maximum queue lengths and looks at whether the individual junctions are considered to operate with any capacity. This outlines that the Canterbury Road West / Site access junction operates within capacity.

Assessment should be included at the A299 Hengist Way / Canterbury Road West roundabout and the Canterbury Road West / A256 roundabout. The impact on the approaches to the site from either direction have not been considered.

Para 7.1 states that the assessment demonstrates that there is unlikely to be any significant impact as a result of Phase 2 development on the local network. Without further junction assessments, it is not possible to fully assess this impact.

Travel Plan Framework

A full Travel Plan should be conditioned should planning permission be granted. This will be subject to a monitoring fee of £948.

Conclusions

The following details are required to enable a full assessment:

Full details of cycle and pedestrian links.

Full details of the extend of adoptable highway.

Details of any proposed TRO should be outlined whereby a contribution may be considered appropriate.

Tracking is required for refuse and emergency vehicles.

Tandem parking will require an additional 0.5 parking spaces.

An assessment of the local highway junctions should be completed to establish the impact on the surrounding junctions.

KCC PROW -

(Final Comment)

. Public Footpath TR32 is directly affected by and abuts the proposed development. The location of the path is indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the Public Right of Way (PROW) is a material consideration.

KCC PROW can now provide a detailed costing for our s106 request, to mitigate the increase of use, impact on and reflection of the strategic connectivity provided by Public Footpath TR32 off site from Canterbury Road West south to the redline boundary of the proposed development :

376m x £48 per metre hoggin surface x 2m width = £39,096

376 x £20 per linear metre wooden edging = £ 7,520

10% PROW Management fee

TOTAL = £47,977

(Initial Comment)

Thank you for the consultation letter regarding the above application TH/21/1617. Public Footpath TR32 would appear to be directly affected by and abuts the proposed development. The location of the path is indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the Public Right of Way (PROW) is a material consideration.

As a general statement, the KCC PRoW and Access Service are keen to ensure that their interests are represented with respect to our statutory duty to protect and improve PRoW in the County. The team is committed to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP). This aims to provide a high-quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

KCC PROW place a holding objection on the application, and request engagement with the applicant to resolve at which point the objection could be lifted. Reason: safety of public user of Public Footpath TR32.

Engagement to cover the following, which would be requested as a condition prior to a determination of the application:

- A scheme of access / construction is agreed to clarify the path alignment, surfacing, width and signage
- Delivery of this agreed scheme before construction commences.
- The applicant considers the improvements detailed below regarding the wider improvements to the PROW network. We request that the applicant also investigates providing monetary contribution towards this provision. This would enable improvements onsite and offsite to mitigate the impact of this application and make it more sustainable

Impact on Public Footpath TR32

The PRoW network is a valuable resource that provides significant opportunities for outdoor recreation and active travel. We would request that the applicant clarifies the alignment of the site boundary in relation to the route of TR32, as there are conflicting plans and references within the documents of the application. KCC PROW request early engagement and would be happy to attend on site if necessary.

We welcome the intention to provide improvements to TR32, (ref. Visual and Impact Assessment, Construction Management Plan, Landscaping Details), although we query why only the route on the Western boundary is mentioned as TR32 runs along /on the southern boundary as well. KCC PROW would propose upgrading through the site on the Western side and along the southern boundary to a Public Bridleway, allowing pedestrian and cycle use, providing active travel connectivity towards Thanet Parkway station and existing residential communities. TR32 is the main off-road link to the new station and a full Cycle Track is to be created alongside the Footpath from a new link at Clive Road to the station. This therefore would provide a significant link in the surrounding network.

As mentioned in the Landscaping Details 1.6-1.7, the route offers great pedestrian access, but the above upgrade would provide full Active Travel access. Within the development, the route through the Wildflower Park is unclear as to where the PROW is and should be. We would advise that this stretch is included within the upgrade, giving pedestrian and cycle rights throughout.

TR32 appears to cross an area of driveways, (see above, the route is not shown on the Wildflower Park plan) and this would not be acceptable due to user safety. Again, we request engagement with the applicant.

KCC PROW and Access would not accept the proposed 3m high acoustic fence along the southern boundary as this goes against our policy of routes being in open, safe and attractive green corridors. Hence the need to discuss this section alignment and status as a matter of immediacy.

Impact on wider PROW network

KCC policy is to meet future demand by providing well planned new provisions, including green infrastructure to facilitate sustainable travel patterns. The PROW network provides an important element of this infrastructure and to this end, we examine all applications with regard to the wider area. It is therefore imperative that we use this opportunity to provide sustainable access from the site to transport, employment, school and recreation for pedestrians and cyclists.

Please make the applicant aware that any proposed work on the surface of the paths must be approved and authorised by the Highway Authority, in this case Kent County Council's Public Rights of Way and Access Service. PROW diversions or extinguishments should be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the path network as soon as possible. It is important that Thanet District Council are able to make the necessary Orders at the point at which consent is given.

Finally, KCC PROW policy is to request early and direct engagement with the applicant and any future developer to discuss the matters highlighted in this response and in this case to enable the holding objection to be lifted.

Comments are made in reference to the following planning policy. National Planning Policy Framework 2019.

National Policy Framework paragraph 98, states that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

National Policy Framework paragraph 104, states that Planning policies should provide for high quality walking and cycling networks

National Planning Policy Framework paragraph 107, local planning authorities must have regard to planning policy guidance about coastal access. Efforts to improve public access and enjoyment of the coast should be encouraged where possible.

Kent County Council Rights of Way Improvement Plan

Thanet District Local Plan 2018-2031 H15/TR11/TR12/TR14/TR15/D1/SR8/SR9/SR17

This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of Public Rights of Way and Countryside Access matters relating to the application.

KCC SUDs -

(Final Comments)

Kent County Council as Lead Local Flood Authority understand that since our previous consultation response on the 15th of December 2021, alterations to the proposed housing types and layout have been made. As a consequence, the Flood Risk Assessment and Drainage Strategy report (September 2022) has been updated to reflect these changes. The LLFA have reviewed this updated report and have no additional comments to make on these changes. We would therefore refer back to our previous consultation response (15/12/2021), containing our recommendations and conditions moving forward.

(Initial Comments)

Kent County Council as Lead Local Flood Authority have reviewed the drainage scheme set out within Flood Risk Assessment and Drainage Strategy (October 2021) and raise no objections to the principles contained within.

The report details that the proposed housing development would manage surface water through the creation of five infiltration basins on the southwestern corner of the site. It is noted that the northern site of phase 1 (approved under a separate application) will also be contributing to this network.

Permeable paving and geo-cellular tanks are also proposed on site to provide additional water treatment and storage. It is also stated that filter drains will be installed at various locations around the site to intercept any runoff because of the gradient changes on site. This approach is welcomed and will minimise any possible overland flows during extreme events.

It is evident that future design work will be required, for which it is our recommendation that a pre-commencement detailed design condition is attached to this application. The wording to this condition and our verification report condition can be found at the end of the consultation response. For the future detailed design stage, we would seek consideration of the following:

In-situ infiltration testing at the proposed basin locations and respective depths. Ideally, the BRE:365 methodology should be applied for each of these locations, notably the requirement to undertake the test three times. Furthermore, it may be required that a second additional pit may need to be undertaken within some of these basins due to their scale/ length.

In addition to the infiltration testing on site, it would also be advised to undertake groundwater monitoring in the locale of the future basins to confirm depths to any groundwater.

As mentioned above, it is noted that filter drains are proposed to be situated in the gardens of some properties. The purpose is to intercept runoff from the gradient changes present on site. Whilst this approach is agreeable to us, we would urge consideration is applied to possible contributions from green space areas flowing into the highway and into the subsequent drainage system. This may increase the amount of flows entering into the drainage network and as such this may need to be included within the drainage modelling.

KCC Biodiversity -

(Final Comment)

We have reviewed the updated landscaping plan and the submitted Habitat Regulations Assessment and we advise that the advice we provided in November 2022 is still valid.

We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

North Kent 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 decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered 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 Thanet Coast and Sandwich Bay 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/structures 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/structures need to be removed during the breeding season, mitigation measures need to be implemented during construction. 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.

Bats and Lighting

To mitigate against potential adverse effects on bats (and other nocturnal wildlife), and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting

design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission. Suggested wording:

Biodiversity and Ecological Enhancement

Under section 40 of the NERC Act (2006), and paragraph 180 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

We are satisfied that if the wildflower grassland (as within depicted the Landscape Master Plan) is implemented and managed correctly, the loss of biodiversity can be mitigated for. We also recommend that all landscaping consists of native species only and that bird/bat bricks are integrated into the new builds.

(Interim Comment)

We have reviewed the submitted wintering bird survey (including scrutinisation of the methodology and restraints) and concur with the conclusion, i.e., "The bird assemblages recorded on Site during the WBS visits do not match species assemblages known within the Thanet Coast and Sandwich Bay SPA. The qualifying features of this SPA include internationally important wildfowl assemblages, none of which were seen utilising the Site habitats".

As none of the species listed within the qualifying features were documented on-site, we take the view that the site is not functionally-linked to the Thanet Coast and Sandwich Bay SPA. However, it is important to note that works for the approved development immediately to the north were carried out during the time of the surveys, and this is likely to increase the chances that wintering birds would have been absent for the survey period.

We advise that the development must still account for the putative increase in recreational pressure via the SAMMS and that comments in our previous advice note (13th December 2021) remain valid.

(Initial Comments)

We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

North Kent 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 decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered 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 Thanet Coast and Sandwich Bay 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/structures 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/structures need to be removed during the breeding season, mitigation measures need to be implemented during construction. 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:

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To mitigate against potential adverse effects on bats (and other nocturnal wildlife), and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission.

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Under section 40 of the NERC Act (2006), and paragraph 180 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

We are satisfied that if the wildflower grassland (as within depicted the Landscape Master Plan) is implemented and managed correctly, the loss of biodiversity can be mitigated for. We also recommend that all landscaping consists of native species only and that bird/bat bricks are integrated into the new builds. Suggested condition wording:

KCC Archaeology - Thank you for consulting on the above residential development proposed on land to the south of Canterbury Road West. This area is particularly rich in archaeology which had been recognised in pre-application discussions and has been subject to both geophysical survey by Wessex Archaeology and more recently evaluation trenching by SWAT Archaeology.

An initial, but incomplete draft of the evaluation report has been submitted. I have reviewed that report in detail and am providing comments below on areas that need to be addressed to provide an appropriate description and assessment of the archaeology on the site. I did monitor the evaluation trenching works over a number of weeks between November 2021 and January 2022 so am familiar with the findings and their wider context.

Archaeological Potential.

The proposed development site lies in a very rich archaeological landscape on the southern slopes of the Isle of Thanet overlooking the former Wantsum Channel. The topography of the present site is extremely important as it sits astride a north to south orientated valley that runs down the scarp slope towards the former St Augustine's Bay. Early maps show that a trackway ran northwards through this valley and archaeological evidence from both the East Kent Access Road investigations and those at Thanet Parkway, as well as further south at Cottington Road have demonstrated that the valley was used a track from prehistoric times with substantial activity flanking it including Iron Age and Roman settlement and Saxon settlement later. The valley itself is filled with colluvial soils (washed from the sides) which both seal and contain archaeological remains adding to the complexity of the site. The evaluation identified substantial depths of colluvium running through the centre of the site and has presented a preliminary model.

Either side of the valley, aerial photographs show evidence for neolithic and Bronze Age monuments and funerary activity. The Kent HER records a Beaker burial within the field near to Clive Road and excavations for East Kent Access confirmed the funerary and monumental landscape of the Neolithic and Bronze Age on Foads Hill which forms the eastern flank of the present site. Within the present site a burial, probably crouched was found and is likely to be a Beaker type. This was left unexcavated.

The investigations to the south of the site for East Kent Access and Thanet Parkway have revealed an extremely complex arrangement of trackways flanked by enclosures, settlement and cemeteries of Iron Age and Romano-British date. These extend both north/ south and north west/south east into the southern areas of the present site. The archaeology is generally shallow buried, very complex and intensive throughout the southern area of the application site. Evidence for enclosures, a track and sunken buildings are included within the findings of the evaluation. The overall articulation of the archaeology is difficult to follow in the report but it seems that the archaeology found to the south extends into the site at similar levels of complexity. More work is needed to map the features within the site and provide a phased interpretation and characterisation but activity has been identified that extends from the neolithic through to the medieval period. The activity extends up the site and is found within the colluvial deposits in the valley. 55 of the 63 trenches excavated revealed archaeological deposits.

Advice

The evaluation (and previous assessments including desk based study and geophysical survey) was undertaken to inform any planning application coming forward for the site. The present development site generally shows housing and roads infrastructure over the valley and land on its eastern side with attenuation areas in an area to the south west. Given the sloping nature of the site it is likely that substantial ground works will be needed to level areas for development, attenuation and services. Archaeological remains, including this buried at depth are likely to be affected.

While there is complex, intense and significant archaeology throughout most areas of the site I have not identified any areas that require exclusion from development works. Mitigation can be addressed through archaeological investigation and recording but it needs to be fully understood that given the complexity, quantity and significance of the archaeology such works are likely to be extensive and require significant resources and investment to undertake. Given the potential impacts it is difficult to see how archaeological preservation, other than in the deeper buried deposits in the valley can be achieved.

I would therefore recommend that in any forthcoming consent provision is made for archaeological investigation and recording, post excavation assessment, analysis, reporting and archiving through condition.

To enable the scope of the archaeological investigations to be agreed, the evaluation report needs to be revised in accordance with my appended comments. An impact assessment, taking account of the development ground excavations should also be developed to inform the written scheme of investigation. As with the investigations to the south both for the East Kent Access Road and Thanet Parkway, a programme of community engagement should be included within the scope of the archaeological written scheme.

Given the richness and extent of the archaeology within the site there is an opportunity for interpretation within the public realm. It would be appropriate to require a scheme of interpretation through information boards as part of the development. I would recommend that a condition is included that secures an appropriate scheme of archaeological interpretation.

KCC Accommodation - 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 (the evidence supporting these requirements is set out in the attached Appendices).

Environment Agency - This site is in a sensitive setting for Groundwater protection, being in an Source Protection Zone (SPZ) 1/2 for a nearby water abstraction.

The reports submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information may however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a relevant drainage design details and a discovery strategy for contamination, carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

We note reference to the adjacent infilled chalk pit and also not this has been assessed by an adjacent development proposals. Further regard to available information on the planning portal should therefore be taken to assess any risk from infill materials and whether any buffer zones are required to ensure stand off of hard development from the fill is required in the proposed development layout.

The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

We note from the reporting that brick structures were identified on site, these could relate to strategic infrastructure for surface water drainage from the airport. The wayleaves and any infrastructure should be suitably protected from disturbance by any construction activities if this proposal is granted permission.

Southern Water -

(Final Comment)

Southern Water have reviewed the revised Flood Risk and Drainage Strategy and the surface water quality treatment measures are now deemed sufficient. Southern Water's previously apply planning condition can be discharged from this planning application.

All other comments in our response dated 30/11/2022 remain valid for the amended details.

(Interim Comment)

Further to our response dated 25/08/2021 and additional information provided by the developer, Southern Water would have the following comments to make: Southern Water have reviewed the provided response and hydrocarbon treatment details are not clearly presented in either the response or FRA report. At present FRA Section 9 states "It is considered that oil separators (interceptors) will not be required for the roads on site, due to the small area covered; drainage should however be routed via trapped gully pots" indicating the method of hydrocarbon treatment will be via gully pots, which are generally used for sediment treatment and not for hydrocarbon treatment. In your response you note infiltration basins will be vegetated and will be designed in accordance with chapters 22 and 23 of the CIRIA 753 SuDS manual. It would be useful to expand Section 9 to include text in reference to the detention basin and/or wetland basin hydrocarbon treatment to alleviate our concerns. Southern Water are pleased that deep bore soakaways will not be used for this site.

The document (Dwg. No. AA8931-2002_A) indicating a 6 metre easement to 500 mm public water trunk main and a 4 metre easement to 915 mm surface water sewer is acceptable by Southern Water.

However, it appears that there are proposed tree plantings located within the standoff distance of 630 mm public water main to the south of the development site. No excavation, mounding, or new tree planting should be carried out within the standoff distance without consent from Southern Water.

All other comments in our response dated 30/11/2022 remain unchanged and valid.

(Interim Comment)

Further to our response dated 23/11/2022 regarding the above planning application consultation and additional comments added below,

Southern Water have reviewed this planning application and risks to groundwater and our abstraction (including adits) are not considered. The site is located approximately 400m from adits which provide large quantities of water and rapid transit pathways to our public groundwater supply.

Given the site being located adjacent to an SPZ1 and presence of adits in the area we believe additional mitigations should be adopted to protect against future water quality risks. Therefore, Southern Water request oil interceptors be installed on the surface water network prior entering soakaway features to prevent hydrocarbon discharge to the principal Chalk aquifer.

Please see the attached extract from Southern Water records showing the approximate position of our existing public water trunk main within 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.

(Interim Comments)

Further to our recent response dated 10/02/2022 and the submitted additional documents please find our below comments. The submitted document (Dwg.no: AA8931-2002_A)

indicates 6 metres easement on the either side of public water trunk main which is acceptable by Southern Water. No excavation, mounding or tree planting should be carried out within provided standoff distance without consent from Southern Water. All other comments in our response dated 13/12/2021 remain unchanged and valid for the amended details.

(Initial Comments)

The attached plan shows that the proposed development will lie over an existing public water trunk main, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the water trunk main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Please note:

- The 500 mm public water trunk main requires a clearance of 6 metres on either side of the water trunk 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 main without consent from Southern Water.
- No new soakaways should be located within 5 metres of a public water main.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf. Please note: There is 915 mm private surface water sewer within the site.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

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.

Furthermore, 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.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The supporting documents make 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 form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here: water.org.uk/sewerage-sector-guidance-approved-documents/

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.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise

generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

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 is to enter public sewers.

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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.

Natural England -

(Final Comment)

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], North Kent Special Protection Area (SPA). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

(Interim Comment)

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

(Interim Comments)

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Thanet Coast and Sandwich Bay Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Further consideration as to whether the proposed development site is likely to support the qualifying features of the Thanet Coast and Sandwich Bay SPA, and is therefore Functionally Linked Land.
- Consideration of potential Functionally Linked Land as part of a Habitats Regulations Assessment.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

In our previous response dated 08 December 2021 we advised that the site of the proposed application be assessed as to its potential to be functionally linked to the above site. We note that a 'Wintering Bird Survey' has now been submitted which advises that, although the site does provide habitat for some bird species, none of the species assemblages known within Thanet Coast and

Sandwich Bay SPA were present during the seven surveys. Therefore it is concluded that it is unlikely that the proposed site is functionally linked to the above designated site and the development should not have an impact.

We have previously advised that, with regard to site-based surveys, we typically expect at least two years of survey data when determining whether land is functionally linked to a designated site. The submitted wintering bird survey has only covered one season, from November 2021- March 2022. Unless the report can be supplemented with additional Wetland Bird Survey (WeBS) data from recent wintering seasons demonstrating that the land is not functionally linked, then we will require another season of monitoring to achieve certainty. At this point, as long as no qualifying features of the SPA are present during these further surveys, likely significant effect can be screened out.

Final Comments

Further general advice on the protected species and other natural environment issues is provided at Annex A.

(Initial Comments)

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES As submitted, the application could have potential significant effects on Thanet Coast and Sandwich Bay Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: o Consideration as to whether the proposed development site is likely to support the qualifying features of the Thanet Coast and Sandwich Bay SPA, and is therefore Functionally Linked Land. o Consideration of potential Functionally Linked Land as part of a Habitats Regulations Assessment. Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

Habitats Regulations Assessment:

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required.

Functionally Linked Land:

The Thanet Coast and Sandwich Bay SPA spans the north and east Kent coast stretching from Swalecliffe to Deal, and is internationally important for its over-wintering and breeding birds. Areas of land outside of the SPA, that are likely to support the qualifying features (i.e., foraging sites) should be considered to be functionally linked to the SPA by providing supporting habitat. Due to its location and general habitat composition, Natural England would advise that there is a likelihood that the site of the proposed application could be regularly used by the species associated with SPA, and as such, it could be considered Functionally Linked Land (FLL). Any potential loss of FLL and/or impacts to the SPA, should therefore be considered as part of a Habitats Regulations Assessment.

Natural England advise that a habitat suitability assessment should be undertaken by the applicant, in order to determine the likelihood of the site being FLL. We recommend that this should include consideration of: the distance from the SPA, site characteristics (i.e., cropping regime, visibility and areas of seasonal flooding), the size of the site and any existing factors that may affect its suitability (i.e., heavy usage of footpaths by people and/or dog-walkers, proximity to built up areas etc).

If the habitat suitability assessment does not clearly demonstrate that the application site (and surrounding land) is unsuitable for the qualifying features of the SPA, the applicant should undertake a desk based assessment. This should collect existing bird data/information from various sources. If there is an absence of records, the assessment should explain whether this is thought to be due to an absence of birds, or an absence of recording.

Where a desk based assessment determines that the site is suitable to be used as FLL and there is insufficient existing bird data available, we would advise that bespoke site specific surveys should be undertaken. When conducting site-based surveys, we advise that the following should be considered: frequency of surveys (at least two surveys per month (October

- March), tidal state and whether this is likely to impact the use of the site, timings of the surveys based on the associated species (i.e., dusk and dawn surveys, and nocturnal surveys of golden plover) and the cropping regime of the site. We would also advise that we would usually expect at least two years' worth of survey data when determining whether a site is considered to be FLL or not.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

TDC Environmental Health - Thank you for consulting Environmental Protection on the above planning application for which we have considered the potential for environmental health impacts offer the following comments and recommended conditions.

Noise

A noise impact assessment has been submitted with the application. The assessment was carried out by Acoustic Associates Sussex Ltd dated Oct 2021. The comprehensive assessment indicates that properties along the southern boundary will be significantly impacted by road noise from the A299. The report details extensive mitigation required to ensure reasonable internal noise levels are achieved, particularly at first floor level. It is important that all recommended measures are implemented and the following conditions are recommended:

Prior to the occupation of the development hereby approved, the recommendations set out in Acoustic Associates Sussex Report dated Oct 2021 must be implemented and thereafter be retained.

Air Quality

The site adjoins the urban air quality management areas and is classed as major development and so safeguarding conditions apply.

TDC Waste and Recycling -

(Final Comment)

No objections to this now

(Initial Comment)

We have been unable to find the vehicle tracking documents for this development. As with all new developments we wish to be kept advised of progress. As always we have concerns around access, parking, street furniture placement and residents being moved onto the site prior to building works being completed. For us to collect we will need to see proof of vehicle tracking, site completion and will need to make a site visit prior to collections starting.

TDC Arboricultural Officer - The aerial photos suggest there are no trees of significance on the site, if any at all. I saw reference somewhere to previous Arb Officer comments dated 23.11.2021, but I couldn't find them amongst the documents available on line.

I scanned through the recently submitted documents, i.e. dated 31.10.22, and the only ones I saw of any relevance to trees were the Landscape Statement, Masterplan and General Arrangement.

The Landscape Statement provides proposed tree planting details at pages 32/3, and proposed details for two different hedges at page 39:

Trees are subdivided into a number of categories:

- Feature trees - Beech

Beech can make very large specimens and require adequate space to mature without impacting adjacent properties and dominating various amenity areas. They generally thrive best on chalk soils; the site assessment reports geological mapping as showing the majority of the site underlain by chalk but with clay deposits at the extreme southern end, where a number of Beech are shown around a wild flower park. Hornbeam, tolerant of both clay and chalk soils, and proposed elsewhere on site as one of the proposed street tree species and as a formal hedge, may be a more appropriate species to use. The canopy of the upright growing clone "Fastigiata", suggested as a street tree, can reach up to 10m wide in middle age and may be more appropriate in the "Feature tree" locations than the standard native "type" which like Beech can become very large.

- Boundary Native tree mix I'm happy to accept the proposed mix of species.

- Street trees: I'm happy with Rowan but, as noted above, the Fastigiata clone of Hornbeam can spread once middle-aged. The cultivar Fastigiata Frans Fontaine keeps a narrow crown (around 3m wide) and may be more appropriate.

- Street trees to Greens: The Wild Cherry can make a medium to large tree but the standard native Small Leaf Lime can become very large, potentially reaching well over 20m at maturity and is unlikely to be suitable for this development. The photo palette of trees at page 32 shows a smaller upright clone, Tilia cordata Greenspire which may be more appropriate.

- Ornamental trees and Fruiting & Orchard trees: I'm happy to accept the species proposed. The proposed planting sizes across all categories are appropriate.

Hedges

- Formal native single species hedge: Carpinus betulus (Hornbeam) Hornbeam makes a good single species hedge, and should be suitable for the site conditions. Although deciduous, when managed as a hedge the plants tend to hold the brown leaves through most of the winter. The plans appear to show this hedge type around only two areas, the Community Growing Garden in the upper north west corner of the site and the Formal & Communal Garden to the flats. It would also be suitable in other locations within the site, e.g. as an alternative or replacement for residential defensible space hedge planting where a slightly less suburban hedge was considered desirable.

- Boundary Native Hedge mix The proposed species mix, size at planting and density are all acceptable. If I had to make any comment it would be to specify a double staggered row of plants, with 300mm to 400mm between the rows, to give the hedge more depth and body.

TDC Strategic Planning Manager - Although the current shortfall in the 5-year housing land supply is acknowledged, the following points should be taken into account when coming to a decision.

NPPF paragraph 7 sets out the three dimensions of sustainable development: economic, social and environmental. NPPF paragraph 8 goes on to state that these roles should not be undertaken in isolation, because they are mutually dependent and therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The adopted Local Plan sets out a broad strategy to focus development largely at the urban areas, close to a wide range of services and better public transport links, to support a sustainable pattern of development. Some small allocations were made at the villages to provide for an element of natural growth within the wider development strategy (Policy SP01), but "village confines" (Policy SP24) were also applied to limit further significant growth that would undermine the overall strategy. These allocations were made after an examination of service levels in the villages, and the scale of development allocated in the villages is broadly proportionate to availability of local, easily accessible services and the size of each village.

As part of this wider strategy, some sites were allocated in Cliffsend. Cliffsend is a settlement with limited services that was not considered suitable for a significant level of housing growth.

The Inspectors' Report says the following about housing development at Cliffsend:

"51. It is possible that some Villages could have accommodated more housing development, including Cliffsend which will benefit from improved accessibility due to the proposed Thanet Parkway railway station. However, the rural settlements only comprise around 4% of Thanet's population, the majority of which is focused in the Urban Area, along with key services, facilities and jobs. Significant additional growth in the Villages would therefore undermine the Plan's strategy which seeks to focus development towards sustainable extensions to the Urban Area. The scale of development proposed in Cliffsend is commensurate with its role and function at this present time.

"52. In summary therefore, directing growth to the Urban Area, strategic sites on the edge of the Urban Area and Villages with the highest number of services is justified, and consistent with national planning policy which seeks to direct significant new development to locations which are, or can be made sustainable. The submitted Plan is the most appropriate strategy for Thanet given the options available."

Any assessment of Cliffsend as a sustainable settlement that could support greater levels of housing will take place through the LP review/update process. However, that would have to be considered alongside a comprehensive review of an appropriate range of services to be delivered alongside any housing, given the limited range of services currently available in Cliffsend.

The Parkway Station is now operational. However, this alone does not create a sustainable location for increased levels of development, and this is acknowledged by the Local Plan Inspectors. I understand that there is an intention for a shop to be provided in Cliffsend (on a

separate site), but this is not yet built, and cannot be guaranteed. In any event, it is only part of the solution in terms of service provision.

I note that in addition to the application site, a number of other sites in Cliffsend have been submitted to be considered in the Local Plan process. If they also came forward ahead of the Local Plan, without the provision of a greater level of local services, this risks reinforcing an unsustainable pattern of development.

TDC Strategic Housing Officer - The above extract proposes a new mix of units as set out in the Schedule of Accommodation dated 02/06/23, revision L, which states the following:

The above proposal veers away from the initial proposed contribution of 30% affordable housing which equated to 42 no units, which met the requirements of Local Plan Policy SP23.

The revised affordable housing proposes 31 no units which equates to a loss of 11 no units; therefore, it is not compliant with the requirements of Policy SP23 and cannot be supported by TDC's Strategic Housing department.

Whilst I understand that a viability assessment has brought about these changes, I strongly suggest that this is once again reviewed by an external independent assessor to ensure that further affordable rented units cannot be incorporated into this development.

The proposed affordable housing mix is not completely reflective of the overall housing target mix for the district. The Strategic Housing Market Assessment (SHMA) (updated August 2021) recommends the following appropriate mix of affordable and market homes. This takes into account the ageing demographic and changes within households over a long term 20 year period:

The table below illustrates the proposed affordable housing mix for this site against the SHMA's (updated 2021) Affordable Housing Target Mix.

The proposed scheme indicates a higher number of 2 bed units and a lower number of 3 bed units against the SHMA's (updated 2021) Affordable Housing Target Mix recommendations.

Although the housing mix figures are not necessarily prescriptive, to ensure a future balanced delivery of units within the district, it would be advisable to closely align the housing mix against these figures, particularly on a large strategic site such as this one; therefore, it would be prudent to use these as a set of guidelines and where a housing mix significantly differs from these figures, it requires appropriate justification.

The Schedule of Accommodation states that it should be read in conjunction with Drawing no: AA8931-2006. This drawing shows the layout of the site and the integration of different tenure units throughout the development. The proposed First Home units and the Shared Ownership unit are integrated with the Market Sales units. The affordable rented units are mainly congregated to the South West corner of the site and would benefit from being dispersed throughout the development.

Clinical Commissioning Group - The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests: 1. Necessary 2. Related to the development 3. Reasonably related in scale and kind We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

Network Rail - Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland, and Wales. As statutory undertaker, Network Rail is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Consequently, any third-party proposal that impacts Network Rail's ability to deliver a safe operational railway is a concern.

We have been consulting internally with the Train Operating Company, South Eastern Railway. Due the expected increase of demand this development will have on the upcoming Thanet Parkway Station (expected May 2023), Network Rail are requesting contributions from the developer so that rail travel remains an attractive option. This point is also acknowledged by the developer, as the trip generation figures quoted in the Transport Assessment seem to be based on Ramsgate and Minster Stations only, recognising the new station located 400m from the site will change the travel habits of residents.

At present, customer facilities at the station are rather basic and as such, would benefit from improvements. Network Rail would like to see funding go towards shelters for the Ticket Vending Machines as a start. This would help to ensure rail passengers are shielded from the elements.

In addition, connectivity from the development to the Thanet Parkway Station is poor for pedestrians and there is a need to improve access. We would like to see funding towards a pedestrian and cycle path that connects the two points. A bus service that serves both of the locations would also be helpful. These improvements would ensure the integration of rail as a vital form of sustainable travel.

Network Rail supports the development in principle but recognises the additional usage of Thanet Parkway would require station improvements. We are open to engaging with the developer to discuss these requirements in the run-up to the station opening.

We would be looking for approximately £9000 (VAT inclusive) - which is the cost for 2x TVM shelters.

While I wasn't able to ascertain why there weren't included in the original application, these shelters help to enhance passenger experience by providing protection from the elements. The increase in use of the TVMs due to the new development means there is a need to make them sufficiently robust. Furthermore, considering Thanet Parkway is a new station, there is a need to incentivise passengers to use it instead of the surrounding stations. Maximising value

by providing shelters ultimately contributes in creating a more welcoming environment and encourages sustainable means of travel, as well as easing the burden on surrounding stations, which has community benefits.

Kent Police - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF). We request a condition for this site to follow SBD Homes 2019 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site and the any parking areas/ courts to the rear of the properties. These areas must be well lit and covered by natural surveillance from neighbouring properties.

2. Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line. I note on the plan that side access gates are towards the rear of the properties, therefore I recommend an additional gate shared by both occupiers is installed towards the front of the building line.

3. Pedestrian routes through the site do not meet SBD guidance. We would strongly recommend the installation of pavements on both sides of the roads to avoid vehicle and pedestrian conflict, the current plan shows some shared vehicle/ pedestrian areas.

4. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or sold secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting - the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.

5. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.

6. Corner properties require defensible spaces to avoid desire lines that can cause conflict. This can be provided by planting of prickly plants or knee rails/ fences, for example.

7. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

8. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS

201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

9. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

10. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.

11. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

12. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB. 13. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats. We advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area and sheds of dwellings.

14. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. For the houses, we recommend SBD TS008. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

15. CCTV is advised for all communal entry points and to cover the mail delivery area.

COMMENTS

The application has been called to the planning committee by Cllr Rattigan on the grounds of concern about lack of amenities to support the new homes.

Principle

- Policy Background

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

Policy SP01 of the Thanet Local Plan sets out the spatial strategy for the district. It states that the primary focus for new housing is the district's urban area, and that limited development is already allocated to Cliffsend through the Local Plan process, with housing allocations made on a proportionate basis given the small range of local services and public transport connections that serve the village.

The supporting text to the policy explains that the strategy has been determined by the size and geography of the district with the largest settlements following the coast forming the urban area. It also reflects constraints such as international and national wildlife designations and the presence of predominantly grade 1 agricultural land beyond the urban area. Whilst it is noted that the Council is currently reviewing submission of sites as part of strategic planning to 2040, the application falls to be considered under the Thanet Local Plan 2020.

The proposed development lies outside of the district's urban area, and does not fall under one of housing allocation sites within the village. The proposed development would therefore fail to comply with the objectives of Policy SP01.

Whilst the application lies adjacent to the village of Cliffsend, it is within an area designated as countryside as defined by the Thanet Local Plan.

Policy SP24 (Development in the Countryside) of the Local Plan states that development on non-allocated sites in the countryside will be permitted for either: 1) the growth and expansion of an existing rural business; 2) the development and diversification of agricultural and other land based rural businesses; 3) rural tourism and leisure development; 4) the retention and/or development of accessible local services and community facilities; or 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings. Isolated homes sites in the countryside will not be permitted unless they fall within one of the exceptions identified in the National Planning Policy Framework. All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated. The proposal for housing development does not fall within the list of permitted development within the policy, and as such the proposal does not comply with the objectives of the policy.

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The site lies outside of the urban area, and is not an allocated housing site, and therefore the proposal fails again to comply with the objectives of Policy HO1 of the Thanet Local Plan.

The NPPF seeks to 'boost significantly the supply of housing' and requires Local Planning Authorities to demonstrate that they have a 5 year supply of deliverable housing sites to meet their objectively assessed needs. Local Planning Authorities are also subject to an annual housing delivery test, in which the number of new homes built in each Local Authority area is centrally calculated as a percentage of the number of homes needed there over the previous three years. The Local Planning Authorities position regarding their 5 year housing supply, and outcome of the housing delivery test affects whether or not the Local Authority falls within the 'presumption in favour of sustainable development'.

The November 2021 Housing Delivery Test results for the Council were published on 14 January 2022 which showed that the District has achieved a measurement of 78% and is no longer in presumption under the Housing Delivery Test, and as a result will need to produce an action plan (which was produced in 2019 and updated in 2020) and apply a 20% buffer to housing land supply. The current published position of the housing land position is within the

Annual Monitoring report 2022 (published 31st March 2022). Although the Council is no longer in presumption under the Housing Delivery Test, it is unable to demonstrate a 5 year supply of housing when applying the 20% buffer, with a supply of 2.91 years from the published data. No subsequent Housing Delivery test results have been published or an Annual Monitoring report for 2023.

Therefore paragraph 11d) of the NPPF applies, with the important development plan policies considered out of date (footnote 7). Therefore 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".

Given the lack of 5 year housing supply, the most important Policies of the Local Plan are considered to be out of date. However, the policies in the plan were recently adopted (2020) and are considered to be in accordance with the policies outlining the NPPF. Policy SP01 remains the strategic direction of the Council for housing development to be focused either within the urban area, or through the expansion of the urban areas utilising strategic and localised allocated sites. In addition notwithstanding the Council's current position on 5 year supply, it is the Government's stated intention within "Levelling-up and Regeneration Bill: reforms to national planning policy" published 22nd December 2022 to remove the requirement for local authorities with an up-to-date plan, (which in this case means where the housing requirement as set out in strategic policies is less than 5 years old), to demonstrate continually a deliverable 5-year housing land supply. In addition, the 20% buffer applicable as a consequence of less than 85% of the HDT being achieved is proposed to be removed. As a result of these proposed changes, full weight would be applicable to all policies in the 2020 Thanet Local Plan (subject to planning permissions in place to meet the identified housing need. Whilst the consultation responses to the changes to the NPPF are being considered, the process identifies the direction of travel in government policy.

Therefore, in terms of the principle development, the proposal would not comply with the requirements of Policies SP01, SP24 and HO1, however at this point in time, the weight attached to these policies is limited and the tilted balance under paragraph 14 is engaged.

- *Sustainability*

Cliffsend village is located between the village of Minster and the urban area of Ramsgate. The village contains limited facilities and services. There are no educational or health facilities within the village, with the closest to the site being either Minster Doctors Surgery and Minster Primary School, Newington Community Primary School and Newington Road Doctors Surgery in Ramsgate, or Chilton Primary School in Pegwell, Ramsgate. The facilities that do exist within the village include St.Mary's Church, Cliffsend Village Hall (which contains a hairdressers and space for a number of recreational classes that are advertised on the information board), Njord cafe (a new cafe/bar to the south of the village), a petrol station with convenience store, the Viking Ship cafe (seasonal opening), MOT garage, and Cliffsend Recreation Ground (including the equipped play area).

A bus stop is located within Canterbury Road West, to the north of the site, and this service can be used to access the centres of Minster Village, Monkton Village, and Ramsgate, including the Nethercourt Estate.

To the south of the site is Parkway Station, which is directly accessed from the site by a recently resurfaced pedestrian link. The station allows for access to Ramsgate within 5 minutes, and from Ramsgate Station Ellington Infant School in a 9 minute walk, and St.Laurence-in-Thamet Junior Academy and Dashwood Medical Centre are a 10 minute walk (the application site lies within the surgery's catchment area).

In addition to this there is an extant planning permission for a convenience store on the recently completed housing development on the corner of Foads Hill and Cliffsend Road (along with a new pending application for the convenience retail unit); and there is an planning permission for a new primary school, and community hall on a nearby development site Manston Green, which will be within a 20-25 minute walk from the edge of Cliffsend (with full pedestrian links), and a 5-10 minute bike ride. The pedestrian links through the Manston Green development will also provide a more direct route to Manston Tesco, which currently cant easily be accessed by foot due to the existing lack of pedestrian links along Manston Road.

The application site lies adjacent to the village confines, which are to both the north and east of the site. Whilst the village has limited facilities and services, the recent construction and opening of Parkway Station means that the village now has good connection with the urban area, and can easily access facilities and services within Ramsgate. Extant permissions for nearby development, if implemented, will also improve accessibility to local primary school provision from Cliffsend, and see the provision of a new convenience store within the village.

The Council's Strategic Planning Manager has commented on the application, and has queried whether Cliffsend is the appropriate location for housing growth, beyond the sites already allocated. He has made reference to the Inspector's Report from the Local Plan examination where the Inspector commented that significant growth within the villages could undermine the Plan's strategy to focus development towards sustainable extensions to the Urban Area, with the Inspector concluding that the scale of development proposed in Cliffsend is commensurate with its role and function at the present time. This view is acknowledged, however, it was provided prior to the construction and opening of Parkway Station and without knowing if works were going to commence on the Manston Green development. Furthermore, whilst this is a reasonable view to have when considering future housing allocations within the Local Plan, the planning considerations when making site allocations differ to the planning considerations for assessing planning applications. When assessing planning applications with paragraph 14 of the NPPF engaged, the main consideration is whether the proposed development will result in demonstrable harm that would outweigh the benefits from the development. Whilst Cliffsend is not the Council's preferred location for housing development, some weight needs to be applied to the positive sustainability aspects of this location that have been raised above. Again, the decision to be made is whether the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole, and substantial weight needs to be afforded to the 141no. housing units being provided, which would make a significant contribution to housing supply in the district.

In determining whether the proposed development of the site for housing would represent 'sustainable development' as set out within the NPPF, the benefits of the development would need to be balanced against the impact of the development on the countryside, the visual impact upon the character and appearance of the Landscape Character Area and local environment and the impact upon the surrounding highway network, together with other factors including loss of agricultural land, archaeology, biodiversity, contamination, among others.

Loss of Agricultural Land

The NPPF states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. It is noted that the glossary of the NPPF defines best and most versatile land as land in grades 1 (excellent quality), 2 (very good quality) and 3a (good quality) of the Agricultural Land Classification.

Policy E16 of the Thanet Local Plan states that 'except on sites allocated for development, planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land unless it can be clearly demonstrated that the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land; there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development; and the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.'

The site currently forms part of a larger agricultural holding. The area of land to the north of the site previously formed part of that same agricultural holding, but has since been allocated for housing, planning permission granted, and the development constructed.

The remaining agricultural land, which includes this application site, is constrained through the presence of the A299 to the west and south, and Canterbury Road West to the north.

An Agricultural Land Classification and Soil Resources document has been submitted with the application. The document confirms that assessment of the land quality has been carried out, with all of the agricultural land at the site classified as Subgrade 3a. Grade 3 land has moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield, and is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land)). The land is therefore defined as best and most versatile agricultural land.

A sequential assessment has been submitted with the application, which considers agricultural land quality. It provides details of historic agricultural land quality mapping, which provisionally show the majority of agricultural land within Thanet to be either Grade 1 or Grade 2, with Grade 3 in areas closer to the River Stour, where it is not suitable for development. The assessment concludes that any development within Thanet is likely to involve the loss of best and most versatile agricultural land, which in most cases would be of at least very good quality, when compared to the good quality that makes up the application site. The assessment therefore

concludes that the application site represents some of the lowest quality land available in the district.

The development of the site would not sterilise the remaining site, as agricultural access into the remaining site will continue to exist to the north of the site onto Canterbury Road West, and the remaining area of land is large enough to enable the continued farming of Winter Wheat, with the rotation of Rape Seed and Beans during other seasons.

The proposal will result in the loss of best and most versatile agricultural land, and therefore the acceptability of the development is solely dependent upon whether the benefits of the proposal outweigh the harm resulting from the loss of the agricultural land.

Impact on Countryside and Surrounding Area

- Impact on Landscape Character Area

The site falls outside of the urban confines and within the Wantsum North Shore Landscape Character area. Policy SP26 of the Thanet Local Plan states that the Council will identify and support opportunities to conserve and enhance Thanet's landscape character and local distinctiveness. Development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness, in particular:

- 1) Its island quality surrounded by the silted marshes of the former Wantsum Channel and the sea;
- 2) A sense of openness and 'big skies', particularly in the central part of the District;
- 3) Its long, low chalk cliffs and the sense of 'wildness' experienced at the coast and on the marshes;
- 4) Gaps between Thanet's towns and villages, particularly those areas designated as Green Wedges;
- 5) Long-distance, open views, particularly across the Dover Strait and English Channel, North Sea and across adjacent lowland landscapes; and
- 6) Subtle skylines and ridges which are prominent from lower lying landscape both within and beyond the District.

The Wantsum North slopes form a distinct area of sloping land on the north shore of the former Wantsum Channel. The key characteristics of the Wantsum North slopes, as set out within the Council's Landscape Character Assessment report (August 2017), include sloping arable fields; regular, rectilinear field pattern with few defining boundary features between fields creating a large scale and open landscape; St Augustine's Cross, a stone memorial with carvings of significant Christian figures and events near to the village of Cliffsend; and long views over the marshes into Dover and Canterbury Districts as well as sea views from the elevated ground and cliff tops over Pegwell Bay and the English Channel.

The key sensitivities and qualities of the character area include the long, uninterrupted views from the south facing slopes across the flat landscape of the adjacent marshes and over Pegwell Bay and the sea that contribute to the scenic quality; strong cultural associations, including links to the historical landing sites of St Augustine in the adjacent Pegwell Bay (LCA F1); and its role in providing a rural backdrop and largely undeveloped ridgeline and slopes to the adjacent marshes (LCA E1).

The guidelines for the landscape strategy within the landscape character area include conserving and enhancing the cultural heritage and assets including their landscape setting; conserving the managed farmland character including opportunities to reinstate field patterns through hedgerow planting and enhance biodiversity; enhancing the public right of way network with better footpath connections between villages, areas of historic interest and with the wider landscape; consider opportunities for integration of the major A roads that cut through on the boundaries of this landscape, including minimising night time light spill and boundary planting; maintaining the sense of separateness and identity of the distinct settlements resisting development that could result in physical/visual merger along connecting roads; and conserving the mostly open rural character and long uninterrupted views across the adjacent marshes and the role of this area as a rural backdrop and skyline to views from the marshes and beyond.

The application site forms an expansion of the village to the west, with the site infilling between previously approved housing development to the north (which is under construction), which fronts Canterbury Road West, and existing residential development to the east fronting Clive Road and Cliff View Road. No part of the application site extends beyond the western boundary line of the existing dwellings that front Canterbury Road West. As such, the proposed development could be viewed as a natural expansion of the village, rather than an isolated extension into the countryside. There would be limited southern views from Canterbury Road West towards Pegwell, as the views are screened by the previously approved development. The greatest impact would therefore be from Canterbury Road West to the north-west, and the A299 to the west, the south-west and south. All other views are screened by existing development.

A Landscape and Visual Impact Assessment has been submitted as part of the application in order to examine the visual impact of the proposed development on the immediately surrounding area, as well as on long views of Pegwell and Sandwich Bay, given the location of the site within a Landscape Character Area.

The assessment describes the application site as being situated on the edge of a large arable field on the north western side of the settlement of Cliffsend. A public footpath passes the site on the western boundary, and the site is overlooked by a number of properties. The site has a rural character with a regular agricultural field pattern with few defining boundary features, which is strongly visually influenced by presence of settlements, golf courses, railway line and busy road corridors (which also provide visual and audible disruption and a sense of movement in the landscape). The site does not possess any unique or rare features, although does form a landscape setting to Cliffsend. Longer views to the south occur due to the sloping nature of the site, but adjacent settlement limits views to the east, and south east.

The assessment has considered seven viewpoints from a number of different directions around the site, and has been undertaken on the basis that a variety of soft landscaped mitigation is incorporated into the final design, including:

- Strengthening of on-Site boundaries with planting to create an appropriate landscape structure with proposed hedgerow, shrub and tree planting to help soften the development and provide an attractive settlement edge along the western boundary;

- Establish visual connections from north to south via landscape corridors, with long vistas towards the sea maintained and enhanced southwards along north/south and north west/south west orientated roads to ensure the development is permeable and to maintain intervisibility with the coastline;
- Use landscape to transition the built development into the open green space and rural landscape to the west providing a cohesive and attractive landscape structure;
- Tree planting and landscape structure within the built development to focus on key locations where vistas are created at key junctions, main entrances, corners and boundaries of the built development. Tree planting within rear gardens as well as on street planting;
- Enhancing of existing pedestrian links alongside the site;
- Ongoing maintenance of the planting during the establishment phase and subsequent landscape maintenance and management to ensure that the structure planting establishes and matures to form a setting for the proposed development;
- Minimise additional lighting of roads and housing by using directional lighting.

The viewpoints have been assessed with this mitigation in mind, and the visual impact has been considered at three stages, at the point of construction, at year 1 following completion of the development, and at year 15 following completion of the development.

From a pedestrian viewpoint, Viewpoint 1 - from Clive Road, Viewpoint 2 - from PROW TR32 to the north-west of the site, and Viewpoint 3 - from the PROW on the south-west boundary of the site, have been identified as having the greatest impact, with a 'major effect' during construction and year 1, which reduces to a 'moderate effect' at year 15 (with the only exception being the view from Clive Road, which has a 'major/moderate effect', but this is inevitable being on the site boundary with the urban area).

From Canterbury Road West the assessment considers that whilst the proposal would not introduce development uncharacteristic of the view, it would form an extension to Clifsend, continuing the settlement edge further right within views towards the A299 (Hengist Way). As such, development would occupy a slightly greater proportion of the horizontal proportion of the view, but long distance views towards the coastline and out to sea would still be possible beyond the development.

At Year 15, the in-curtilage tree planting, open space planting and structure planting along the Site boundary would have started to mature, and the visual effects of the housing would be softened, which would not affect the experience of the road user to a significant level.

From the A299 the assessment considers that despite the close proximity, an earth embankment alongside the southern stretch limits views to the development, in particular along the most easterly section where the road is cut descends below the level of the Site. Along the other stretches roadside boundary hedgerows also limit some views of the Site. From more open sections, Viewpoint 6 demonstrates where visible the Proposed Development would be seen within the context of a busy road corridor and associated road infrastructure. The extent of visible development would appear to link with the existing residential development at the western edge of Clifsend. As the structure planting and in-curtilage planting matures, and planting within the south western area of open space matures, effects would reduce. This is a fast road and therefore views of the Proposed Development

would be seen at speed, largely at oblique angles of views and in part filtered by the roadside embankment and vegetation, and therefore the effects on route users would be limited.

All of the units proposed will not exceed 2-storey in height, and amendments have been sought to reduce the scale and density of the units adjacent to the southern boundary of the site by increasing spacing, hip the roof, and reduce the ridge and eaves level in views from the A299. The submitted landscaping plans show substantial planting along the western and southern boundaries of the site, which will fall outside of private ownership and therefore enable substantial landscape buffers to become established. The street elevation plan for the southern boundary shows the planting at the point of construction, and how it is expected this will develop over a 15 year period. With the change in design of the units and the drop in eaves level, it will be mainly the roof slope that will be visible above the existing/proposed landscape strip along the southern boundary. Once the landscaping has established over the 15 year period the street elevation plan, which has been produced by the applicant's landscape architect, suggests that the majority of the development when viewed from the south will be screened by soft landscaping.

The Landscape and Visual Impact Assessment report concludes that an effect on visual amenity of the landscape is an inevitable consequence of development, but the development has been designed so as to minimise any adverse effects by not maximising 2-storey in height, and by strengthening the settlement edge through new tree and other planting. Whilst there would be some major and significant effects at construction and during year one, this is due to the proximity of these particular viewpoints to the development, and that time is needed for landscaping to establish. By year 15 the maturing of the planting will lessen the visual effect. In terms of views towards Pegwell, direct views of the north are already affected by the adjacent housing development, and views from the north west have a backdrop of existing development. Furthermore, with the drop in ground level and the associated drop in build level across the site, the long distance views of Pegwell are unlikely to be affected. The assessment concludes that whilst there will be adverse landscape and visual effects, the overall effects of the development would be limited and more localised, with long views of the coast neither lost or interrupted.

- *Impact on Character of the Area*

Policy QD02 of the Local Plan outlines that the primary planning 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 site has a number of site constraints, with a gas main easement running north west to south east through the site, a trunk main easement adjacent to the eastern boundary of the site, a PROW falling just outside of the western and southern boundary of the site, a pumping station lying just outside of the northern boundary of the site, and the site including an area that formed the sustainable drainage system for the development to the north, that now needs to be relocated. Adjacent to the south eastern boundary of the site, south of Clive Road, a new

shared footpath/cyclepath has also been created to provide access to Parkway Station. These constraints have impacted on the proposed site layout in that buildings can't be located over the gas main or trunk main easement, connections are needed to the PROW and other pedestrian links without causing a diversion of the PROW, and drainage for the whole development is required, with restrictions on how close development can be placed to pumping stations.

The proposed layout follows the same pattern of development approved on the adjacent site to the north. The main access road that extends north to south through the adjacent neighbouring site to the north continues down into the application site, with this forming the main access to the site, which is served by Canterbury Road West. An emergency access into the site is provided from Clive Road, with the plans annotated showing retractable bollards or similar across this access. A number of access roads extend off the main north-south route, each of which form cul-de-sacs, other than the road to the south which loops round forming a through route. Parking is provided in the form of 1-space per flat, 2 spaces per 2-bed and 3-bed house, and 3 spaces per 4-bed house, with 46no. visitor parking spaces distributed around the site.

A number of green spaces have been provided within the development, with the main locally equipped area of play located at the intersection of the gas and trunk main, just north of Clive Road. Other open spaces provided include a community growing garden with raised planters and shed in the north west corner of the site, an informal open space with picnic areas to the centre of the site, an orchard next to the play area, and a wild flower park with picnic desks and seating areas to the far west of the site above the drainage area. The open space requirement for the site as set out within Policy GI04 of the Thanet Local Plan requires 0.2 ha of amenity greenspace, 0.08 ha of equipped playspace, 0.07 ha of allotments/community orchard, 1.1 ha of natural and semi-natural greenspace, and 0.27 ha of public parks and gardens. The cumulative total required is 1.72 ha. The open space provided is approximately 3.6 ha, which significantly exceeds the requirement. The proposal therefore complies with Policy GI04 of the Thanet Local Plan. The open space provision provides an attractive setting for the development, with community benefits offered to future residents, as well as existing residents of the village who may wish to use the play area or picnic areas etc. The open space also provides the opportunity for biodiversity enhancements. Full details of the play area have been provided on the Landscape General Arrangement Plan, and include a basket swing, stepping log, jumping disc, hammock, basket ball hoop, table tennis table, and fitness equipment. Whilst this is not typically the equipment expected within a play area, a large play area that contains equipment for smaller children is provided within the development site to the north, so this alternative equipment for older children will complement this and provide a beneficial alternative that will again also benefit existing residents.

In terms of scale, all of the units are 2-storey in height. A range of units types have been proposed. They are all traditional in design, and similar to the design of units approved to the development site to the north. They have pitched roofs, some with gable fronts and others are hipped. A range of materials are proposed including three different bricks, tile hanging, black cladding, and three different roof tiles. Some are provided with porch canopies. Street elevations have been submitted for a number of different roads within the development. They show that the level of the properties drop with the ground level, and that there is good spacing between the units. Whilst a variety of unit types are proposed, this doesn't come across in the

street elevations, where many of the dwellings appear quite similar, showing that the variations between the unit types are quite minor. A greater variation in the unit types would have been preferable given the village location of the site, but given the presence of similar building types on the development to the north, the proposed design is considered to be acceptable. Within the immediately surrounding area buildings are typically pitched roof, and single storey, although 2-storey properties are present. Some properties are hipped and some have gable frontages, and there is a mix of materials including brick, render and cladding. The proposed development would therefore not conflict with the vernacular of the surrounding area.

A range of unit types has also been proposed, including two blocks of terraced units to the centre of the site to the west, a flat block to the east of the site, and the remainder of the units are either semi-detached or detached. This arrangement will appear in keeping with the typical pattern of development within Cliffsend where properties are usually semi-detached or detached properties.

During the course of the application the number of units has reduced from 145no. units to 141.no units. This followed concerns raised regarding the density of the development along the southern boundary, where groups of terraced units were originally provided. Concern was raised that views into the site from the A299 to the south would be affected, with the development appearing overly dense and out of keeping with the rural character of the area. A lower density development with greater spacing between units was recommended. The plans have been amended and the terraces replaced with nine pairs of semi-detached units. The type and spacing of these units is now considered to be acceptable.

In addition to the spacing, concern was raised with the height of the units to the south. The provision of bungalows along this southern boundary was recommended in order to improve the variety of units within the scheme, appear in keeping with the village where bungalows are more characteristic, and reduce the dominance of the buildings in the views from the south. The applicant was not keen to change to this unit type, but has agreed to amendments that reduce the ridge and eaves height of the buildings. The amended elevation and street elevation show that the rear eaves level of these units is now at 1.5 storeys, with the eaves level with the centre line of the first floor windows. This has further reduced the dominance of these buildings from the south, creating units that are more characteristic of the modest building styles within the village.

The flat block is 2-storey in height, with four flats to each floor. There are gables to the front and rear, with the central hallway sections setback. The building has windows to each elevation, and is broken up with brick to ground level and black cladding to first floor level to each elevation. The flat block is set away from the neighbouring property in Clive Road, and is set within a spacious setting, with soft landscaping around the building, including doorstep play space to the rear.

A Landscape Masterplan and Landscape General Arrangement Plan has been submitted with the application. It shows a landscape buffer to the southern boundary with tree planting, tree planting around the edge of the wild flower park to the west, a 2.5m landscape strip with hedge and tree planting along the western boundary, tree planting and new hedgerows around the edge of the play area and informal play space, and tree planting to the front of properties in grass verges creating tree lined streets, which the NPPF encourages. Tarmac is proposed

for the main road accesses and footways, but block paving has been used for parking spaces and the smaller turning heads. Boundary treatment consists of fence and walls, with the walls located in the more prominent visual locations. Within the community growing garden a shed and glass house is proposed, along with planters. Details of this have not been provided, but can be covered by condition. Overall the landscaping is considered to be acceptable, providing visual enhancement within the development, whilst also helping to soften the appearance of the development in longer views.

The Council's Arboricultural Officer has been consulted on the application. There are no existing trees on site, so his comments are in relation to the proposed planting strategy. He advises that the feature Beech trees can make very large specimens and require adequate space to mature without impacting adjacent properties and dominating various amenity areas, and that they generally thrive best on chalk soils. Clay deposits are present in the wild flower park, and therefore the Beech trees should establish in this location.

Hornbeam is tolerant of both clay and chalk soils, and is proposed elsewhere on site as one of the proposed street tree species and as a formal hedge. The canopy of the upright growing clone "Fastigiata", suggested as a street tree, can reach up to 10m wide in middle age and the Arboricultural Officer has advised that these may be more appropriate in the "Feature tree" locations than the standard native "type" which like Beech can become very large.

The Arboricultural Officer supports the Native tree mix boundary, the Rowan street trees, the Ornamental, fruiting and Orchard trees, but suggest the Fastigiata clone of Hornbeam may become too large, and should be replaced with a cultivar Fastigiata Frans Fontaine with a narrower crown. The Small Leaf Lime can become very large, potentially reaching well over 20m at maturity and is unlikely to be suitable for this development, with a smaller Tilia cordata Greenspire being more appropriate.

The formal native single species hedge: *Carpinus betulus* (Hornbeam) Hornbeam makes a good single species hedge, and tends to hold the brown leaves through most of the winter. Along the western boundary it's suggested that a double staggered row of plants, with 300mm to 400mm between the rows, to give the hedge more depth is provided.

A landscaping condition is attached requesting the submission of a plan that covers these points raised. These recommendations will be required to be accommodated within the landscaping plans, and therefore no concerns are raised. Any tree planted in the development would be required by planning condition to be replanted within a minimum of 5 years from completion of the development if they die, are removed or become seriously damaged or diseased.

In terms of hard surfacing, the hard surfacing plan shows the provision of tarmac roads, but also the use of block pavers for parking spaces, which will help to break up the hard surfacing, improving visual amenity. To the east of the plan, tarmac is proposed to the parking spaces around the play area, and to the units that lie adjacent to the eastern boundary, and opposite the play area. The agent has confirmed that more paving to these spaces could be introduced, and therefore this plan is not being approved at this stage, with a revised hard surfacing plan to be submitted via condition which would resolve officer concerns.

Kent Police has raised a number of comments on the application, including the surveillance of parking courts and green spaces, boundary treatment meeting a minimum height of 1.8m, the installation of locked gates, installation of pavements to avoid conflict between pedestrians and motorists, tree planting designed to not affect lighting or surveillance, ground floor windows to have defensible space, cycle and bins stores to be lit and locked, and CCTV to be provided to communal entry points. Most of these points are quite minor, but the applicant has responded to them with the intention to address the points raised through the next stage of Secure By Design, or through future landscaping and lighting plans. Where surveillance has been mentioned, windows exist that will look over the parking courts and green spaces.

The proposed development follows the surrounding pattern of development, and provides a traditional form of development that does not significantly detract from the character of the area. Whilst a greater number of unit designs would have helped to have better integrated the development into the rural character of the village, the proposed development would appear in keeping with the development to the north, and the design of the southern boundary has been amended to try to reduce the scale of dwellings in long views from the south, whilst also introducing a unit design of 1.5 storeys in height that appears more in keeping with the existing bungalows in the area. Landscaping has been used to soften and screen the development in long views from the west and south, and the open space provision exceeds the minimum requirement, with an additional park, picnic areas, orchard, and community growing garden provided. The proposed materials are also in keeping with the palette of material in the area. On balance, the impact upon the character and appearance of the area is considered to be acceptable, and in accordance with Policy QD02 of the Thanet Local Plan.

Living Conditions

- *Neighbouring occupiers*

Policy QD03 of the Thanet Local Plan states that 'all new development should 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; be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04; include the provision of private or shared external amenity space/play space, where possible; 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'.

The main neighbouring properties affected would be those properties in Cliff View Road and Clive Road. Properties in Cliff View Road are a mix of bungalows and 2-storey properties. The proposed development backs onto their rear boundary, however, given the presence of an existing public water trunk main within the site adjacent to the eastern boundary, there is a need to push proposed dwellings away from the boundary to make sure there is clearance of 6m either side of the water trunk main. This has resulted in a minimum distance of 33m between the rear elevations of proposed development and the closest rear elevation of the nearest neighbouring dwellings. This distance is considered acceptable to minimise loss of light and outlook, and to prevent a significant loss of privacy to neighbouring occupiers from first floor windows in the proposed development.

In Clive Road the nearest neighbouring property lies adjacent to the proposed play area. The neighbour has raised concerns regarding security and noise, as the existing boundary treatment is quite low. The submitted Landscape General Arrangement Plan shows that the intention is to provide hedgerow along this boundary. There is also the ability to provide new fencing for security, which could be in the form of acoustic fencing to limit noise transfer. The indicative plan for the layout of the play area suggests that the main equipment will be approximately 25m from the boundary, which should also limit noise impact. The applicant has agreed to a condition requiring the erection of an acoustic fence adjacent to no.17 Clive Road.

To the south of Clive Road the nearest neighbouring property lies adjacent to the proposed flat block, however, the existing pedestrian/cycle link to Parkway Station is positioned between the neighbouring property and the proposed flat block, so the proposed side elevation of the flat block is 21m from the side elevation of the neighbouring property. Given this distance the impact upon light to and outlook from the neighbouring property is considered to be acceptable. In terms of overlooking, the proposed flat block contains four windows at first floor level in the side elevation, two serving a lounge/kitchen area, and two serving a bedroom. Three of the windows face the side elevation of the neighbouring property, but the window furthest to the rear, which serves the lounge/kitchen area, directly faces the rear garden of the neighbouring property. Whilst the neighbour has a garage and some boundary vegetation, there could be the potential for overlooking, therefore given that this window is a secondary window it can be obscure glazed to prevent overlooking. The applicant has agreed to an obscure glazing condition restricting this kitchen/lounge window.

To the north are existing properties that have been constructed, but have not yet been occupied. Given the distance, the proposed development is not considered to affect the living conditions of the future occupiers of the neighbouring development.

Subject to safeguarding conditions as suggested above, the impact upon neighbouring amenity is therefore considered to be acceptable, and in accordance with Policy QD03 of the Thanet Local Plan.

- *Future Occupiers*

Within the proposed development the units have been assessed against Policy QD04, which states the minimum space requirements of the units in relation to the nationally described space standards. The smallest 1-bed unit is 50.2sqm, which meets the minimum requirement of 50sqm; the smallest 2-bed is 79sqm, which exceeds the minimum requirement of 61sqm; the smallest 3-bed is 96.3sqm, which exceeds the minimum requirement of 84sqm; and the smallest 4-bed unit is 108.8sqm, which exceeds the minimum requirement of 97sqm.

There is a requirement for each property to be required with secure doorstep playspace, as required by Policies QD03 and GI04 of the Thanet Local Plan. Each dwelling is provided with a garden area, and the block of flats is provided with a communal garden area. The proposal is considered to comply with Policies QD03 and GI04 for doorstep playspace.

Within each dwelling plot there is space for refuse storage. For the flats an outbuilding has been provided to secure the refuse storage and cycle parking. Further details of this have

been requested by condition, along with a requirement that the refuse is stored within the approved location and thereafter maintained.

Policy QD05 requires 10% of new build developments to be built in compliance with building regulation part M4(2) accessible and adaptable dwellings; and 5% of the affordable housing units on housing developments to be built in compliance with building regulations part M4(3) wheelchair user dwellings. The submitted accommodation schedule shows that 15no. units will comply with building regulation part M4(2), which exceeds the 11no. required, and 2no. units comply with building regulations part M4(3), which meet the requirement. The proposal therefore complies with Policy QD05 of the Thanet Local Plan.

A noise impact assessment has been submitted with the application that looks at the impact on the future occupiers from transportation noise, including road and rail transport. Sound level metres have been used along the southern boundary and a rail survey was undertaken. The report concludes that the measured data was entered into a noise model which was subsequently calibrated and then used to predict the likely sound pressure levels for a number of the worst-case properties in Blocks A through to H of the proposed new development. The noise model demonstrated that the greatest impact is on properties on the Southern and Western boundaries at first floor levels. The building forms and massing on these facades act as a barrier, disrupting the sound energy as it passes further into the development site where sound pressure levels are considerably reduced. The dominant sound source is that of the A299 Hengist Way to the South which is 4 lanes of fast-moving traffic set in a deep cutting. The results of the detailed assessment indicated that the standard two storey properties are capable of using standard thermal double glazing and through frame/through wall passive trickle vents in order to limit the impact to an acceptable level. In addition an acoustic fence along the southern boundary is recommended, at a minimum height of 2.5m, as this was demonstrated in the modelling to reduce noise impact from the road and railway.

Environmental Health has been consulted, who advise that the extensive mitigation detailed within the report needs to be achieved, particularly at first floor level, and therefore it is recommended that all of the mitigation measures stated within the report are secured via condition, including the window and ventilation design and the acoustic fence. Subject to a safeguarding condition securing this mitigation, the impact upon future occupiers of the development from transportation noise is considered to be acceptable, and in accordance with Policy SE06 of the Thanet Local Plan.

Subject to these safeguarding conditions the impact upon the living conditions of the future occupiers is considered to be acceptable, and in accordance with Policies QD03, QD04, QD05 and SE05 of the Thanet Local Plan.

Transportation

- Trip Generation

Policy TP01 states that 'development proposals would have significant transport implications shall be supported by a Transport Assessment and where applicable a Travel Plan. These should show how multi-modal access travel options will be achieved, and how transport infrastructure needs arising from the expected demand will be provided'.

A transport assessment has been submitted with the application. The assessment looks at the trip generation during AM and PM peak hours from the proposed development, and whether the existing access onto Canterbury Road West, through the adjacent housing scheme, can accommodate these additional vehicle movements.

The assessment expects the proposed development to provide a total of 67no. two-way vehicle movements in AM peak and 58no. two-way vehicle movements in PM peak. The trip distribution previously agreed for the adjacent development to the north, and previously the Jentex development opposite the site entrance, was that 70% of development traffic leaving the site is likely to travel east, and 30% west. The junction onto Canterbury Road West has been assessed, with the assessment stating that the priority junction will continue to perform well within operational capacity during AM and PM peak periods. This is justified due to the low traffic flows that currently use Canterbury Road West with through traffic preferring to utilise the more suitable A299 route.

KCC Highways has been consulted, and advised that the assessment should include the impact upon the approaches to the A299 Hengist Way/Canterbury Road West roundabout, and the Canterbury Road West/A256 roundabout.

Additional information has been submitted to support the transport assessment that assess the impact on these two roundabouts. The report concludes that the results suggest that the existing roundabout junctions will continue to perform well within operational capacity during the AM Peak and PM Peak periods in 2028 taking into account increased background traffic growth and the Phase 1 development traffic, and as such the proposed development would not have an adverse affect on the highway network.

KCC Highways have been re-consulted and advise that they accept that the impact would be acceptable and that no further junction assessment is required.

It is therefore concluded that the vehicle movements resulting from the proposed development will not have a severe impact upon the highway network in terms of the free flow of traffic from the capacity available and on safety grounds. Therefore the principle of the 141no. units is considered to be acceptable in highway terms.

- *Vehicular Access and Parking*

The main access to the site will be from Canterbury Road West, through the adjacent housing development. A secondary vehicular link has been included on the eastern boundary of the site to connect with Clive Road which will be used for emergency vehicles only. Whilst this secondary route would create more a desire line for residents wishing to access village facilities, Foads Hill is a narrow road with no pavements, and contains an at-grade Level Crossing which can cause journey delays. Both accesses have adequate visibility, and will therefore provide safe access into the site for vehicles.

Within the site the access road leads to a number of cul-de-sacs, with a loop road towards the bottom of the site. When consulted on the application KCC Highways raised concerns with the

lack of tracking plans for the cul-de-sacs, to prove that vehicles can enter and leave the site in a forward gear.

In response to this comment tracking plans have been submitted to prove that emergency and refuse vehicles can turn within the cul-de-sacs. KCC have commented that the submitted tracking plans are acceptable, and as such the road layout as proposed is considered to be acceptable.

In terms of parking, 294no, spaces were originally proposed. The transport assessment states that based upon Interim Guidance Note 3, there would have been a requirement for 217no. spaces (based upon the original 145no. units). The assessment confirms that instead, 294no. spaces have been provided, which exceeds the requirement.

KCC in their consultation commented on the number of tandem spaces that had been provided within the development, and requested that the parking numbers be increased to accommodate an additional 0.5 visitor parking spaces per property with tandem spaces. The amended submission provides for 288no. private parking spaces, and 47no. visitor parking spaces, an increase of 28no. private parking spaces, and 34no. visitor spaces when compared to the original submission. Four units of accommodation have also been lost since the original submission. KCC have been re-consulted and advise that the parking provision being offered through the amended plans is sufficient to serve the number of dwellings proposed.

The transport assessment states that as part of any mitigation strategy, a Controlled Parking Zone should be introduced for this development to prevent commuter parking occurring in relation to the new Thanet Parkway Station. KCC has commented that they agree parking controls will need to be considered to ensure commuter parking does not occur within the site, and that this should be in the form of double yellow lines through the spine road. This can be controlled via a Section 38 Agreement under the Highway Act with KCC, which will be advised via an informative.

- *Travel Plan*

In order to reduce the effects of private car journeys by residents and visitors a draft Framework Residential Travel Plan has been submitted as part of the planning submission to provide a long-term strategy for reducing the dependence of residents and visitors on travel by private car, and to encourage sustainable transport modes.

The travel plan looks at the existing public transport provision in the area. It states that the existing bus stop, which is on Canterbury road West, is 150m walking distance of the site. Details of the timetable and frequency of the service are provided, which states that buses serve Cliffsend every 30 minutes to 60 minutes.

In terms of the rail network, Parkway Station is located to the south of the site, and is within comfortable walking distance of the application site.

PROW TR32 lies adjacent to the western boundary of the site, which will provide pedestrian access to Canterbury Road West, and there are further pedestrian and cycle links to Clive Road.

The travel plan identifies an action plan, which includes measures of implementation, monitoring and review, with the target being the reduction of private car users by 6% by increasing sustainable travel.

The measures proposed within the action plan include:

- Prepare and site travel notice boards in convenient locations,
- Provide residents with travel information welcome pack, including:
 - Contact details of TPC;
 - Objectives of Travel Plan
 - Benefits of sustainable travel (including health information);
 - Established walking and cycling routes;
 - Public transport routes / timetables and updates on Thanet Parkway Rail Station
 - Local facilities / home shopping details;
 - Details of car sharing database;
 - Details of local Car Club vehicles;
 - Walking and cycling organisations in the area;
 - Conduct baseline travel survey,
 - Undertake follow-up travel surveys,
 - Promote and support local and national events/campaigns

KCC has advised that the travel plan will require monitoring, with a financial contribution required to fund the work of the Travel Plan Monitoring Officer. KCC's guidance identifies a fee of £948 for residential developments of 100-199 homes, which is based upon the hourly fee of a monitoring officer to cover an expected 30 hours of monitoring time.

The applicant has agreed to this financial contribution, which will be secured within the legal agreement. The monitoring work will make sure that the targets of the travel plan are complied with (as much as possible) in order to reduce travel by private car, and increase the use of sustainable transport. Subject to the financial contribution and the submission of a final travel plan via condition, which will follow the framework of the submitted draft Travel Plan, then the proposal is considered to comply with Policy TP01 of the Thanet Local Plan.

- *Public Right of Way*

Policy SP43 of the Thanet 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'.

Policy TPO2 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. The Council will seek to approve proposals to provide and enhance safe and convenient walking routes including specifically connection to and

between public transport stops, railway stations, town centres, residential areas, schools and other public buildings'.

PROW TR32 extends from Canterbury Road West to the south of the site. It lies adjacent to the western boundary of the site, and extends through the application site itself, through the wild flower park.

When application ref: OL/TH/17/0152 for the housing development to the north were approved, a request was sought by KCC for a financial contribution to provide a new pedestrian link from the southern boundary of the site to Clive Road, to enable a pedestrian link to the future Parkway Station at the time. A financial contribution of £43,815 was secured, which has not yet been spent, but is earmarked for the resurfacing of a footpath to provide improved connectivity with Parkway Station.

KCC PROW were consulted on this application. The original layout plan submitted showed the diversion of the existing public right of way where it extends through the application site. KCC have visited the site and met with the developer, and requested that the existing line of the PROW be maintained. Amended plans have been submitted showing the PROW extending through the site on its existing line, with a diversion no longer proposed. Where the PROW extends through the site it will be resurfaced and widened to 3m, to improve this part of the PROW and to encourage greater use of the PROW. There is some conflict between the location of the PROW and the access to the pumping station on the southern boundary, which crosses over the PROW; but subject to the material of the PROW differing to the access surface in order to highlight priority of the pedestrian movement across this access, the impact to pedestrian safety is considered to be acceptable, especially given the limited use of this access that will take place (which is solely for maintenance of the pumping station).

Outside of the site, it is intended that the financial contribution secured through the adjacent housing development application could be used for the resurfacing of the entire PROW, up to Canterbury Road West. KCC PROW have provided a costing for the resurfacing works and advise that a total contribution of £47,977 is required for the provision of a 2m wide hoggin surface with edging. When removing the contribution of £43,815 already secured, a financial contribution of £4,162 is required through this development to enable the delivery of the PROW improvement works. The applicant has agreed to this contribution, which will be secured through the legal agreement.

The resurfacing and upgrading of the PROW will provide a full pedestrian link from Canterbury Road West to Parkway Station. From Parkway Station a further financial contribution was secured through planning application ref: OL/TH/17/0151 (Cottington Road North) for £38,352, which will provide a new path to the Cottington Road North housing development that has been completed, and onto Cottington Road. From the Cottington Road North development a full footpath connection is provided to the centre of the village, where the community hall, recreational ground etc are provided. This application, alongside the previously approved applications, will therefore secure a full footpath connection to be delivered by KCC from Canterbury Road West to the north of the village, to the village services within the south of the village. This is considered a significant benefit given the lack of footpath connections that exist along Foads Hill, which make this existing route unsafe, especially for those in wheelchairs or with small children and buggies. The Parish Council have requested the provision of a footpath

to the south of the railway to the east of Foads Hill, but this land is outside of the control of the developer or KCC, and therefore the delivery of a footpath in this location would not be achievable. Furthermore, there is no footpath along Foads Hill north of the railway, so this provision would still not achieve a full safe pedestrian link between the north and south of the village.

The proposed improvement works through the application, in addition to the financial contribution for PROW improvement works outside of the site, are considered to significantly improve pedestrian connections within the village, to the benefit of the existing and future community. Subject to the securing of the necessary financial contribution within the legal agreement, the proposed works are considered to provide safe and convenient movement by pedestrians, which will improve sustainable transport, in accordance with Policies SP43 and TP02 of the Thanet Local Plan.

- *Railway*

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure. They've been consulted and have assessed the application, and consider that the proposed development will increase demand on Parkway Station, with the proximity of the station likely to change travel habits, as identified within the transport assessment.

Network Rail have advised that the customer facilities at the station are rather basic and as such, would benefit from improvements. They have identified a project for two shelters above the two Ticket Vending Machines, which would help to ensure rail passengers are shielded from the elements.

In addition, they've advised that connectivity from the development to the Thanet Parkway Station is poor for pedestrians and there is a need to improve access, however, since this initial comment was made a new footpath/cyclepath that extends from Clive Road to Parkway Station has been provided by KCC, and further pedestrian improvements that are being secured have been set out within the public right of way section of this report above. has been provided.

Network Rail have further requested a bus service that serves both of the locations, but this is not considered to be reasonable given that there is an existing bus stop to the north of the application site, and the pedestrian route to the south will provide the quickest access to the station, with future residents of the development unlikely to use a bus service to access the station.

Network Rail has advised that the costs of two ticket machine shelters would be £9,000. These improvements will help to improve sustainable transport provision, along with mitigating harm to air quality (covered within the air quality section of this report), and achieving a benefit for the existing residents of Cliffsend. The applicant has agreed to this financial contribution, which will be secured through a legal agreement.

Subject to the securing of the financial contribution within the legal agreement, which will help to encourage the use of public transport, the proposed development is considered to comply with Policy SP43 of the Thanet Local Plan.

Affordable Housing

Policy SP23 of the Thanet Local Plan (as updated by the First Homes - Interim Policy Statement, April 2022) states that 'residential development schemes for more than 10 dwelling units, including mixed use developments incorporating residential and developments with a combined gross floor area of more than 1,000 square meters shall be required to provide 30% of the dwellings as affordable housing.

25% of the affordable housing shall be First Homes, at a minimum discount of 30%, or at the discount levels set out in Table 1, 70% shall be Social/Affordable Rent and 5% shall be Intermediate products, unless these levels are amended by successive assessments.

The affordable housing shall be provided in proportions set out in the Strategic Housing Market Assessment or successive documents. The above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable'.

Whilst 30% affordable housing was offered through the initial planning application submission in 2021, with the time that has passed and the change in finances, viability concerns are now being raised by the applicant regarding the provision of affordable housing on this site. A viability assessment has been submitted, which has been independently reviewed, and is detailed within the viability section of this report. The viability assessment proves that 30% affordable housing cannot be achieved on this site, and concludes that the 22% affordable housing offered by the applicant is a reasonable offer.

The Housing Strategy Officer has been consulted, who raises concerns with the drop in affordable housing provision. The original proposal for 30% affordable units equated to 42no. units on site. The reduction in affordable provision to 22% equates to 31no. units. The Strategic Housing Officer raises objections to this reduction in affordable units, which is not in compliance with the requirements of Policy SP23 of the Thanet Local Plan.

Policy SP23 states that 'the above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable'. As such it is possible to comply with the policy if a submitted viability assessment demonstrates that the provision of affordable housing on the site is not a viable option.

The affordable housing is being offered in the form of 65% affordable rent units (20no. units), 32% first homes (10no. units), and 3% shared ownership (1no. unit). This split does not accord with the split as set out within the updated policy, with the first homes provision exceeding the percentage required, and both of the affordable rent and shared ownership falling short of the percentage required. The agent has confirmed that change is a result of the viability issues on the site. If the split were met, with a greater number of affordable rent units, and less first time homes, then the overall percentage of affordable housing on the site is likely to have reduced.

The Schedule of Accommodation states that it should be read in conjunction with the proposed Typology plan. This drawing shows the layout of the site and the integration of different tenure units throughout the development. The proposed First Home units and the Shared Ownership unit are integrated with the Market Sales units, but the affordable rented units are mainly

congregated to the South West corner of the site, and the Strategic Housing officer suggests that these would benefit from being dispersed throughout the development.

The applicant has commented that in their view the affordable units have been appropriately spread, with 8no. units in the South West corner, 8no. units in the South East corner, 2no. units in a block to the north west and 2no. units in a block at the entrance to the site from the north. The applicant has further added that as a Registered Housing Provider, the provision of affordable homes in small groupings of eight units is sensible from a management approach.

In officers' view this justification is accepted, with the location of the affordable units not considered to be overly concentrated to result in harm affecting the creation of a mixed a balanced community.

Subject to the viability justification being accepted, the proposal for 22% affordable housing on the site, in the split provided, would comply with Policy SP23 of the Thanet Local Plan. The viability justification is set out within the viability section of this report.

Size and Type of Units

Policy SP22 of the Thanet Local Plan states that proposals for housing development will be expected to provide an appropriate mix of market and affordable housing types and sizes having regard to the SHMA recommendations as may be reviewed or superseded. It further states that the Council will encourage proposals for residential development to incorporate a higher ratio of houses to flats (as recommended in the SHMA).

A recent Local Housing Needs Assessment (Aug 2021) has been carried out that seeks to update the current recommendations for local housing need. It recommends the appropriate mix of affordable and market homes, and takes into account the ageing demographic and changes within households over a long term 20 year period. The assessment has identified a shift in housing requirements, with a reduction in the need for 1-bed and 2-bed market units, and an increased need for 3-bed and 4-bed market units. For the affordable units the need remains very similar to the previous recommendation, with a very slight reduction in the smaller 1-bed units, and a slight increase in all other unit sizes. This assessment provides the most up to date evidence relating to housing need.

In terms of the private units the proposal offers 43 no. 2-bed (39%), 53no. 3-bed (48%) and 14no. 4-bed (13%). Within the Local Housing Needs Assessment it is suggested that 25-35% 2-bed, 40-50% 3-bed and 15-25% 4-bed be achieved. The proposal is close to these ranges, with the 2-bed provision slightly exceeding the suggested range, and the 4-bed provision falling short of the suggested range; but overall a good mix of units sizes and types has been offered, and for the market units it's usually accepted that the unit mix is depend upon the market circumstances at the time.

For the affordable units, 8 no. 1-bed (26%), 17no. 2-bed (55%), and 6no. 3-bed (19%), are proposed, with no 4-bed units. Within the Local Housing Needs Assessment it is suggested that 20-40% 1-bed, 30-45% 2-bed, 20-30% 3-bed, and 0-15% 4-bed be achieved. The proposal complies with the 1-bed provision and 4-bed provision, and is only 1% short for the

3-bed provision. The 2-bed provision exceeds the recommended range by 10%, meaning that overall there are less larger family units on the site than recommended within the needs assessment.

The Strategic Housing Officer has advised that the proposed affordable housing mix is not completely reflective of the overall housing target mix for the district, and that whilst the housing mix figures are not necessarily prescriptive, to ensure a future balanced delivery of units within the district its advisable to closely align the housing mix against these figures, particularly on a large site such as this one. Should a housing mix significantly differ from these figures, she therefore recommends that it requires appropriate justification.

The affordable housing mix has been clearly set out within the viability assessment, with the viability review assessed by Dixon Searle carried out on the basis of this mix of unit sizes. The applicant has confirmed that the mix is driven by viability, and any change in the mix could affect the provision of affordable units. As the provision does not significantly differ from the need as set out within the Local Housing Needs Assessment, and still achieves the provision of a range of unit sizes to meet the needs of the district, the proposed size and mix of units is considered to be acceptable, and in accordance with Policy SP22 of the Thanet Local Plan.

Biodiversity

- Ecology

A Preliminary Ecological Appraisal has been submitted with the application. The report has considered whether there are any existing habitats and species on site. The arable field was considered to be of low ecological value, along with the field margins that cover only a small area and are low growing, and the trees, of which there are only three small sycamores. The field is still actively farmed.

The report considers that amphibians are unlikely to be present on site, as farmland is of low suitability for amphibians, as it doesn't provide suitable foraging and sheltering opportunities.

No evidence of badger activity including sett entrances, latrines or foraging indicators were identified on or adjacent to the site.

In terms of bats, no trees or structures were present on site in which bats could potentially roost; and there were no linear features within the Site that provided suitable foraging or commuting habitat for bats. There is a hedgerow to the south of the site, but this lies outside of the application site and is not being affected by the development.

The arable habitat within the site is unsuitable for reptiles, as there is low potential for reptiles to use the field margins for dispersal between suitable habitats in the wider area.

Records show that there have been four recent records of hedgehog within 2km of the site, but there is low potential for hedgehogs to use the site for foraging and dispersal, with limited habitat available for resting hedgehogs. There was potential for them to be present within the residential gardens bordering the site.

In terms of birds, the Kent and Medway Biological Records have returned 47,465 recent bird records comprising 318 different species within 2 km of the Site. Of these species 70 were listed in Schedule 1 of the Wildlife and Countryside Act 1981 (WCA). A number of ground nesting bird species including skylark and woodlark were included within the records, the closest records originated from Pegwell Bay which provides high quality habitat for a large number of bird species. The site provides potential habitat for ground nesting birds, and there is the potential for birds to nest in the shrubs within gardens bordering the Site. Due to the potential for birds to nest within the Site, the large number of bird records and the proximity of high quality habitat (Pegwell Bay and Thanet Coast), nesting birds are considered a receptor to this site. A wintering bird survey and breeding bird survey were therefore recommended to be carried out.

A wintering bird survey has been carried out. A total of 25 bird species were recorded, including five red listed species, eight amber listed species, and ten green listed species, which were recorded on site across the seven survey visits. The red listed species included Curlew, Herring gull, Linnet, Skylark, and Starling; the amber listed species included Black-headed Gull, Common Gull, Lesser Black-backed Gull, Kestrel, Redshank, Rook, Woodpigeon, and Wren.

Overall the survey advises that both the species diversity record and the overall number of birds recorded at the site are low, with the exception of the Herring Gull and Black-Headed Gull. No large flocks of farmland birds, gulls or waterbirds were recorded within the site.

The site is considered to be of site level importance for the red listed species, which were recorded in low numbers, and are generally associated with the arable, boundary hedgerows and field margins, or were flying over the site. The site is likely to be important to wintering Herring Gulls at the local level only, due to the number record and the suitable habitat for foraging within the site during winter. However, there is also suitable wintering habitat to the west and south of the site in the form of arable farmland, and the report considers it likely that the herring gull will utilise this land during winter when looking for food resources.

The Wintering Bird Survey has provided recommendations for mitigation and enhancement. No mitigation is required for the Herring Gull and Black-Headed Gull, at the local level, due to the presence of adjacent arable land that they can use. For other species, landscaping proposals through the application will mitigate the impact caused by habitat loss at the site, including the creation of a meadow, orchard, Wildflower Park, and 'central green' with trees and wildflowers. The wildflower park is also designed to include attenuation ponds. The landscaping provision is considered sufficient to mitigate the impact upon wintering birds, and as such no off-site compensation is considered necessary. The wildflower grassland creation, native and fruit-bearing tree and shrub planting would benefit a range of bird species, and the introduction of attenuation ponds will bring a wider diversity of invertebrate prey for bird species and may encourage waterfowl to use the site.

KCC Biodiversity has been consulted. They advise that as habitats are present on and around the site that provide opportunities for breeding birds, any work to vegetation/structures 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, and recommend an informative covering this.

To mitigate against the potential adverse effects on bats, a safeguarding condition for the external lighting design for the site is recommended in order to make sure sensitive lighting is incorporated that will limit impact on bats. KCC also recommends the provision of bird/bat bricks integrated into the new builds, which can be secured via condition.

The impact upon protected species is therefore considered to be acceptable, subject to safeguarding conditions requiring the provision of the landscaping as proposed, and ecological enhancements and a sensitive lighting design.

- *Functionally Linked Land*

The Wintering Bird survey advised that the bird assemblages recorded on site during the survey visits do not match species assemblages known within the Thanet Coast and Sandwich Bay SPA. The qualifying features of the SPA include internationally important wildfowl assemblages, none of which were seen utilising the site habitats. As well as, internationally important populations of golden plover, little tern, and turnstone. None of these species were documented during the site visits, and therefore the survey concluded that there is no evidence that the site is functionally linked land to the Thanet Coast and Sandwich Bay SPA and the development is unlikely to impact the SPA bird population.

KCC Ecology have agreed with this view, commenting that as none of the species listed within the qualifying features were documented on-site, the site is not likely to be functionally-linked to the Thanet Coast and Sandwich Bay SPA; although, they have caveated this with a comment that the survey results could have been affected by the development of the site to the north at the time of the surveys.

Natural England have been consulted, and prior to the submission of the wintering bird survey they had commented that due to its location and general habitat composition, there was a likelihood that the site of the proposed application could be regularly used by the species associated with the Special Protection Area, and as such, it could be considered Functionally Linked Land.

Following the submission of the survey they also agreed that whilst the site provides habitat for some bird species, the survey has not shown evidence of any of the species assemblages known within the Special Protection Area, but Natural England has advised that they would usually expect to see two years of survey data to prove that the site is not functionally linked land. As the survey has only covered one season Natural England has asked that the survey be supplemented with an additional Wetland Bird Survey data form recent wintering seasons demonstrating that the land is not functionally linked, and then another season of monitoring to achieve certainty. Subject to no qualifying features of the Special Protection Area being present during these further surveys, Natural England has advised that it's likely that a significant effect can be screened out.

An updated Winter Bird Survey has been submitted, which includes the Wetland Bird Survey data requested by Natural England. The results show that even within Special Protection Area land, the winter populations of golden plover are not very high, which in turn greatly reduces the likely potential that individuals would contemplate the need to forage or roost on a highly

disturbed urban fringe site such as the application site. The data for the local area supports the 2021/22 on-site winter bird survey results, in that numbers of golden plover are generally low and that a second year of surveying would not provide further data on golden plover on-site or indeed locally. Further information has also been provided on recently approved housing developments and their surveys, which also showed no evidence of golden plover, with a comment within an ecological report for a nearby site suggesting that golden plover seeking foraging and roosting grounds at high tide would likely favour the larger and less disturbed agricultural fields away from human settlement, such as those to the north of Ash Levels and west of the Pegwell Bay estuary.

In response to this additional report Natural England has confirmed that they consider the proposed development will not have significant adverse impact on statutorily protected nature conservation sites or landscapes, and as such they have no objections to the proposed development, accepting that the proposal will not impact upon Functionally Linked Land within the Special Protection Area.

- *SPA and HRA*

Policy SP28 of the Local Plan requires a Habitats Regulations Assessment (HRA) to be undertaken for proposals likely to have a significant effect on an SPA, SAC and RAMSAR to assess whether there will be a likely significant impact, either alone or (where relevant) in combination on the integrity of the international site.

Any potential loss of Functionally Linked Land and/or impacts to the SPA, are required to be considered as part of a Habitats Regulations Assessment.

A shadow HRA appropriate assessment has been undertaken by Ecus Limited, following a request by Natural England, to inform the competent authorities of the proposal. This is covered later in this report, along with the mitigation requirements for new development.

Overall, subject to safeguarding conditions, the impact upon protected species and biodiversity is considered to be acceptable, with the proposal not considered to have a likely significant cumulative effect.

- *Biodiversity Net Gain*

Policy SP30 of the Thanet Local Plan requires a Preliminary Biodiversity Net Gain Assessment to be undertaken to evaluate whether a net gain in biodiversity assets can be achieved on this site, with recommendations for achieving biodiversity net gain. However, no specific target for biodiversity net gain has been set through the policy and 10% biodiversity net gain is not yet a statutory requirement.

The submitted landscaping plan provides for large areas of soft landscaping, that include wildflower grassland and hedgerow. KCC Biodiversity has advised that if the wildflower grassland (as within depicted the Landscape Master Plan) is implemented and managed correctly, and if all new landscaping consists of native species, the loss of biodiversity can be mitigated for.

The proposal is therefore considered to comply with Policy SP30 of the Thanet Local Plan.

Drainage and Flood Risk

Policy CC02 of the Thanet Local Plan states that 'new development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible'. A flood risk assessment and surface water drainage strategy has been submitted with the application.

A flood risk assessment and drainage strategy has been submitted with the application. The site lies within Flood Zone 1, which is the lowest flood probability zone as defined by the Environment Agency. The site is therefore not at risk from fluvial or tidal flooding.

The report comments on sewer flooding, which is an issue that has been raised by residents. The report states that there are no recorded incidents of flooding shown in the vicinity of the site which have been attributed to a failure of the local drainage system. Sewer plans show that there is a public combined sewer in Canterbury Road West, to the north of the site, so there could be a risk from water surcharging from the sewer flowing onto the site, however, the upstream end of the sewer is located adjacent to the site, so the impact from this is negligible.

In terms of risk to the site from surface water flows generated off site, the topography of the land means that the site slopes towards the south. The adjacent site to the north is mostly of permeable surface, with the remainder positively drained, so during rainfall events surface water flows are less likely to be generated due to rainwater directly infiltrating or being intercepted by the drainage, and therefore won't reach the application site. The report therefore concludes that the site is not at significant risk of flooding from surface water flows generated off site.

In terms of surface water flows generated on site, the existing site is greenfield, and is currently used as arable farmland. The proposal is for the development of the site, including large areas of hard surfacing, and therefore greater volumes and rates of surface water run off will result when compared to the existing situation. An acceptable surface water drainage scheme is therefore required that will prevent off-site surface water flooding from the site. The proposed drainage will also need to accommodate the drainage serving the development to the north, as the application site will cover the area that contained the approved drainage for that development.

- Foul Drainage

In terms of the foul drainage, sewer plans show that there are no public water sewers located within the site, with the nearest sewer being a combined sewer located within Canterbury Road West, to the north of the site. The development to the north has its foul water pumped to this location. A second sewer is present beneath Clive Road, 20m to the east of the site, but due to the site levels only a maximum of 30no. units can drain to this sewer via gravity. The remaining 111no. units will require a new pump station, which is located to the south of the site, south west of the proposed dwellings.

Southern Water has advised that their investigations indicate that they can facilitate foul sewerage disposal to service the proposed development. They've further commented that if the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd, and should include a secure compound that large vehicles can access, which will need to be 100 square metres in area, or less if found to be operationally satisfactory. In order to protect the amenity of prospective residents, no habitable rooms should be located within 15 metres of the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations.

A condition requiring full details of the proposed foul drainage system as set out above is attached.

- *Surface Water Drainage*

In terms of the surface water drainage, infiltration basins are proposed, which the assessment considers to provide sufficient capacity to attenuate surface water discharge from the development during all events up to a 1 in 100 year plus 40% climate change rainfall event whilst infiltration takes place. Five infiltration basins are proposed, which are located within the wild flower park to the west of the site. Underground cellular storage tanks have been provided to ensure that no overground flooding occurs, which are located within the open space areas, below the equipped play area and informal open space. Smaller filter drains have also been proposed within rear gardens to prevent ponding from occurring.

KCC SUDs have commented that this approach is welcomed and will minimise any possible overland flows during extreme events. They've advised that a safeguarding condition requiring the submission of a detailed drainage strategy will be required, with consideration needing to be given to in-situ infiltration testing at the proposed basin locations and respective depths, groundwater monitoring in the location of the future basins to confirm depths to any groundwater (currently expected at a depth of greater than 7.5m), and that consideration is given to the green spaces and whether these areas could increase surface water flow onto roads, and subsequently into the drainage network.

KCC SUDs have raised no objections to the proposed surface water drainage strategy, and consider that the proposed strategy would satisfactorily prevent any surface water runoff from the site. The proposal for surface water drainage is therefore considered to be acceptable, and in accordance with Policy CC02 of the Thanet Local Plan.

- *Water Supply*

Southern Water initially raised concerns that the proposed development would lie over an existing public water trunk main, however, the proposed dwellings have been shown set away from the water main, which lies adjacent to the eastern boundary, and the applicant has confirmed that there will be a 6 metre easement either side of the water main, which Southern Water has confirmed is acceptable.

Southern Water has reviewed the planning application and risks to groundwater. The site is located approximately 400m from adits which provide large quantities of water and rapid transit pathways to the public groundwater supply. Given that the site is located adjacent to an Source Protection Zone 1, and the presence of adits in the area, Southern Water recommended additional mitigation to protect against future water quality risks, and suggested the installation of oil interceptors on the surface water network prior to water entering the soakaway features, to prevent hydrocarbon discharge to the principal Chalk aquifer.

The applicant has updated the pollution prevention section of the flood risk assessment, which now advises that prior to the entry of the infiltration basin a bypass separator has been specified within the gravity inlet pipe. Southern Water has advised that the surface water quality treatment measures are now deemed sufficient and therefore the oil interceptor condition they'd previously recommended is no longer required.

The impact upon groundwater and the existing public water trunk main is therefore considered to be acceptable.

In terms of a water supply to the site, Southern Water has advised that they can facilitate a water supply to service the proposed development, and that they require a formal application for a connection to the water supply to be made by the applicant prior to any connections.

Contamination

Policy SE03 of the Thanet Local Plan states that 'development proposals that would enable contaminated sites to be brought into beneficial use will normally be permitted, so long as the sites can be rendered suitable for the proposed end use in terms of the impact on human health, public safety and the environment, including underlying groundwater resources. 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'.

A phase 1 Geo-Environmental Site Assessment has been submitted with the application. The assessment has identified the presence of a series of potentially active pollution linkages associated with the previous recorded use of the site and surrounding areas which are considered to have the potential to present a risk to identified receptors at the site based on the proposed development. The area of the site most affected by the potentially active pollutant linkages is the northern extent of the site associated with petroleum storage units, alongside the infilled chalk pit to the south east. Due to its current land use, agricultural fields, herbicides and pesticides present a potentially active source of pollutants across the entirety of the site.

The assessment concludes that an intrusive site investigation be undertaken focussing on the northern limits and the infilled chalk pit to investigate the potential pollution linkages identified by the conceptual site model and determine the potential risks posed to future site users. Given the proposed end use as a residential with homegrown produce end use it is recommended that further investigation should comprise trial pitting to attain near surface samples from across the site. The site investigation should include chemical and geotechnical testing of soil samples for a suite of determinants representative of the potential sources identified within the CSM. Upon return of chemical testing results a Tier 1 Risk Assessment should be undertaken to determine whether the encountered soils have the potential to present a significant risk to the identified receptors. This would then enable mitigation measures to be formulated, if required.

Environmental Health and the Environment Agency have been consulted.

The Environment Agency has commented that the site is in a sensitive setting for groundwater protection, being in an Source Protection Zone (SPZ) 1/2 for a nearby water abstraction, but they are confident that the reports submitted in support of this planning application show it is possible to suitably manage the risk posed to controlled waters by this development.

The Environment Agency therefore raise no objections to the proposal, but request safeguarding conditions requiring the submission of drainage design details and a discovery strategy for contamination. Subject to these safeguarding conditions the Environment Agency confirm they are satisfied that the proposed development won't cause or be put at unacceptable risk from water pollution.

Environmental Health recommends a safeguarding condition that requires the submission of a preliminary risk assessment, an assessment of potential risks, and an appraisal of remedial options.

There are considered to be no concerns regarding contamination of groundwater subject to the safeguarding conditions recommended and as such the proposal is considered to comply with Policy SE03 of the Thanet Local Plan.

Air Quality

Policy SE05 of the Thanet Local Plan states that 'all major development schemes should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality. Development will be located where it is accessible to support the use of public transport, walking and cycling. New development must ensure that users are not significantly adversely affected by the air quality and include mitigation measures where appropriate. All developments which either individually or cumulatively are likely to have a detrimental impact on air quality, will be required to submit an Air Quality and/or Emissions Mitigation Assessment, in line with the Air Quality Technical Planning Guidance 2016 and any subsequent revisions'.

An air quality assessment has not been submitted with the application, although a travel plan has been submitted. The travel plan includes measures to encourage walking, cycling, the use of public transport, and car sharing, which will help to reduce reliance upon the car.

A parking plan has also been submitted that shows the provision of one electric charging point per dwelling, and one electric vehicle charging point for visitors per ten spaces.

Environmental Health have been consulted, and have advised that the size of the site would not have triggered an air quality assessment, and the site is in an area of low background pollution so the site is unlikely to cause an exceedance of objectives, and therefore reports are not required upfront. However, Environmental Health has recommended safeguarding conditions that require the submission of an emissions mitigation assessment, and an associated emissions statement that demonstrates how the air quality damage costs identified within the emissions mitigation assessment will be used in the development for air quality improvements. One cost that the air quality damage costs will be used towards is the provision of the ticket machine shelters, as discussed in the transportation section of this report. The provision of the shelters will make the use of the station more desirable, which could increase the use of this public transport, and reduce travel by motor vehicle, contributing to the mitigation of emissions created by this development. The financial contribution of £9,000 for the two ticket machine shelters will be secured through the legal agreement.

Environmental Health has raised no objections to the proposed development subject to safeguarding conditions, including the implementation of mitigation works that are to be identified within an air quality damage cost assessment, and the provision of electric vehicle charging points, and the submission of an environmental construction management plan. Subject to these safeguarding conditions the impact upon air quality is considered to be acceptable, and in accordance with Policy SE05 of the Thanet Local Plan.

Archaeology

Policy HE01 of the Thanet Local Plan states that 'the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation. Developers should submit information with the planning application that allows an assessment of the impact of the proposal on the significance of the heritage asset. Where appropriate the Council may require the developer to provide additional information in the form of a desk-based or field assessment. Planning permission will be refused without adequate assessment of the archaeological implications of the proposal'.

A phase 2 evaluation report for archaeological investigations has been submitted with the application. KCC Archeology has been consulted and advise that the area is particularly rich in archaeology which had been recognised in pre-application discussions they've had, and has been subject to both a geophysical survey by Wessex Archaeology and more recently evaluation trenching by SWAT Archaeology.

The report submitted is an initial and incomplete draft of the evaluation report, and KCC in their response have advised that they have commented on the areas within the description and assessment that are missing and that need to be addressed within the final report.

KCC has advised that the proposed development site lies in a very rich archaeological landscape on the southern slopes of the Isle of Thanet overlooking the former Wantsum Channel. The topography of the present site is extremely important as it sits astride a north to south orientated valley that runs down the scarp slope towards the former St Augustine's Bay. Early maps show that a trackway ran northwards through this valley and archaeological evidence from both the East Kent Access Road investigations and those at Thanet Parkway, as well as further south at Cottington Road have demonstrated that the valley was used as a track from prehistoric times with substantial activity flanking it including Iron Age and Roman settlement and Saxon settlement later. The valley itself is filled with colluvial soils (washed from the sides) which both seal and contain archaeological remains adding to the complexity of the site.

The evaluation report has identified substantial depths of colluvium running through the centre of the site and has presented a preliminary model. Either side of the valley, aerial photographs show evidence for neolithic and Bronze Age monuments and funerary activity. The Kent HER records a Beaker burial within the field near to Clive Road and excavations for East Kent Access confirmed the funerary and monumental landscape of the Neolithic and Bronze Age on Foads Hill, which forms the eastern flank of the present site. The investigations to the south of the site for East Kent Access and Thanet Parkway have revealed an extremely complex arrangement of trackways flanked by enclosures, settlement and cemeteries of Iron Age and Romano-British date. These extend both north/ south and north west/south east into the southern areas of the present site. The archaeology is generally shallow buried, very complex and intensive throughout the southern area of the application site. Evidence for enclosures, a track and sunken buildings are included within the findings of the evaluation. KCC advise that the overall articulation of the archaeology is difficult to follow in the report but it seems that the archaeology found to the south extends into the site at similar levels of complexity.

The figures within the report show that 67no. trenches have been excavated within the site, including the areas of the proposed housing and drainage.

KCC advise that more work is needed to map the features within the site and provide a phased interpretation and characterisation but activity has been identified that extends from the neolithic through to the medieval period. The activity extends up the site and is found within the colluvial deposits in the valley. 55 of the 63 trenches excavated revealed archaeological deposits.

The evaluation (and previous assessments including desk based study and geophysical survey) was undertaken to inform any planning application coming forward for the site. The present development site generally shows housing and roads infrastructure over the valley and land on its eastern side with attenuation areas in an area to the south west. Given the sloping nature of the site it is likely that substantial ground works will be needed to level areas for development, attenuation and services. Archaeological remains, including this buried at depth are likely to be affected. While there is complex, intense and significant archaeology throughout most areas of the site KCC advise that they have not identified any areas that require exclusion from development works. Mitigation can be addressed through archaeological investigation and recording but it needs to be fully understood that given the complexity, quantity and significance of the archaeology such works are likely to be extensive and require significant resources and investment to undertake. Given the potential impacts it

is difficult to see how archaeological preservation, other than in the deeper buried deposits in the valley could be achieved with the proposed development of the site.

KCC therefore recommends that in any forthcoming consent provision is made for archaeological investigation and recording, post excavation assessment, analysis, reporting and archiving.

To enable the scope of the archaeological investigations to be agreed, the evaluation report needs to be revised in accordance with KCC's comments. An impact assessment, taking account of the development ground excavations should also be developed to inform the written scheme of investigation. As with the investigations to the south both for the East Kent Access Road and Thanet Parkway, a programme of community engagement should be included within the scope of the archaeological written scheme. Given the richness and extent of the archaeology within the site there is an opportunity for interpretation within the public realm. It would be appropriate to require a scheme of interpretation through information boards as part of the development, and therefore a condition that secures an appropriate scheme of archaeological interpretation is suggested.

The extensive comment from KCC shows that whilst the site is rich in archaeology, the excavations that have been carried out within the site have not identified anything significant enough to warrant retention on site, and as such, KCC have not recommended any archaeological exclusion zones within the development. Safeguarding conditions have been recommended requiring further archaeological investigations, and information boards, and therefore subject to these safeguarding conditions the impact upon archaeology is considered to be acceptable and in accordance with Policy HE01 of the Thanet Local Plan.

Special Protection Area Mitigation and Appropriate Assessment

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.

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. 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. This approach is set out in the Local Plan under Policy SP29 (Strategic Access Management and Monitoring Plan (SAMM)).

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £202 per 1-bed unit, £320 per 2-bed unit, £424 per 3-bed units, and £530 per 4-bed (plus) unit, resulting in a total of £53,252. The applicant has agreed to these contributions, which will need to be secured through a legal agreement.

The site has been assessed within the appellant's Ecological assessment and shadow HRA as to whether it constitutes Functionally Linked Land in connection with the designated sites. The submitted survey results, which has proven a lack of golden plover on the site, along with survey data on wetland birds, the nature of the site, and the activity that exists from adjacent residential development, are considered sufficient to conclude that the site does not act as functionally linked land for golden plover or other birds associated with the Thanet Coast and Sandwich Bay Special Protection Area, and the Thanet Coast SSSI.

With regard to the efficacy of the SAMMs project, the plan includes wardening of the Thanet Coast and Sandwich Bay SPA and Ramsar Site, signage and interpretation, and increased education. In addition, monitoring and surveys of the site, particularly with regard to visitors and bird numbers, is part of a plan which is linked to the wardening programme. This is delivered through the Thanet Coast project, run by Thanet District Council working in partnership with conservation organisations in East Kent, to ensure that development, considered in combination, does not have an adverse effect on the integrity of the European site. Since 2019, 1 no. full time officer has been employed on the SAMMS project with 2no. temporary engagement officers, with a business plan 2020-2025 for the BirdWise project outlining progress to date and planning until 2025. This demonstrates the efficacy of the mitigation of the SAMM project to ensure residential development does not result in adverse impact on the designated sites.

Having considered the proposed mitigation and avoidance measures to be provided in perpetuity in addition to the scale of onsite open space provision proposed (and to be secured by condition) and drainage provisions, the conclusion of the assessment is that with mitigation and imposition of safeguarding conditions, the project will have no adverse recreational or other effects on the integrity of the identified European sites alone or in-combination with other proposed development.

Natural England have raised no objections to the HRA and therefore the proposed development, subject to the mitigation measures set out, is not restricted by the Conservation of Habitats and Species Regulations 2017. It is recommended that the shadow HRA (appended at Annex 5) is adopted by members.

Viability

Decisions on planning applications must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Paragraph 58 of the National Planning Policy Framework outlines that it is up to an applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage, and the weight to be given to a viability assessment is a matter for the decision maker having regard to all the circumstances in the case.

Assessing viability requires a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market, and should be based on current costs and values. A site is viable if the value generated by its development, the Gross Development Value (GDV), exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. The accepted methodology for assessing this is the residual land value method. This calculates

the estimated GDV from the development, subtracts the development cost (including the developer's profit at an agreed level) and compares this residual land value against a Benchmark Land Value (BLV). The BLV is established on the basis of the existing use value of the land plus a premium for the landowner, with the premium required to provide a reasonable return to induce a landowner to sell the site for development or develop the site whilst reflecting the implications of site-specific infrastructure costs.

The application originally included the provision of 30% affordable housing and some agreement to financial contributions, although the justification for these has been questioned by the applicant. Following a number of discussions with KCC and the CCG on the contribution requests, the applicant has submitted a viability assessment for review. The viability assessment set out the concerns of the applicant regarding the costs of constructing the scheme, with specific concern raised with the £2,463,000 financial contribution requests of KCC, CCG and TDC. The report set out that the Gross Development Value for the scheme was £42,712,000 based on residential sales values and affordable housing transfer pricing, and the total scheme cost was £42,913,000, resulting in a residual land value of -£201,000. As the Benchmark Land Value of the site had been assessed as £2,077,000 (based on the existing use value plus a premium), the residual land value is shown within the report as having a shortfall of £2,278,000. As such the assessment concluded that the proposed scheme cannot support the financial contributions being sought, in addition to other anticipated costs associated with the development, including affordable housing. The assessment is provided at Annex 1.

The viability assessment has been independently reviewed by our consultants Dixon Searle (appended at Annex 2). In considering the Benchmark Land Value, the applicant's viability consultants have considered the Existing Use Value of the site to be £131,000, which has been multiplied by 15.8 (which they consider to be an appropriate premium) to achieve the Benchmark Land Value of £2,077,000. Dixon Searle have questioned this premium, which they advise is frequently assumed to be between 10 and 20 times the Existing Use Value, which equates to a minimum Benchmark land Value for the site of £1,457,300.

The Gross Development Value was initially based upon a scheme with 30% affordable housing. The submitted prices ranged from £320,000 for the smallest 2-bed house to £427,000 for the largest detached house. Having researched the sales values of nearby developments in the CT12 postcode within the last two years, Dixon Searle has advised that the submitted values are broadly within the expected range; however, the new build properties in the area differed in size and were not therefore considered to be direct comparisons. When the values were compared to second hand properties in the area the submitted values only exceeded them by approximately 5%, which appeared too low, as a premium is usually attached to new build properties. However, whilst a cautious estimate has been used, Dixon Searle are of the view that given the large size of the scheme, the lack of individuality of the units, and that house prices are expected to fall, Dixon Searle have accepted these values and do not suggest adjustments.

For the affordable units, the shared ownership has an initial sale of 40% of the properties stated market value, with a rent on the unsold equity of 2.5% and a yield of 4.5%. Dixon Searle considered these values to be appropriate. For the affordable rent units, values have again been based upon 40% of market value, with a deduction of £20 per week for service charges

for apartments and £5 for houses. Dixon Searle considers the service charges to be high, as the costs have already been incorporated into the rent costs (maintenance and repairs 30% of rent), and have therefore increased the value of the affordable rent units within the appraisal. First Home units have not been included, and therefore it was recommended that they are included within the housing mix to meet policy requirements, which could impact upon viability.

In terms of the build costs, Dixon Searle considered the cost figures used within the appraisal to meet the tolerance expected. An increase in costs has been applied to cover inflation during works, which is not acceptable, as the appraisal needed to be based upon current day rates, and therefore this additional cost has been removed.

The appraisal includes 5% for design fees and 5% for professional fees, which has been applied to the total build cost. This exceeds allowances, especially given the limited number of house types, and therefore Dixon Searle reduced this down to 4%.

In terms of profit, a fixed input of 17.5% of Gross Development Value was used, with profit on affordable housing at 6%. These profit levels are considered to be acceptable, and within the accepted range set out within the National Planning Practice Guidance.

In summary, Dixon Searle has advised that when making the adjustments indicated, a residual value of £794,397 is indicated, which falls below Dixon Searle's suggested minimum Benchmark Land Value for the site of £1,457,300 (11.23 times the Existing Use Value); however, when adjusting the profit level margin to 15.7%, and applying the minimum Benchmark Land Value, Dixon Searle advised that a policy compliant scheme would be achievable.

In response to this review, the applicant has submitted a revised viability assessment that addresses the points raised by Dixon Searle (Annex 3). Amendments have also been made to the tenure mix, to provide 22% affordable housing provision (31no. units), including 20no. affordable rent units, 10no. first homes, and 1no. shared ownership unit.

In terms of the service charges and rent values for the affordable units, the applicant's viability consultants have sought further information on rent and management/maintenance costs, and taken into account rising interest rates. In terms of the concerns raised regarding lack of first homes, these have now been included in the assessment.

For build costs the inflation sum has been removed from their figures and build costs have been amended to reflect the increase in costs, resulting in a build cost assumption of £30,379,000.

In terms of developer profit, 17.5% was retained as the necessary return, which in the applicant's view represents the lower end of a range of requirements from funders in the current market.

In terms of the Benchmark Land Value, further discussion was provided around the premium to be applied to the Existing Use Land Value. Evidence is provided of viability assessments on other sites in Kent, and the premium applied in those cases that ranged from 15.7 to 20

times the Existing use Value (EUV), or included the EUV with an additional amount per hectare, all of which exceeded the premium Dixon Searle has suggested by applied of 11.23 times the EUV. On the basis of this evidence the applicant's viability consultants consider their proposed premium of 15.8 times the EUV to be a reasonable, and potentially conservative, assessment, and as such they've maintained the Benchmark Land Value of £2,077,000 within their assessment.

The applicants viability assessment concludes that they disagree with the conclusions of Dixon Searle's report, and consider the suggested drop in profit margin and Benchmark Land Value suggested to be unreasonable, and would not enable the development to come forward. The applicant maintained the 17.5% profit margin and their previously identified Benchmark Land Value through this review, but dropped the level of affordable housing to 22%, in the tenure split shown. The applicant's assessment concludes that the proposed scheme does not support the financial contributions sought by the Council; however, the applicant has agreed to the financial contributions on the basis that they are a social business focused on providing housing.

Dixon Searle has reviewed this revised viability assessment (Annex 4). They've considered the applicant's rebuttal on the Benchmark Land Value issue and do not agree with the evidence they've submitted to argue the premium applied, which involved looking at other viability cases in Kent. Officer's concur with the view that each site has specific viability issues, and therefore weight should not be applied to the assessments made on other sites when considering the premium to be applied in this instance. Dixon Searle maintain their view that a reasonable Benchmark Land Value is £1,457,300.

When looking at the Gross Development Value, some of the housing units have reduced in size, which has reduced costs. An updated review of house sale prices has been carried out, but these remain roughly the same, and therefore the assumptions provided in the applicant's report are accepted. In terms of affordable rents, the higher values has been tested to stress-test the viability.

Dixon Searle accepted the need to increase costs due to inflation, and this uplift has been included within their assessment, which is 0.77% since their previous review. An increase in the interest rate assumption to 7.5% has been made, and they've also updated the S.106 costs, which have reduced since the previous review due to the drop in unit numbers. The profit assumptions on affordable units have been amended to 12% GDV for first homes.

As a result of these changes to build costs (which are increasing), without a similar uplift in sales values, the costs have increased by £2,472,821, with professional fees increased by £218,654 (as a percentage of build costs). The 1.0% increase in interest rates on borrowing has also increased finance costs by £191,972. Overall this has resulted in approximately £3 million more cost in the appraisal but no increase in sales values, viewed at this point in time.

The final appraisal has been run on the basis of these adjustments, and includes 22% affordable housing and all S.106 financial contributions, plus a 17.5% profit on market housing, 6% profit on affordable housing, and 12% profit on first homes. The appraisal indicates a residual land value for the scheme of £372,408, which falls below Dixon Searle's suggested minimum Benchmark Land Value for the site of £1,457,300. Against this lower

Benchmark Land Value the appraisal indicates a deficit of -£1,084,892, and therefore an 'actual' adjusted profit of £6,283,868 which equates to 14.8% on market housing, 12% on First Homes and 6% on affordable housing. This indicates that the scheme as presented (with 22% affordable housing and the required S106 contributions) is proceedable, but at a sub-optimal level of profit, with market housing at just under the 15% to 20% range suggested in the NPPF. If the appraisal were run with a higher Benchmark Land Value, such as that used within the applicant's viability appraisal, then the viability position is considered to worsen.

The viability scheme submitted has been independently reviewed and robustly tested, and based upon the adjustments made within the final appraisal, which include an overall increase in costs, the position offered by the applicant in terms of 22% affordable housing (in the mix identified) and full S.106 financial contributions, is considered to be a reasonable and justified position. Any increase in the affordable housing offer would take the profit margin below the range identified as acceptable within the NPPF, and therefore it would be unreasonable to either request an increase in affordable housing, or to refuse the application on the grounds of lack of/insufficient provision of affordable housing. On the basis of this viability review, the proposed development is considered to comply with Policies SP23 and SP41 of the Thanet Local Plan.

Dixon Searle has advised that the Council may wish to consider a review mechanism within the legal agreement, given market difficulty and uncertainty. However, the applicant has advised that the construction period is expected to last only 24 months, and given this short time period a review is not considered to be beneficial or practical. However, should members disagree with this approach then there is scope to include a review mechanism within the legal agreement for a future review of costs and income.

Financial Contributions and Obligations

Policy SP41 of the Thanet Local Plan requires that development only be permitted when provision is made to ensure the delivery of relevant and sufficient community and utility infrastructure; including, where appropriate, a contribution towards the provision of new, improved, upgraded or replacement infrastructure and facilities.

The following contributions are required:

- A contribution of £904,400 towards Manston Green Primary School or other new schools locally or within the Birchington and Thanet Villages planning group;
- A contribution of £688,408 towards a new Thanet secondary school or the provision of additional secondary places within the Thanet District non-selective and selective planning group, or any other new secondary school within the District;
- A contribution of £200,977.63 towards secondary education in the form of a new Thanet secondary school land acquisition cost;
- A contribution of £2,315.22 towards community learning, to provide additional resources, equipment and classes delivered locally and at Broadstairs Adult Education Centre;
- A contribution of £7,818.45 towards libraries, to provide additional resources, stock and services (including digital infrastructure and resources) within the local Ramsgate, Minster or Newington Libraries;

- A contribution of £9,235.50 towards youth services, to provide additional resources and equipment for the Youth service in Thanet, including early prevention and outreach services;
- A contribution of £20,710.09 towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within Thanet;
- A contribution of £7,680.27 towards waste services, to provide improvements at Thanet District HWRC to increase capacity;
- A contribution of £124,632 towards health provision, in the form of the refurbishment, reconfiguration and/or extension of Minster Surgery and/or Dashwood Medical Centre and/or Summerhill Surgery and/or The Grange Practice and/or East Cliff Medical Practice and/or towards a new general practice premises development in the area;
- A contribution of £9,000 to provide 2no. ticket vending machine shelters at Thanet Parkway Station;
- A contribution of £4,162 towards the resurfacing of PROW TR32;
- A contribution of £948 as a monitoring fee for the travel plan;
- A contribution of £53,252 towards the Special Protection Area;
- Affordable housing in the form of 22% on site provision.

The applicant has agreed to these contributions and obligations, which will need to be secured through a signed legal agreement.

If the site were an allocated housing site, an assessment of the community facilities would have been carried out, and any infrastructure needs would have been listed within the allocation policy. This site has come forward prematurely, outside of the housing allocation process within the local plan, and therefore this assessment has not taken place; however, the Strategic Planning Manager has been consulted, and has advised that for this limited number of units, it would be difficult to justify the need for additional community facilities within the village within specific policy support. As mentioned in the principle section of this report, there is an extant consent for a new retail unit on the site opposite the recreational ground, on the corner of Foads Hill and Cliffsend Road, and a new application for the retail unit has recently been submitted and is currently pending a decision, indicating it is still the intention of the land owner to provide this community facility within the village.

A request has been received from Cliffsend Parish Council for financial contributions towards facilities within the village. The request is for £187,000, which has been calculated by the Parish as a pro-rata amount based on the number of units and precedent set from other housing developments.

The facilities that Cliffsend Parish Council have requested include:

- a new shared footpath/cycleway for a section of Foads Hill, to enable safe access to the village amenities (a distance of around 135m from the level crossing to the existing footpath;
- sports provision for Cliffsend sports field, including open air "gym" equipment, climbing "cubes", soft surfaces under the playground equipment;
- external storage capability for community and sports equipment, including the sports equipment previously stated, plus a portable generator, lighting equipment, marquee and trestle tables and chairs for events in the recreational field;

- community building improvement to the village hall to enable disabled access to the toilet;
- enhancement of Hugin Green and Marjorie Chapman meadow, to include the replacement of bins, additional heritage plaques etc.

There is no policy allocation for the site, and therefore there is no specific policy justification for the provision of these facilities. Policy SP41 of the Thanet Local Plan, as detailed above, does allow for the provision of community infrastructure, but this is only sought where the contribution is deemed to be appropriate and justified.

Addressing each of the requests in turn, the provision of the shared footpath/cycleway for Foads Hill is not achievable as the applicant is not the landowner, nor is KCC. It therefore seems that the land is in third party ownership, meaning that the delivery of a project on the land is not achievable. Furthermore, if the path could be provided, it would still not achieve a safe pedestrian link, and there is no pedestrian footpath within the northern end of Foads Hill. Whilst the need for an improved pedestrian link between the north and the south of the village is accepted for improving public safety, an improved pedestrian link is already being achieved through the upgrading of PROW TR32, both adjacent to and within the site, which will enable a full safe pedestrian link to be achieved from Canterbury Road West in the north to Cottington Lane in the south, and from there into the centre of the village. This will reduce the need to use Foads Hill, and will provide a good quality, safe pedestrian link between the north and south of the village that can be used by both the future residents of the development, and existing residents of the village. A contribution for the path is therefore not considered to be justified or deliverable.

In terms of sports provision, the application proposes a play area within the site that includes a basket swing, stepping log, jumping disc, hammock, basketball hoop, table tennis table, and fitness equipment. On the basis that this is being achieved within the site, a financial contribution for additional equipment on Cliffsend sports field is not considered to be justified as the contribution would not mitigate an impact resulting from the development.

For the storage unit, improvement to the village hall, and enhancements to the meadow, no costings or precise details of the projects have been provided by the parish council. It is accepted that the increased number of occupants within the village created through the proposed housing development will put extra pressure on some of these facilities, and therefore consideration does need to be given as to whether there is a need for a financial contribution towards the improvement of these community facilities; however, given that open space is being provided within the site for recreational use, including a wildflower park with picnic area, and informal open play space, it's unlikely that the future occupants of the development will choose to use the existing recreational space within the village, and for this reason a financial contribution towards the existing recreational spaces in the village would not be justified.

The request for the provision of a disabled toilet within the existing village hall is considered to be justified, as there is no village hall within the development, and therefore the future occupiers will put additional pressure on the existing community hall. Improving the toilets within the village hall has previously been identified as a further requirement of the ongoing refurbishment of the hall and given the potential for increased use from the development then a contribution to the provision of improved accessible facilities at the hall is considered to be

justified under Policy SP41. The exact details and costing of this project have not been identified, but the applicant has been contacted to ask if they would offer a contribution towards these works. The applicant has offered £10,000 towards the work and this is considered to be fairly and reasonably related in scale and kind to the development, in accordance with paragraph 57 of the NPPF. The provision of this final financial contribution of £10,000, to be used for the provision of a disabled toilet within Cliffsend Community Hall, will be secured through the legal agreement in addition to the financial contributions listed above.

Conclusion

Paragraph 11 of the NPPF states that Local Planning authorities should grant permission (where a 5 year supply cannot be demonstrated) 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.

The site is not allocated, and lies outside of the urban confines within a landscape character area. The proposal will result in the loss of this area as agricultural land, and as such there will be a loss of best and most versatile land, as well as an impact upon the landscape character area from long views from Canterbury Road West and the A299, although the land itself is not considered to possess any unique or rare landscape features.

The site forms a natural expansion of the village, with the development not projecting beyond the western boundary of the adjacent development to the north of the site, and the proposal appears in keeping with the surrounding pattern of development. The design is traditional, and whilst it would have been preferable to have seen a greater number of units types, including bungalow options, the design and appearance of the proposed units does not appear significantly out of character with the area, which is helped through the amendments to the southern boundary that has lowered the eaves line of the units to 1.5 storeys, reducing the impact of the scale and height on longer views from the south. Landscaping has been used to soften and screen the development in long views from the west and south, and the open space provision exceeds the minimum requirement, with an additional park, picnic areas, orchard, and community growing garden provided. The proposed materials are also in keeping with the palette of material in the area.

The site relies upon a vehicular access onto Canterbury Road West that is safe and convenient, and the trip generation created through the development is not considered to result in a severe impact upon the highway network. The presence of Parkway Station within a few minutes walk of the site to the south provides improved connectivity with Ramsgate and Minster, which has significantly improved the sustainability of the site by providing realistic alternative travel options that don't rely upon the car.

The impact upon neighbouring living conditions is considered to be acceptable subject to safeguarding conditions relating to acoustic fencing and obscure glazing, and the proposal achieves the necessary open space provision, space standards, and parking requirements to achieve good amenity for future occupiers of the development.

The submission for ecology identifies no protected species on site, and wintering bird and wetland bird surveys have been submitted. The proposed development will not have

significant adverse impact on statutorily protected nature conservation sites or landscapes, and the proposal will not impact upon Functionally Linked Land within the Special Protection Area. A shadow HRA appropriate assessment has been undertaken, and the proposal is not considered to have a likely significant cumulative effect.

The viability assessment has proven that only 22% affordable housing is viable on site (which is considered reasonable under the policy criteria), but all financial contributions towards infrastructure as requested by KCC, CCG and Network Rail have been secured, in order to mitigate the additional pressure placed on these from the development. Cliffsend Parish Council have requested financial contributions towards infrastructure in the village, but all of the requests are not necessary to make the development acceptable in planning terms, other than the request for a financial contribution towards the community hall for the remodelling of the toilets to allow for disabled toilet provision, which has been agreed to.

All other aspects, including drainage, archaeology, air quality, and contamination can be dealt with through safeguarding conditions.

The proposal will result in the development of an unallocated site within the Local Plan. In terms of the environmental dimension of sustainable development, there will be moderate to modest harm to the landscape character area, and the loss of best and most versatile agricultural land, but the proposal will provide a natural expansion of the village, that can rely heavily upon the public transport offered through the new Parkway Station, and the benefits of the public right of way improvements to provide sustainable forms of transport. There will be some visual impact resulting from the lack of unit types on offer, but the southern boundary amendments will reduce the visual impact from the south.

In terms of the social and economic dimension of sustainable development, all financial contentions are being secured towards infrastructure where they have been justified, including a contribution towards improvements of the village hall, and 22% affordable housing is being achieved. Improved pedestrian connectivity between the north and south of the village is being achieved through the improvements of PROW TR32 up to Canterbury Road West. Open space provision exceeds the minimum requirements for the site, with an equipped playspace, and park/picnic area provided that will serve existing residents. The development will support the growth of the village and Parkway Station, and provide 141 no dwellings for which there is an identified need within the district.

On balance, when considering the local plan and the National Planning Policy framework as a whole, the proposal is considered to constitute sustainable development, with the identified environmental impact outweighed by the economic and social benefits from the proposed development of this site. Therefore the application is recommended to be deferred and delegated for approval subject to the receipt of a legal agreement securing the agreed heads of terms and safeguarding conditions.

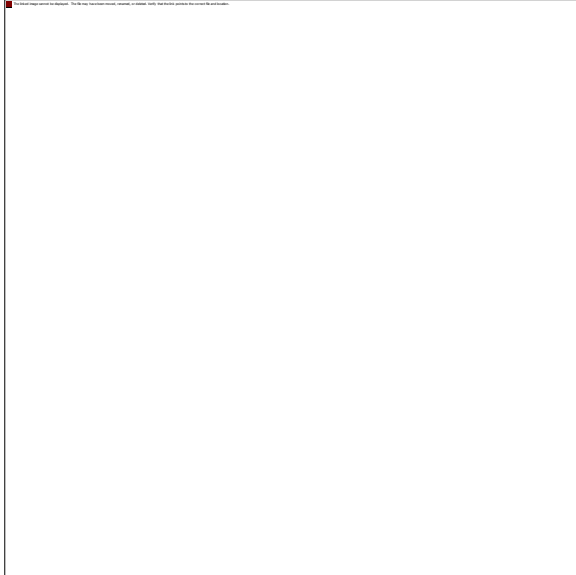
Case Officer

Emma Fibbens

TITLE: F/TH/21/1671

Project Land South Of Canterbury Road West RAMSGATE Kent

Scale:





PRIVATE & CONFIDENTIAL

Financial Viability Assessment Report

Land South of Canterbury Road West Phase 2

Thanet District Council

Prepared for Monson Homes Limited

Updated Report - January 2023



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1. Executive Summary

- 1.1 As part of the detailed planning application, Monson Homes Limited ('the Applicant') has instructed ULL Property ('ULL') to assess and report on, the financial viability of providing affordable housing and Section 106 financial contributions as part of the development proposal.
- 1.2 Thanet District Council ('the Council') has policy targets for affordable housing provision as part of new residential developments, and these targets are not intended to restrain development, based on the outcome of financial viability testing. ¹_{SEP}The Council has requested Section 106 financial contributions amounting to £2,428,000 which impact the viability of the development proposals.
- 1.3 In July 2022 ULL Property carried out a Financial Viability Assessment ('FVA') which demonstrated that financial contributions of £2,463,000 (the slightly higher estimate made at that time) are not viable for this development, while providing the policy target of affordable housing. We have been advised that, in the Council's opinion, the Section 106 financial contributions are mandatory, and therefore the Applicant has now instructed ULL to assess the impact on the provision of affordable housing.
- 1.4 The site is currently in agricultural planning use and is in the ownership of Monson Homes Limited. The site measures 5.9 hectares (14.58 acres).
- 1.5 The proposed planning application seeks permission for "Development of 141 dwellings (including affordable housing), with open space, landscaping, access and associated infrastructure."
- 1.6 The Gross Development Value for the scheme is £44,863,000 (rounded) based on the residential sales value and affordable housing transfer pricing.
- 1.7 The total scheme cost is £43,698,000 (rounded).
- 1.8 The Argus Developer appraisal for the proposed development calculates a residual land value for the proposed development of £1,165,000.
- 1.9 The Benchmark Land Value is assessed as £2,077,000 (rounded), based on the existing use value plus a premium.
- 1.10 The net residual land value is, therefore, showing a shortfall of £912,000.
- 1.11 We conclude that the proposed scheme does not viably sustain the financial contributions being sought by the local planning authority. However we understand the developer is prepared to undertake the development on this basis, being a social business focused on providing housing.
- 1.12 For the purpose of this updated FVA, we have not updated the construction costs or residential GDV/sq ft rates compared with our July 2022 report. Amendments relate to the tenure mix of accommodation, and updates to the Section 106 financial contributions; all other amendments stem from these main changes.



2. Instructions & Report Context

- 2.1 Monson Homes Limited ('the Applicant') has submitted a planning application to Thanet District Council ('the Council') in respect of the site known as Land South of Canterbury Road West (Phase 2), Cliffsend, Ramsgate, Kent CT12 ('the Site').
- 2.2 The application seeks planning permission for "Development of 141 dwellings (including affordable housing), with open space, landscaping, access and associated infrastructure."
- 2.3 As part of the planning application the Applicant has instructed ULL to assess, and report on, the financial viability of providing affordable housing and Section 106 financial contributions as part of the development proposal.

ULL Property

- 2.4 This viability assessment has been prepared with regard to the policies and guidance available at national, regional and local levels, and carried out in accordance with the Royal Institution of Chartered Surveyors (RICS) professional statement 'Financial viability in planning: conduct and reporting' (1st edition, May 2019, effective from September 2019).
- 2.5 ULL is a property services company specialising in development consultancy, affordable housing, financial viability and project management. The company aims to find viable solutions, which facilitate development, while at the same time supporting the reasonable mitigation of development impact. In so doing, we operate at the centre of development economics; assisting developers and Local Planning Authorities reach effective solutions against a challenging financial background.
- 2.6 This report has been prepared by Richard Ashdown, who has more than 25 years' experience in residential development and consultancy. Richard held numerous senior positions in the industry before starting ULL where he is now Managing Director. ULL currently advises house builders and developers on property assets valued more than £4 billion.
- 2.7 This report has been reviewed by Isabella Rossi RICS, who has over 20 years experience in the affordable housing sector gained within both local government and the private sector, prior to joining ULL Property as a Director.

Limitations

- 2.8 This report does not constitute a valuation and should not be relied upon for valuation purposes.
- 2.9 It is provided for the sole use of the party to whom it is addressed. It is confidential to the addressee and their professional advisors. ULL accepts no responsibility whatsoever to any person other than the client themselves.
- 2.10 Neither the whole nor any part of the report nor any reference thereto may be included in any published document, circular, or statement, or published in any way, without the prior written approval of ULL.



Information relied upon

2.11 We have been provided with, and relied upon:

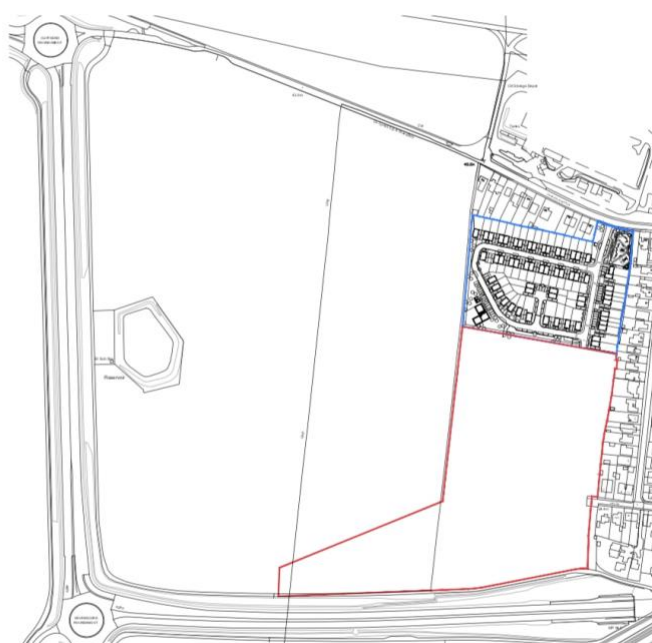
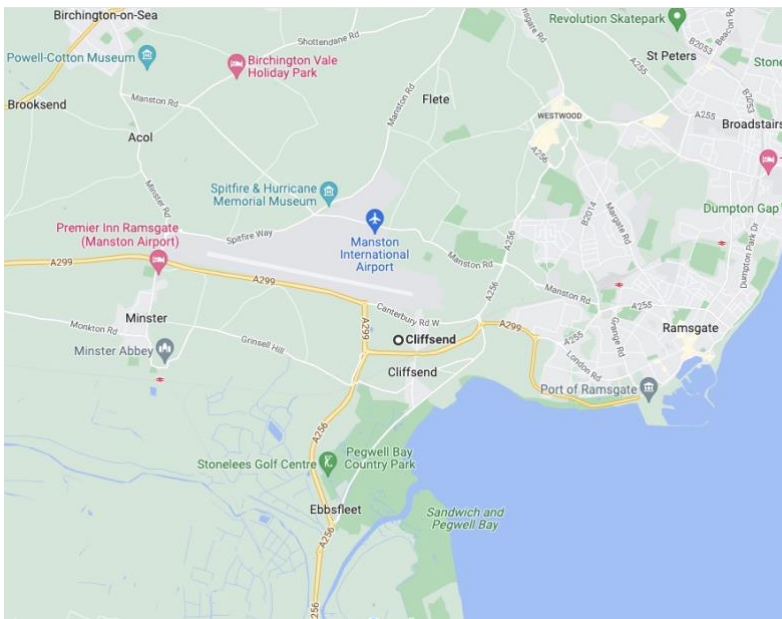
- Proposed plans and accommodation schedule prepared by PRP Architects
- A construction cost plan prepared by Baily Garner dated 1st July 2022.



3. Project Details

Location

- 3.1 This site is located at Canterbury Road West Phase 2, Cliffsend, Ramsgate, Kent CT12.
- 3.2 The site is positioned immediately to the north of Hengist Way (A229) as it runs East-West to the north of Cliffsend village centre. To the East of the site is a 1970s housing estate comprising mostly bungalows, and to the north of the site, beyond the Phase 1 Canterbury Road West site, is the airstrip for the disused Manston Airport. To the West is agricultural land.
- 3.3 The maps below show the site location (marked with 'Cliffsend' pin)





- 3.4 The subject property has an approximate site of 5.9 hectares (14.58 acres). It is currently in agricultural use, and we understand this is its planning designation.
- 3.5 We have not been provided with a report on Title, however we understand that the interest is of freehold title. For the purpose of our report, we have assumed that there are no onerous or restrictive covenants affecting Title.

Transport

The site is 2.2 miles from Ramsgate railway station; Canterbury Road West is on a bus route to Ramsgate which passes close to the railway station. Trains serve the local area (Broadstairs, Margate, Canterbury) as well as direct to London St Pancras, the fastest trains taking 1 hr 15 mins.

Scheme Proposals

- 3.6 The proposed development comprises 141 residential dwellings. The summary schedule of accommodation is as follows:

Type	No.
1 bed 2 person flat	8
2 bed 4 person house	59
3 bed 5 person house	60
4 bed 6 person house	14
Total	141



4. Planning Policy – Affordable Housing & Viability Methodology

- 4.1 In this section we have reviewed the policies and guidance relevant to planning obligations under the Section 106 regime.

National Planning Practice Guidance (NPPG)

- 4.2 The NPPG provides guidance to participants in the planning systems to assist with implementing policies and decisions in a way that is both sustainable and deliverable. In its revision dated 24 July 2018 (paragraph 10), NPPG states: “In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.”

- 4.3 The NPPG defines the key inputs for viability assessments:

“Gross Development Value - Gross development value is an assessment of the value of development. For residential development, this may be total sales and/or capitalised net rental income from developments. Grant and other external sources of funding should be considered. For commercial development broad assessment of value in line with industry practice may be necessary...For viability assessment of a specific site or development, market evidence (rather than average figures) from the actual site or from existing developments can be used. Any market evidence used should be adjusted to take into account variations in use, form, scale, location, rents and yields, disregarding outliers. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

Costs - Assessment of costs should be based on evidence which is reflective of local market conditions. As far as possible, costs should be identified at the plan making stage. Plan makers should identify where costs are unknown and identify where further viability assessment may support a planning application. Costs include:

- a) build costs based on appropriate data, for example that of the Building Cost Information Service”; (in our opinion a site-specific elemental cost breakdown should be provided for site-specific viability assessment)*
- b) abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or costs associated with brownfield, phased or complex sites. These costs should be taken into account when defining benchmark land value;*
- c) site-specific infrastructure costs, which might include access roads, sustainable drainage systems, green infrastructure, connection to utilities and decentralised energy. These costs should be taken into account when defining benchmark land value;*
- d) the total cost of all relevant policy requirements including contributions towards affordable housing and infrastructure, Community Infrastructure Levy charges, and any other relevant policies or standards. These costs should be taken into account when defining benchmark land value;*
- e) general finance costs including those incurred through loans;*
- f) professional, project management, sales, marketing and legal costs incorporating organisational overheads associated with the site. Any professional site fees should also be taken into account when defining benchmark land value;*
- g) explicit reference to project contingency costs should be included in circumstances where scheme*



specific assessment is deemed necessary, with a justification for contingency relative to project risk and developers return;

Land Value - To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing used value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. This approach is often called 'existing use value plus' (EUV+). In order to establish benchmark land value, plan makers, landowners, developers, infrastructure and affordable housing providers should engage and provide evidence to inform this iterative and collaborative process.

Competitive Return to Developers - Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan. For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development.

A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. Alternative figures may also be appropriate for different development types.

Competitive Return to Landowners - The premium (or the 'plus' in EUV+) is the second component of benchmark land value. It is the amount above existing use value (EUV) that goes to the landowner. The premium should provide a reasonable incentive for a landowner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements. Plan makers should establish a reasonable premium to the landowner for the purpose of assessing the viability of their plan. This will be an iterative process informed by professional judgement and must be based upon the best available evidence informed by cross sector collaboration. For any viability assessment, data sources to inform the establishment of the landowner premium should include market evidence and can include benchmark land values from other viability assessments. Any data used should reasonably identify any adjustments necessary to reflect the cost of policy compliance (including for affordable housing), or differences in the quality of land, site scale, market performance of different building use types and reasonable expectations of local landowners. Local authorities can request data on the price paid for land (or the price expected to be paid through an option agreement)"

Thanet District Council Planning Policy

4.4 Thanet's local plan was adopted in July 2020. Policy SP23 states with regard to Affordable Housing:

Residential development schemes for more than 10 dwelling units, including mixed use developments incorporating residential and developments with a combined gross floor Thanet Local Plan Adopted July 2020 60 area of more than 1,000 square meters shall be required to provide 30% of the dwellings as affordable housing.



The affordable housing shall be provided in proportions set out in the Strategic Housing Market Assessment or successive documents.

The above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable.

4.5 With regard to the affordable housing proportions, the Thanet Strategic Housing Market Assessment 2016 states at paragraph 9.36 that “a 80/20 split between social/affordable rented homes and intermediate housing options would be appropriate.”

4.6 Thanet adopted its Planning Obligations Supplementary Planning Document in April 2010; this includes a section headed “What about economic viability?” This states:

In some instances, perhaps arising from site-specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable.

In such cases, and where the development is needed to meet the aims of the development plan, the council will decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers (e.g. Kent County Council) in the area.

Where the development is needed to meet the aims of the development plan, the decision on the level of contributions will be based on negotiation with developers over the level of contribution that can be demonstrated as reasonable whilst still allowing development to take place.

In some instances, factual information needs to be validated for negotiations to continue. In these cases a developer may wish to agree and fund an independent third party with relevant expertise (e.g. valuation) to help progress the negotiations. Responsibility for the final determination of the application remains with Thanet District Council.

4.7 In summary, the forgoing local and national policies demonstrate that Thanet District Council has policy targets for affordable housing provision as part of new residential developments, and that these targets are not intended to restrain development, based on the outcome of financial viability testing.

4.8 In compliance with policy, the level of contribution can be reduced or waived to ensure that development remains viable; however the Council adopts testing of viability to identify land value increases arising from the grant of planning permission, to meet affordable housing and other objectives.

Viability Methodology

4.9 The purpose of this report is to provide an independent assessment of the viability of proposed development, and in so doing to assess the level of obligations which can be provided to the local planning authority, while sustaining an appropriate land value to the landowner and profit to the developer. Assessing the viability of a proposed development involves comparing the residual land value of the site, based on the proposed scheme, with an appropriate benchmark.

4.10 A viable development will support a residual land value at a level sufficiently above the site’s Existing Use Value (EUV) or Alternative Use Value (AUV), to support a land acquisition price acceptable to the



landowner. As such, where a development proposal generates a residual value, which is higher than the appropriate benchmark value it is deemed financially viable and therefore likely to proceed. Conversely, if the residual value is lower than the benchmark, it is considered to be economically unviable and consequently unlikely to progress.

4.11 A - B = Residual Land Value, based on inputs from the attached table:

A: Revenue	B: Costs
Residential Gross Development Value	Construction Costs
	Planning and Development Professional Fees
	Planning Contributions
	Marketing Costs
	Land Purchase Costs
	Finance Costs
	Developer's Return

- 4.12 It need not be the land value that is the target residual. A fixed land price can be input as a cost, and a residual developer profit assessed. Alternatively, the residual target can be the planning contributions.
- 4.13 An explanation for all the appraisal inputs is provided at Section 5 (Income Analysis) and 6 (Cost Assumptions).
- 4.14 The next task is to arrive at an appropriate benchmark against which to compare the Residual Land Value of the proposed scheme, to determine whether the proposal is viable. This is assessed further in Section 7.
- 4.15 The purpose of our analysis has been to understand the development economics of the site and to show the results of our analysis. This incorporates appraisal of all costs and values, finance inputs and Section 106 contributions.
- 4.16 The assumptions made in the development appraisal are a reflection of the development's overall economics. Our assumptions are in some cases inter-related such that a change in one assumption can have an impact on other assumptions.
- 4.17 Appendix 1 shows the financial appraisal incorporating the costs and values of the project. We have used Argus Developer appraisal software, a standard appraisal tool used across the property industry, and recognised by local authorities in viability analysis. The model is set up as a Residual Land Value appraisal, making fixed assumptions about costs, revenues and profit.



5. Income Analysis

5.1 The revenue for the scheme is derived from the sale of the completed residential units.

Residential sales

5.2 JLL has carried out a pricing exercise as at July 2022 to advise the Applicant in relation to selling prices at the proposed scheme (see Appendix 3 and paragraph 5.8 below). We have carried out our own research into recent sales on new residential developments, close to the subject site, and set out our findings as follows.

Bakers Field, Cliffsend, Ramsgate CT12 5GH

5.3 This development by Millwood Homes has seen sales of houses in the previous 12 months. The site is to the South East of the subject site, just across the Hengist Way trunk road. The following prices have been achieved:

Sale Price	£/sq Ft	Sq Ft	Type	Developer	Address	Date Sold
£620,000	£341	1,819	Detached	Millwood Homes (Bakers Field)	19 Bakers Field, Cliffsend, Ramsgate	19/04/2021
£653,000	£339	1,927	Detached	Millwood Homes (Bakers Field)	21 Bakers Field, Cliffsend, Ramsgate	17/06/2021
£630,000	£316	1,991	Detached	Millwood Homes (Bakers Field)	27 Bakers Field, Cliffsend, Ramsgate	14/05/2021
£730,000	£332	2,196	Detached	Millwood Homes (Bakers Field)	29 Bakers Field, Cliffsend, Ramsgate	28/05/2021
£690,000	£305	2,260	Detached	Millwood Homes (Bakers Field)	22 Bakers Field, Cliffsend, Ramsgate	31/03/2021
£600,000	£369	1,625	Detached	Millwood Homes (Bakers Field)	26 Bakers Field, Cliffsend, Ramsgate	31/03/2021
£3,923,000	£332	11,818				

5.4 The house sizes are larger than those proposed at the subject site, and we would therefore expect to see a higher £/sq ft price at Canterbury Road West.

Foreland Heights, Ramsgate, CT11 0FF

5.5 This development is located on the Western side of Ramsgate, approximately 1.3 miles from the subject site. A development of 14 detached houses, these too are larger than proposed at Canterbury Road West.

Sale Price	£/sq Ft	Sq Ft	Type	Agent	Address	Date Sold
£579,525	£293	1,981	Detached	Miles & Barr	14 Forelands Heights, Ramsgate	07/08/2020
£590,000	£298	1,981	Detached	Miles & Barr	13 Forelands Heights, Ramsgate	19/11/2020
£625,000	£301	2,077	Detached	Miles & Barr	12 Forelands Heights, Ramsgate	26/06/2020
£580,000	£293	1,981	Detached	Miles & Barr	10 Forelands Heights, Ramsgate	13/08/2020
£2,374,525	£296	8,020				

Mannock Drive, Manston

5.6 Coldrum Homes have developed this scheme of 22 two and three bedroom houses, launching in 2020. The site is located 3.1 miles by road from the subject site, being the other side of Manston Airport to the North-West. The most recent achieved sales prices are as follows:



Sale Price	£/sq Ft	Sq Ft	Type	Developer	Address	Date Sold
£350,000	£322	1,087	Semi-Detached	Coldrum Homes	21 Mannoek Drive, Manston, Ramsgate	31/03/2021
£365,000	£336	1,087	Detached	Coldrum Homes	25 Mannoek Drive, Manston, Ramsgate	11/03/2021
£375,000	£345	1,087	Detached	Coldrum Homes	29 Mannoek Drive, Manston, Ramsgate	26/03/2021
£1,090,000	£334	3,261				

- 5.7 These homes reflect more closely the floor areas of the proposed homes at the subject site.
- 5.8 Regarding the advice provided by JLL, this reflects an average price of £370/sq ft. In consideration of the foregoing evidence, the site location, unit typology and floor areas we consider £370/sq ft represents an optimistic average selling price for the subject proposals.
- 5.9 For the purposes of this viability assessment we have adopted the private sales revenue indicated by JLL’s pricing schedule, provided at Appendix 3, although we consider this should be kept under review.

Affordable Housing

- 5.10 In assessing the transfer value of the affordable housing, or in this case the value to the (RP) developer, we have adopted revenue and cost assumptions as shown in the remainder of this section.

Affordable Rented Tenure

- 5.11 The Applicant, being a Registered Provider, has advised that the rented homes will be Affordable Rented tenure, being a maximum of 80% of market rent. We have assessed local market rents for second-hand properties to be in the region of the following:

- 1-bedroom apartments - £725 pcm / £167 per week.
- 2-bedroom houses - £925 pcm / £213 per week.
- 3-bedroom houses - £1,200 pcm / £277 per week.

- 5.12 80% of the foregoing rents equates to:

- 1-bedroom apartments - £134 per week.
- 2-bedroom houses - £170 per week.
- 3-bedroom houses - £222 per week.

- 5.13 However, the rents will be capped at Local Housing Allowance rates which are:

- 1-bedroom apartments - £109.32 per week.
- 2-bedroom houses - £149.59 per week.
- 3-bedroom houses - £184.11 per week.

- 5.14 The Affordable Rents will be net of service charges, and therefore a further deduction is made of £20 per week for apartments and £5 per week for houses. Therefore the net rents to be charged are assumed to be :

- 1-bedroom apartments - £89.32 per week.



2-bedroom houses - £144.59 per week.

3-bedroom houses - £179.11 per week.

- 5.15 The following table identifies the assumptions we have made in arriving at a capital value for the Affordable Rented homes:

LHA rents CT12 Thanet BRMA									
Unit type	Weekly Rent (net of s/c)	Sq Ft	M & M	Major repairs	Voids & bad debts	Net yield	Price per unit	No. of units	Total price
1 bed apt	£89.32	540	£900	£400	4.00%	4.50%	£70,181	8	£561,447
2 bed house	£144.59	964	£900	£500	4.00%	4.50%	£129,262	6	£775,570
3 bed house	£179.11	1,056	£900	£600	4.00%	4.50%	£165,328	4	£661,310
								18	£1,998,327

Intermediate (Shared Ownership) Tenure

- 5.16 13 houses have been identified as Intermediate Housing. The Intermediate Housing is assumed to be shared ownership tenure, however we would advise the Section 106 Agreement be flexible to enable these to be intermediate rented units in the event they are unsold.

- 5.17 We have assessed the pricing of the Intermediate housing according to the following table:

Shared Ownership									
Unit type	Av Sq Ft	Average Market value	Share sold	Rent on unsold equity	Annual Rent	Net yield	Price per unit	No. of units	Total price
2 bed house	850	£320,000	40%	2.50%	£4,800	4.50%	£234,667	6	£1,408,000
3 bed house	1,047	£380,000	40%	2.50%	£5,700	4.50%	£278,667	7	£1,950,667
								13	£3,358,667

- 5.18 The 'Average Market Value' is taken from JLL's pricing schedule as it relates to Shared Ownership homes. The Intermediate housing price of £3,358,667 has been included in the appraisal at Appendix 1.



6. Cost Assumptions

Construction Costs

- 6.1 In determining the construction costs for the proposed scheme, we have had regard to a Cost Plan produced by Baily Garner dated 1 July 2022, which is submitted with this report as Appendix 2 (this has not been updated since our July 2022 report, although in reality we would expect an increase over the past 6 months). The construction costs amount to £29,870,000.
- 6.2 The cost plan includes contractor's design fees in the sum of £1,291,854. In addition we have applied 5% planning, design and pre-contract professional fees to the appraisal at Appendix 1.

Other Costs

- 6.3 Within the Argus Developer model at Appendix 1 we have made the following cost assumptions:

Item	Value	Elements
Land		
Stamp Duty	UK SDLT Rates	Residual Land Value
Agents Fee	1.00%	Residual Land Value
Legal Fee	0.5%	Residual Land Value
Construction Costs		
Professional Fees	8.00% (see 6.2 above)	Build Cost Sum
Lettings and Disposal Costs		
Marketing (Residential)	1.00%	Residential GDV
Sales Agent Fees (Residential Units)	1.5%	Residential GDV
Legal Fees (Residential Units)	£750 per unit	Residential GDV
S.106 Costs		
The Council is seeking to require the developer to provide financial contributions with the objective of mitigating the impact of the development. The contributions are identified in the following categories, and include indexation to the current date:		
Community learning & skills - £2,847		
Youth service - £11,355		
Libraries - £9,613		
Adult social care - £25,474		
Waste - £9,443		
Primary education - £1,111,988		
Secondary education - £1,093,527		
CCG - £152,907		
Total S106 contributions - £2,428,219		
Contributions per dwelling - £17,221		
Finance Costs		
The finance rate is assumed to be 6.5%. This reflects the average cost of capital to include debt interest (senior and mezzanine), and arrangement, exit and valuation fees.		
Whilst we have not updated this assumption, the cost of development finance has seen significant increases in recent months and we consider this rate to be below the market level.		
Developer Return		
The appraisal has been set up to show profit as a cost to the project, at 17.5% of GDV for the private elements, and 6% on the affordable housing. In our opinion this represents the lower end of a range of requirements from funders in the current market.		



Development Programme

6.4 We have adopted the following construction timings:

- Pre-construction – 3 months
- Construction – 24 months
- Sales – 18 months, equating to 5.5 private sales per month. Sales are assumed to commence 12 months after construction commences.



7. Benchmark Land Value

- 7.1 As explained at Section 3, viability is typically tested by comparing the residual land value of the proposed scheme with a Benchmark Land Value (BLV). The Benchmark can be derived following an assessment of the value of the site in its Existing Use (EUV) or a reasonable Alternative Use Value (AUV).
- 7.2 Where the method of assessing the Benchmark is via EUV, a landowner premium is often added as a reasonable incentive for the landowner to bring the land forward for development.

Existing site

- 7.3 The current planning use of the existing site is agricultural. A range of commentators and market operators provide general indicators of agricultural land values, and they lie in a similar range of each other, with relatively small variations depending in which part of the country the land resides.
- 7.4 Carter Jonas' Farmland Market Update Q4 2021 identifies regional variations, and suggests agricultural values for the South East in the range £7,500 - £10,500/acre (£18,500 - £26,000/hectare). The Valuation Office Agency in its 2019 assessment concluded agricultural land values in the South East at £25,000 per hectare. We have assumed for the subject site a value of £9,000 per acre (c. 22,000/ha). The site measures 14.58 acres (5.9 hectares). This means the agricultural land value equates to £131,200.
- 7.5 It is recognised that agricultural land value is generally insufficient to incentive landowners to bring sites forward for development. Referring to site-specific viability assessments on projects elsewhere, we have experienced local authority advisers proposing uplifts of 18-20 times agricultural land value. This considerable uplift is based on the incentive required to sell land assets that have been in a family for generations.
- 7.6 Thanet commissioned Adams Integra to carry out Council-wide viability analysis to support the local plan, in 2012; although somewhat dated, Adams Integra applied the principle that higher multipliers are appropriate as incentives for agricultural landowners, the same principle that is applied today. Adams Integra state (paragraph 3.3.3, "Economic Viability Assessment of Development in Thanet District") that the incentive required might take comparative land values up to perhaps £100,000 - £400,000 per hectare. Other local authorities provide guidance in the assessment of a reasonable uplift. For example East Cambridgeshire District Council has published "Viability Assessment Information" which gives "Interim Policy Support" and is dated April 2019. In discussing land values in the District, the document states at paragraph 2.10.12:

"The figure that we consider likely to represent the minimum land value likely to incentivise release for development under any circumstances in the East Cambridgeshire context is around £250,000 to perhaps £370,000/ha based on gross developable site area and dependent on the "bulk" of land required. Land values at those levels are likely to be relevant to development on larger to smaller scale greenfield land (or enhancement to amenity land value) and therefore potentially relatively commonly occurring across the District".

- 7.7 Aspinall Verdi prepared a borough-wide assessment for nearby Swale Borough Council in December 2020 (paragraph 6.31), which suggests £247,100 per hectare as a reasonable benchmark land value for agricultural land in the Borough. This appears low compared with the opinion of Adams Integra, our own experience on scheme-specific viability studies and other Councils' advice.



- 7.8 Based on experience of other projects (details of which can be made available), and bearing in mind the approach adopted by Thanet in 2012 and other Councils more recently, we consider a reasonable benchmark land value to be £352,000/hectare, being 16x agricultural value.
- 7.9 We have therefore adopted a benchmark land value of £2,077,000 (rounded)



8. Summary of the Appraisal

8.1 For ease of reference we provide here a summary of the Argus appraisals relating to this project, demonstrating the viability position:

Appraisal Summary	
Costs	
Construction Costs	£29,870,000
Professional Fees	£1,494,000
Disposal Fees	£1,070,000
S106	£2,428,000
Acquisition Costs	£17,000
Total finance costs	£1,583,000
Profit	£7,236,000
Total Costs	£43,698,000
Revenue	
Private Residential Sales	£39,506,000
Affordable Rent	£1,998,000
Intermediate housing	£3,359,000
Total Revenue	£44,863,000
Residual Land Value	£1,165,000
Benchmark Land Value	£2,077,000
Net Residual Land Value	(£912,000)

8.2 The fact that the **Net Residual Land Value** is negative indicates the project is unable to sustain the Section 106 contributions sought by the local planning authority.



9. Summary and Conclusions

- 9.1 In compiling the appraisals, we have applied the site-specific construction costs and property values relating to the proposed development, alongside market assumptions concerning other development costs such as finance and profit. This is in line with the principles of a financial viability assessment of this nature.
- 9.2 Accounting for the inputs explained above, the Argus appraisal for the proposed development calculates a residual land value for the proposed development of **£1,165,000**. A summary of the Argus Developer appraisal is included in Appendix 1.
- 9.3 The benchmark land value of the existing property has been demonstrated to be £2,077,000 (as per Section 7 of this report). Having completed the viability appraisal, we conclude that the net residual is **-£912,000** (negative).
- 9.4 We conclude that the proposed scheme does not support the financial contributions being sought by the LPA under the Section 106 regime, in addition to other anticipated costs associated with the development including affordable housing. **However we understand the developer is prepared to undertake the development on this basis, being a social business focused on providing housing.**
- 9.5 The Council's policy makes clear that contributions are subject to viability testing, and this report has been compiled in compliance with this policy, National Planning Policy Framework and RICS Guidance.
- 9.6 Should the Council require further information from ULL to consider the above, we would be happy to provide it, and our contact details can be found at the end of this report.



Appendix 1 – Argus Developer Appraisal

Canterbury Road West - Update Jan 2023
Confidential - Not a Valuation

Development Appraisal
ULL Property
January 13, 2023

APPRAISAL SUMMARY

ULL PROPERTY

Canterbury Road West - Update Jan 2023
Confidential - Not a Valuation

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft	Sales Rate ft ²	Unit Price	Gross Sales
Private houses	110	106,692	370.28	359,145	39,506,000
Affordable Rent	18	14,331	139.44	111,018	1,998,327
Intermediate	<u>13</u>	<u>12,433</u>	270.14	258,359	<u>3,358,667</u>
Totals	141	133,456			44,862,994

NET REALISATION

44,862,994

OUTLAY

ACQUISITION COSTS

Residualised Price		1,164,715		1,164,715
Agent Fee	1.00%	11,647		
Legal Fee	0.50%	5,824		
				17,471

CONSTRUCTION COSTS

Construction	ft	Build Rate ft ²	Cost
Construction Costs	138,181	216.17	29,870,000
S106: Community Learning & Skills			2,847
S106: Youth Service			11,355
S106: Libraries			9,613
S106: Adult Social Care			25,474
S106: Waste:			9,443
S106: Primary Education			1,111,988
S106: Secondary Education			1,093,527
S106: CCG			152,907
S106: NR Ticket Machine Shelters			11,066
			32,298,220

PROFESSIONAL FEES

Professional Fees	5.00%	1,493,500		1,493,500
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MARKETING & LETTING

Marketing	1.00%	395,060		395,060
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DISPOSAL FEES

Sales Agent Fee - Private Resi	1.50%	592,590		
Sales Legal Fee - Private Resi	110 un	750.00 /un	82,500	
				675,090

APPRAISAL SUMMARY

ULL PROPERTY

Canterbury Road West - Update Jan 2023
Confidential - Not a Valuation

TOTAL COSTS BEFORE FINANCE **36,044,056**

FINANCE

Timescale	Duration Commences	
Purchase	1	Feb 2022
Pre-Construction	3	Mar 2022
Construction	24	Jun 2022
Sale	18	Jun 2023
Total Duration	34	

Debit Rate 6.50%, Credit Rate 0.00% (Nominal)

Land	184,648	
Construction	1,319,003	
Other	78,886	
Total Finance Cost		1,582,537

TOTAL COSTS **37,626,593**

PROFIT

7,236,401

Performance Measures

Profit on GDV% 16.13%

CASH FLOW REVENUE AND COST SUMMARY

ULL PROPERTY

Canterbury Road West - Update Jan 2023
Confidential - Not a Valuation

Heading	%	Total	At Date	To Date
Phase1				
Sale - Affordable Rent		1,998,327	Jun 2023	Nov 2024
Sale - Intermediate		3,358,667	Jun 2023	Nov 2024
Sale - Private houses		39,506,000	Jun 2023	Nov 2024
Sales Agent Fee - Private Resi	1.50%	(592,590)	Jun 2023	Nov 2024
Sales Legal Fee - Private Resi	0.00%	(82,500)	Jun 2023	Nov 2024
Residualised Price		(1,164,715)	Feb 2022	Feb 2022
Agent Fee	1.00%	(11,647)	Feb 2022	Feb 2022
Legal Fee	0.50%	(5,824)	Feb 2022	Feb 2022
Con. - Construction Costs		(29,870,000)	Jun 2022	May 2024
S106: Community Learning & Skills		(2,847)	Jun 2022	Jun 2023
S106: Youth Service		(11,355)	Jun 2022	Jun 2023
S106: Libraries		(9,613)	Jun 2022	Jun 2023
S106: Adult Social Care		(25,474)	Jun 2022	Jun 2023
S106: Waste:		(9,443)	Jun 2022	Jun 2023
S106: Primary Education		(1,111,988)	Jun 2022	Jun 2023
S106: Secondary Education		(1,093,527)	Jun 2022	Jun 2023
S106: CCG		(152,907)	Jun 2022	Jun 2022
S106: NR Ticket Machine Shelters		(11,066)	Jun 2022	Jun 2022
Professional Fees	5.00%	(1,493,500)	Jun 2022	May 2024
Marketing	1.00%	(395,060)	Jun 2023	Nov 2024

CASH FLOW REVENUE AND COST SUMMARY

ULL PROPERTY

Canterbury Road West - Update Jan 2023
Confidential - Not a Valuation

Distribution

Monthly

Monthly

Monthly

Related: Sale - Private houses

Related: 750.00/un to Selected Total Units of 110

Single

Related: Residualised Price

Related: Residualised Price

S-Curve

Annual

Annual

Annual

Annual

Annual

Annual

Annual

Single

Single

Related: : Curve Related from Con. - Construction Costs to Other Construction Costs

Related: Sale - Private houses

SENSITIVITY ANALYSIS REPORT

ULL PROPERTY

Canterbury Road West - Update Jan 2023
Confidential - Not a Valuation

Table of Land Cost and Land Cost

Construction: Rate /ft ²					
Sales: Rate /ft ²	-10.000%	-5.000%	0.000%	+5.000%	+10.000%
	194.55 /ft ²	205.36 /ft ²	216.17 /ft ²	226.97 /ft ²	237.78 /ft ²
-10.000%	(£1,204,967)	£222,854	£1,695,321	£3,174,684	£4,668,786
333.25 /ft ²	(£1,204,967)	£222,854	£1,695,321	£3,174,684	£4,668,786
-5.000%	(£2,604,701)	(£1,184,841)	£243,726	£1,716,192	£3,195,146
351.77 /ft ²	(£2,604,701)	(£1,184,841)	£243,726	£1,716,192	£3,195,146
0.000%	(£4,004,436)	(£2,584,575)	(£1,164,715)	£264,598	£1,737,064
370.28 /ft ²	(£4,004,436)	(£2,584,575)	(£1,164,715)	£264,598	£1,737,064
+5.000%	(£5,404,170)	(£3,984,310)	(£2,564,449)	(£1,144,589)	£285,469
388.79 /ft ²	(£5,404,170)	(£3,984,310)	(£2,564,449)	(£1,144,589)	£285,469
+10.000%	(£6,803,904)	(£5,384,044)	(£3,964,184)	(£2,544,323)	(£1,124,463)
407.31 /ft ²	(£6,803,904)	(£5,384,044)	(£3,964,184)	(£2,544,323)	(£1,124,463)

Sensitivity Analysis : Assumptions for Calculation

Construction: Rate /ft²

Original Values are varied by Steps of 5.000%.

Heading	Phase	Rate	No. of Steps
Construction Costs	1	£216.17	2.00 Up & Down

Sales: Rate /ft²

Original Values are varied by Steps of 5.000%.

Heading	Phase	Rate	No. of Steps
Private houses	1	£370.28	2.00 Up & Down



Appendix 2 – Build Cost Estimate



Cost Plan

for

Phase 2, Land South of 40 Canterbury

Cliffsend
Ramsgate
Thanet
Kent
CT12



Prepared for:

Development of 141 dwellings (including affordable housing), with open space, landscaping, access and associated infrastructure.

Town & Country Housing
Monson House
Monson Way
Tunbridge Wells
Kent
TN1 1LQ

Phase 2, Land South of 40 Canterbury



Cost Plan

Revision: A

01-Jul-22

Project No: 33288

Contents Page

Section	Heading
1	Executive Summary
2	Project Brief
3	Basis of Costs
4	Elemental Summary
5	Tenure Split
6	Benchmark Costs
7	Benchmark Comparisons
8	Dwelling Accommodation Schedule



RIBA Stage:



Rev	Status	Prepared by	Checked by	Issue Date
-	Final	Jack Hawkes	Neil Hope	29-Oct-21
A	Final	Ben Herridge	Neil Hope	01-Jul-22

Authorised for Issue
<p>Digitally signed by Neil Hope</p> <hr/> <p>For and on behalf of Baily Garner LLP</p> <p>For more info on digital signatures see http://www.bailygarner.co.uk/digitalsignatures/</p> <p>06 July 2022 11:38:54</p>

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Phase 2, Land South of 40 Canterbury



Cost Plan

Revision: A

01-Jul-22

Project No: 33288

Section 1 - Executive Summary

1.1 Headline Costs

Cost Summary		Current Forecast	Previous Forecast	Movement	Comments
0	Facilitating Works				
1	Substructure	£1,667,111	£1,775,121	-£108,010	location factor increase +3% as per BCIS latest indices, less 4no. Units omitted
2	Superstructure	£6,653,672	£6,963,734	-£310,062	location factor increase +3% as per BCIS latest indices, less 4no. Units omitted, plus uplift to roof fabric following changes to Building Reg approved docs (assumed no fabric uplift required to walls or floor due upgrades in other areas, also assumed double glazed windows will be sufficient to provide required u-values)
3	Finishes	£1,666,983	£1,771,165	-£104,182	location factor increase +3% as per BCIS latest indices, less 4no. Units omitted
4	Fittings and furnishings	£1,203,736	£1,280,463	-£76,728	location factor increase +3% as per BCIS latest indices, less 4no. Units omitted
5	Services	£3,686,810	£3,236,757	£450,054	location factor increase +3% as per BCIS latest indices, less 4no. Units omitted, plus uplift to air source heat pumps in lieu of gas boilers, MVHR and PV panels following changes to Building Reg approved docs
6	Prefabricated Buildings				
7	Work to existing buildings				
8	External works	£5,904,414	£6,180,771	-£276,357	location factor increase +3% as per BCIS latest indices, less substation omitted
9	Preliminaries	£2,493,927	£2,544,961	-£51,034	as per above
10	Overheads and profit	£2,560,432	£1,150,748	£1,409,684	increased to 11% in line with Phase 1 returns (previously 4.8%)
11	Design fees	£1,291,854	£871,630	£420,224	increased to 5% in line with Phase 1 returns (previously 3.5%)
12	Other development costs				
13	Risks/Contingencies	£1,356,447	£1,288,768	£67,679	% of above
14	Location/Inflation	£1,388,563	£1,275,880	£112,684	as per BCIS latest indices
	TOTAL SUM	£29,870,000	£28,340,000	£1,530,000	as per above
	GIFA (m2)	12,497	12,837	-340	
	£/m2 GIFA	£2,390	£2,208	£183	
	No of Units	141	145	-4	

Annex 1
Agenda Item 3a

Page 133

Phase 2, Land South of 40 Canterbury



Cost Plan

Revision: A

01-Jul-22

Project No: 33288

Section 2 - Project Brief

2.1 Location

The site is located at Phase 2, Land South of 40 Canterbury, Cliffsend, Ramsgate, Thanet, Kent, CT12.

2.2 Site Description

The application site is located to the south of Canterbury Road West, and is bounded by the Southern Boundary of approved Phase 1 development, gardens of the houses at Cliff View Road to the East, and Hengist Highway (A299) to the South. The site comprises of 5.9ha of land and is generally rectangular in shape, slopping from the north to south by 12m relatively evenly. The main body of the site is currently used for agricultural purposes.

2.2 Description of the Works

Development of 141 dwellings (including affordable housing), with open space, landscaping, access and associated infrastructure.

2.3 Accommodation Provided

Houses

Affordable Rent	29no. including 7no. Wheelchare Accessible
Shared Ownership	13no. including 5no. Wheelchare Accessible
Private Sale	99no. including 4no. Wheelchare Accessible

Flats

Affordable Rent	8no.
-----------------	------

141no. Units Total

See Section 8 Dwelling Accommodation Schedule for further details

Phase 2, Land South of 40 Canterbury



Cost Plan

Revision: A

01-Jul-22

Project No: 33288

Section 3 - Basis of Costs

3.1 Information used to prepare costs

2021-10-07 PRP Draft Package

2021-10-05 Draft Submission Package

3.2 Assumptions

- Inflation allowed for up to 4Q 2022
- Contract period 106 weeks
- Design and build contract
- Competitively tendered
- Current tender market conditions producing broad range of tender prices and may affect budget
- Budget estimated costs are valid for 3 months only
- 2.5m floor to ceiling heights.
- Code for Sustainable Homes Level
- This cost plan has been benchmarked against the Phase 1 works including similar benchmarked schemes from our internal database. See section 7 for more information.
- Current tender market conditions producing broad range of tender prices and may affect budget, under the current circumstances prices may fluctuate by up to 35%.
- Preliminary costs based on 12% in line with phase 1 works.
- We have made an adjustment of -35% to our rates database in line with the market tested and benchmark costs taking into consideration phase 1 tender returns.
- Overhead and Profit allowed at 11% in line with phase 1 works.
- Allowance for pump stations, sewer adoptions and service connections
- Bin store and cycle store included
- Allowance for playarea equipment, play surfacing, new roads in line with landscaping drawings
- Design fees allowed at 5% in line with Phase 1 works and other schemes of similar size, scale and complexity.

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Section 3 - Basis of Costs

3.3 Exclusions

- Pre-contract design fees and Client on-costs
- Value Added Tax (note that any retail/commercial element is likely to be standard rated. Refurbished dwellings buildings will be reduced rated).
- Inflation beyond - 4Q 2022
- Costs associated with the spread of the COVID-19 virus and its effect on market tender prices
- Decanting
- Any costs associated with party wall and/or rights of light agreements and indemnity policies.
- Relocation costs
- Finance
- Archaeological investigation costs and any delays and special foundations or the like arising therefrom.
- Furniture, fittings and equipment, beyond that specifically referred to in the cost plan.
- Site investigation and survey costs.
- Section 106 costs and contributions
- Contamination and soil remediation
- Retaining walls
- CIL payments
- Tree protection
- Sprinklers
- UXO
- Emissions mitigation contribution
- Substation (assumed to be instructed separately under Phase 1 contract)

3.4 Risks

- Contingency allowed 5% which includes archaeological discoveries. Note this excludes the contractor being in contract and we advise that the client undertakes this work prior to entering into contract to avoid delays and contractor entitlement to loss and expense.

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Section 3 - Basis of Costs

3.4 Brief Specification

Elements	Houses	Flats
Floor to ceiling heights assumed	2.5m	2.5m
1.1 Substructure	Deep strip concrete foundations and ground slab.	Deep strip concrete foundations and ground slab.
2.2 Upper Floors	TGI joists. Tongued and grooved chipboard.	Pre-cast reinforced concrete floors.
2.3 Roof	Timber trusses. Concrete interlocking tiles. Upvc/ timber fascias and soffits; gutters.	Timber trusses. Concrete interlocking tiles. Upvc/ timber fascias and soffits; gutters.
2.4 Stairs	Softwood stairs and balustrades; 2.80m rise; straight; painted. Softwood wall mounted handrails. Carpet floor finish.	Precast concrete stairs; 3 m rise; incl half space landing. Mild steel wall mounted handrails.
2.5 External Walls	Cavity wall in facing bricks PC £550 per 1000; 150mm insulation with 100mm insulating block inner skin or Metsec type construction. Eternit cladding installed to houses identified on drawing together with hanging tiles to certain houses.	Cavity wall in facing bricks PC £550 per 1000; 150mm insulation with 100mm insulating block inner skin or Metsec type construction and Juliette balconies.
2.6 Windows and External Doors	uPVC windows; double glazed. Multisecure PAS 24 entrance doors to dwellings.	uPVC windows; double glazed. uPVC communal doors and screens.
2.7 Internal Walls and Partitions	215mm blockwork party walls and plasterboard partitions internally to dwellings.	215mm blockwork party walls/ communal areas and plasterboard partitions internally to dwellings.
2.8 Internal Doors	Internal doors to dwellings to be flush panelled solid core painted.	Internal doors to dwellings to be flush panelled solid core painted. Softwood flush door sets to meet Secure by Design in communal areas.
3.1 Wall Finishes	Hard wall plaster or dry lining throughout with emulsion finish. Tiling to general needs to be white glazed.	Hard wall plaster or dry lining throughout with emulsion finish. Tiling to general needs to be white glazed.

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Section 3 - Basis of Costs

3.4 Brief Specification

Elements	Houses	Flats
	Tiles to splash backs, full height around bath and 450 high above the work tops to shared ownership.	Tiles to splash backs, full height around bath and 450 high above the work tops to general needs rented.
3.2 Floor Finishes	Screed, mesh and installation to ground floor. Latex levelling screed. Vinyl throughout kitchens and bathrooms and basic spec carpet elsewhere.	Screed, mesh and installation to ground floor. Vinyl throughout kitchens and bathrooms and basic spec carpet elsewhere. Communal areas to have basic carpet finish throughout.
3.3 Ceiling Finishes	Plasterboard and emulsion throughout.	Plasterboard and emulsion throughout including to communal areas.
4.1 Fittings, furnishings and equipment	Basic spec kitchen fittings/ worktops. Other sundry fittings include: mirrors, WC roll holder, coat hooks and rail, shelving to airing cupboard, curtain battens, towel rails and bathroom cabinets.	General needs units to have basic kitchen fittings. Other fittings include: mirrors, WC roll holder, coat hooks and rail, shelving to airing cupboard, curtain battens, towel rails and bathroom cabinets.
5.1 Sanitary Installations	White glazed ceramic basic quality sanitaryware. Enhanced spec for private and shared ownership.	White glazed ceramic basic quality sanitaryware.
5.3 Disposal Installations	Rainwater installations; uPVC. Soil and waste.	Rainwater installations; uPVC. Soil and waste.
5.4 Water Installations	Hot and cold water service; hot and cold water storage; distribution.	Hot and cold water service; hot and cold water storage; distribution.
5.6 Space Heating and air treatment	Air source heat pump heating installations.	Air source heat pump heating installations.
5.7 Ventilation Systems	MVHR	MVHR
5.8 Electrical Installations	Mains and sub-mains distribution. Small power installation. Lighting and luminaires including emergency fittings.	Mains and sub-mains distribution. Small power installation. Lighting and luminaires including emergency fittings.
5.9 Fuel Installations/systems	Gas installations; all costs associated with the supply and installation of gas.	Gas installations; all costs associated with the supply and installation of gas.

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Section 3 - Basis of Costs

3.4 Brief Specification

Elements	Houses	Flats
5.10 Lift and Conveyer Installations/ Systems	Not applicable.	Not applicable.
5.11 Fire and Lightning Protection	Fire alarm system. Smoke installation.	Fire alarm system. Smoke installation.
5.12 Communications, Security and Control Systems	Telephone points. Containment. CCTV. Intruder alarm system/ disabled WC alarm. IT data.	Telephone points. Containment. CCTV. Intruder alarm system/ disabled WC alarm. IT data.
5.13 Special Installations	Photovoltaic Panelling to achieve 6-8kW peak	Photovoltaic Panelling to achieve 6-8kW peak
5.14 Builder's Work In Connection with Services	Forming holes, chases etc.	Forming holes, chases etc.
8. External Works	Site clearance. New road and car parking. External lighting. Footpaths. Turfed areas/ planting. Drainage. Fencing and railing. Installation of trees included. Also included are cycle stores and bin stores to flats.	
8.5 External Fixtures	Allowance for external signage, litter bins and rotary dryers.	
8.6 External Drainage	Foul and surface water drainage	
8.7 External Services	Gas, water, electrics and BT.	

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Section 3 - Basis of Costs

3.4 Brief Specification

Elements	Houses	Flats
Tenure enhancement	Shared Ownership	Private
2.8 Internal Doors	Flush panelled doors. Chrome ironmongery	Hardwood veneered doors. Chrome ironmongery
3.1 Wall Finishes	Mid quality ceramic tiles to kitchen and wet rooms (extend as general needs)	High quality ceramic tiles to cloakroom splashback and fully tiled in shower and bathrooms
3.2 Floor Finishes	Mid quality ceramic tiles to kitchen and wet rooms	High quality ceramic tiles to kitchen and wet rooms
4.1 Fittings, furnishings and equipment	Mid quality kitchen units	High quality kitchen units; quartz/granite worktop
5.1 Sanitary Installations	Mid quality glazed china sanitaryware	High quality glazed china sanitary ware
5.8 Electrical Installations	As general needs	Chrome outlets/switch plates
Wheelchair Units Specification		
4.1 Fittings, furnishings and equipment	Non adjustable mobility kitchen units	
5.1 Sanitary Installations	Mobility sanitary fittings including level access shower	

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Section 4 - Elemental Summary

NRM Code	Element	Houses - Shell	Houses - Fit Out	Flats - Shell & Communal	Flats - Fit Out	Site Works	Total	% of Total Excl. Inflation
0	Facilitating Works	-	-	-	-	-	-	0.0%
0.1	Toxic/Hazardous/Contaminated Material Treatment					-	-	0.0%
0.2	Major Demolition Work					-	-	0.0%
0.3	Temporary Supports to Adjacent Structures					-	-	0.0%
0.4	Specialist Groundworks					-	-	0.0%
0.5	Temporary Diversion Works					-	-	0.0%
0.6	Extraordinary Site Investigation Works					-	-	0.0%
1	Substructure	1,592,286	-	74,825	-		1,667,111	5.9%
1.1	Substructure	£1,592,286		74,825			1,667,111	5.9%
2	Superstructure	5,004,526	1,363,052	237,552	48,542		6,653,672	23.4%
2.1	Frame	-		-			-	0.0%
2.2	Upper Floors	218,394		12,666			231,061	0.8%
2.3	Roof	918,853		31,101			949,954	3.3%
2.4	Stairs and ramps	150,463		40,285			190,748	0.7%
2.5	External Walls	2,936,539		107,041			3,043,580	10.7%
2.6	Windows and External Doors	627,008		20,506			647,515	2.3%
2.7	Internal Walls and Partitions	153,268	537,684	25,953	18,546		735,450	2.6%
2.8	Internal Doors		825,368	-	29,997		855,365	3.0%
3	Finishes	-	1,607,830	11,667	47,485		1,666,983	5.9%
3.1	Wall Finishes		319,229	2,973	10,161		332,364	1.2%
3.2	Floor Finishes		963,311	6,026	26,435		995,772	3.5%
3.3	Ceiling Finishes		325,290	2,668	10,889		338,847	1.2%

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Section 4 - Elemental Summary

NRM Code	Element	Houses - Shell	Houses - Fit Out	Flats - Shell & Communal	Flats - Fit Out	Site Works	Total	% of Total Excl. Inflation
4	Fittings, Furnishings and Equipment	-	1,180,253	2,020	21,462		1,203,736	4.2%
4.1	Fittings, furnishings and equipment		1,180,253	2,020	21,462		1,203,736	4.2%
4.2	Special fittings, furnishings and equipment			-			-	0.0%
4.3	Internal planting			-			-	0.0%
4.4	Bird and vermin control			-			-	0.0%
5	Services	-	3,521,232	20,625	144,953		3,686,810	12.9%
5.1	Sanitary Installations		747,591	-	10,226		757,817	2.7%
5.2	Services Equipment		-	-	-		-	0.0%
5.3	Disposal Installations		65,058	3,029	1,867		69,953	0.2%
5.4	Water Installations		325,290	3,444	16,801		345,534	1.2%
5.5	Heat Source		-	-	-		-	0.0%
5.6	Space Heating and air treatment		1,115,279	2,287	37,335		1,154,901	4.1%
5.7	Ventilation Systems		373,299	-	22,454		395,753	1.4%
5.8	Electrical Installations		418,230	5,946	24,268		448,443	1.6%
5.9	Fuel Installations/systems		37,176	1,244	1,244		39,665	0.1%
5.10	Lift and Conveyer Installations/Systems		-	-	-		-	0.0%
5.1	Fire and Lightning Protection		65,058	3,913	2,178		71,148	0.2%
5.1	Communications, Security and Control Systems		83,646	-	13,580		97,226	0.3%
5.1	Special Installations		197,665	-	11,890		209,555	0.7%
5.1	Builders Work in Connection with Services		92,940	762	3,111		96,813	0.3%
6	Prefabricated Buildings and Building Units	-	-	-	-		-	0.0%
6.1	Prefabricated Buildings and Building Units			-			-	0.0%

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Section 4 - Elemental Summary

NRM Code	Element	Houses - Shell	Houses - Fit Out	Flats - Shell & Communal	Flats - Fit Out	Site Works	Total	% of Total Excl. Inflation	
7	Work to existing buildings	-	-	-	-		-	0.0%	
7.1	Minor demolition works and alteration works			-			-	0.0%	
7.2	Repairs to existing services			-			-	0.0%	
7.3	Damp-proof courses/fungus and beetle eradication			-			-	0.0%	
7.4	Facade retention			-			-	0.0%	
7.5	Cleaning existing surfaces			-			-	0.0%	
7.6	Renovation works			-			-	0.0%	
	Sub-Total Building	6,596,812	7,672,368	346,689	262,443	-	14,878,312	52.2%	
8	Site Works	-	-	-	-	5,904,414	5,904,414	20.7%	
8.1	Site preparation works					45,951	45,951	0.2%	
8.2	Roads, paths, pavings and surfacing					1,929,405	1,929,405	6.8%	
8.3	Soft landscaping, planting and irrigation systems					1,891,526	1,891,526	6.6%	
8.4	Fencing, railings and walls					253,000	253,000	0.9%	
8.5	External fixtures					261,250	261,250	0.9%	
8.6	External drainage					766,194	766,194	2.7%	
8.7	External services					745,288	745,288	2.6%	
8.8	Minor building works and ancillary buildings					11,800	11,800	0.0%	
	Sub-Total Building and External Works	6,596,812	7,672,368	346,689	262,443	5,904,414	20,782,725	73.0%	
9	Main Contractor's Preliminaries	791,617	920,684	41,603	31,493	708,530	2,493,927	8.8%	
9.1	Employer's requirements						-	0.0%	
9.2	Main contractor's cost items						-	0.0%	
9.1	Preliminaries	12.0%	791,617	920,684	41,603	31,493	708,530	2,493,927	8.8%

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Section 4 - Elemental Summary

NRM Code	Element	Houses - Shell	Houses - Fit Out	Flats - Shell & Communal	Flats - Fit Out	Site Works	Total	% of Total Excl. Inflation
10	Main contractor's overheads and profit	812,727	945,236	42,712	32,333	727,424	2,560,432	9.0%
10.1	Main contractor's overheads 11.0%	812,727	945,236	42,712	32,333	727,424	2,560,432	9.0%
10.2	Main contractor's profit inc. in 10.1							
11	Project/design team fees	410,058	476,914	21,550	16,313	367,018	1,291,854	4.5%
11.2	Main contractor's pre-construction fees			-	-	-	-	0.0%
11.3	Main contractor's design fees 5.0%	410,058	476,914	21,550	16,313	367,018	1,291,854	4.5%
12	Other development/project costs	-	-	-	-	-	-	0.0%
12.1	Other costs development/project costs						-	0.0%
13	Risks (Client's Contingencies)	430,561	500,760	22,628	17,129	385,369	1,356,447	4.8%
13.1	Legal						-	0.0%
13.2	Funding						-	0.0%
13.3	Design						-	0.0%
13.4	Consents 5.0%	430,560.73	500,760.09	22,627.72	17,129.14	385,369.26	1,356,447	4.8%
13.5	Construction						-	0.0%
13.6	Programme						-	0.0%
13.7	Capacity/Resources						-	0.0%
	Sub-Total	£9,041,775	£10,515,962	£475,182	£359,712	£8,092,754	£28,485,385	100.0%
14.1	Inflation allowance based on TPI of 369 as at 4Q 2022 2.8%	£251,860	£292,924	£13,236	£10,020	£225,425	£793,465	
14.2	Inflation during the works 2.0%	£188,895	£219,693	£9,927	£7,515	£169,069	£595,099	
		£9,482,530	£11,028,578	£498,346	£377,247	£8,487,248	£29,873,949	
	Total Estimated Sum (say)	£9,480,000	£11,030,000	£500,000	£380,000	£8,490,000	£29,870,000	

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Section 5 - Tenure Split

	General Needs Rented	Shared Ownership	Private Rented	Total
Houses				
Shell	£1,449,791	£913,016	£7,119,723	£9,482,530
Fit out	£1,389,818	£944,735	£8,694,026	£11,028,578
Blocks				
Flats - Shell & Communal	£498,346	£0	£0	£498,346
Flats Fit Out	£377,247	£0	£0	£377,247
Other Uses				£0
Shared Structure	£0	£0	£0	£0
Refurb				£0
Site Works	£1,585,281	£784,490	£6,117,477	£8,487,248
Total	£5,300,482	£2,642,242	£21,931,226	£29,873,949
GIFA (m2)	2,334	1,155	9,008	12,497
£/m2 GIFA	£2,271	£2,287	£2,435	£2,391
No Dwellings	29	13	99	
£/dwelling	£182,775	£203,249	£221,528	£211,872

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Section 6 - Benchmark Costs

Item	Description	Previous	Current	Change
1	Total number of dwellings	N/A	141	N/A
2	GIFA m2	N/A	12,497m2	N/A
3	Flats NIA m2 (measured o/a to the internal face of enclosing wall to each dwelling)	N/A	12,398m2	N/A
4	Net to Gross ratio for flats	N/A	80%	N/A
5	Total cost per m ² GIFA	N/A	£2,390/ m2	N/A
6	Cost per m2 NIA of all dwellings (measured o/a to the internal face of enclosing wall to each dwelling)	N/A	£2,410/ m2	N/A
7	Average cost per dwelling	N/A	£211,872/dwelling	N/A
8	Anticipated construction period (weeks) - Excl contractor's lead in time and design period	N/A	106 weeks	N/A
9	Preliminaries cost per week	N/A	£23,528/ week	N/A
10	External Works cost per m2 GIFA	N/A	£679/ m2	N/A
11	External Works cost per m2 of net site area	N/A	£160/ m2	N/A
12	Average dwelling size	N/A	88m2	N/A
13	Risk Analysis Threshold for site from Risk Register:	N/A	LOW	N/A
14	Wall to Floor Ratio	N/A	125%	N/A
15	Site Area (m2)	N/A	59,314m2	N/A
16	Density - Units/ Hectare	N/A	24 units/Ha	N/A

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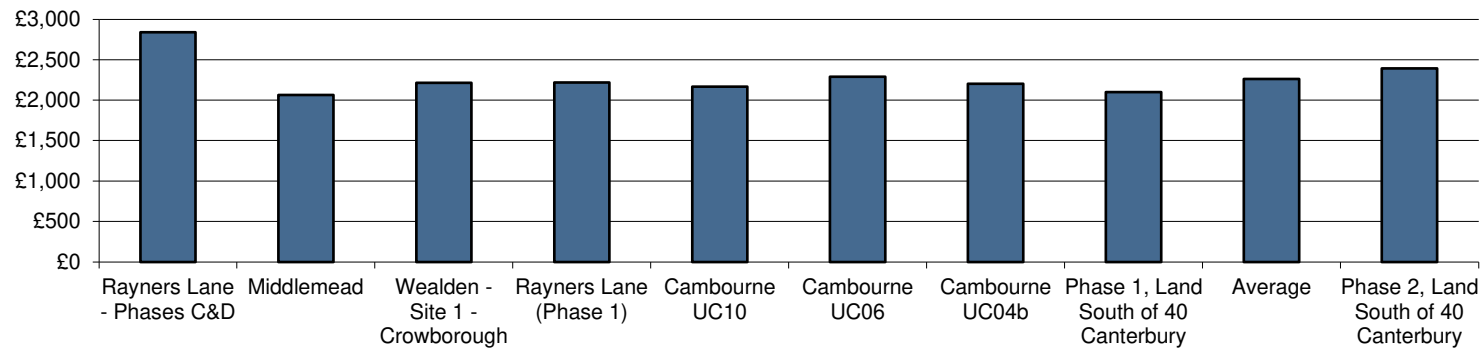
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Section 7 - Benchmark Comparisons

7.1 Total Scheme Costs per m2 GIFA

Project Title	GIFA (m ²)	Cost/m ²
Rayners Lane - Phases C&D	6,072	£2,840
Middlemead	7,577	£2,063
Wealden - Site 1 - Crowborough	1,590	£2,215
Rayners Lane (Phase 1)	3,037	£2,220
Cambourne UC10	3,241	£2,166
Cambourne UC06	2,426	£2,288
Cambourne UC04b	3,606	£2,201
Phase 1, Land South of 40 Canterbury	6,232	£2,098
Average		£2,261
Phase 2, Land South of 40 Canterbury	12,497	£2,391

Construction Cost/m²



Notes

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Section 8 - Dwelling Accommodation Schedule

Unit Type	General Needs Rented		Shared Ownership		Private Rented		Total - All tenures		
	No	Average NIA per unit (m2)	No	Average NIA per unit (m2)	No	Average NIA per unit (m2)	No	Total NIA (m2)	Average NIA per unit (m2)
Flats									
1B2P	8	50	-	-	-	-	8	402	-
Houses									
2B4P	15	83	6	79	38	79	59	4,724	80
3B5P	6	98	7	97	47	95	60	5,749	96
4B6P	-	-	-	-	14	109	14	1,523	109
Flats	8	402	-	-	-	-	8	402	
Houses	21	1,834	13	1,155	99	9,008	133	11,997	
All dwellings	29	2,236	13	1,155	99	9,008	141	12,398	



Appendix 3 – Residential Sales Values

Plot No.	Type	Unit Type	Tenure	Size (sqm.)	Size (sqft.)	Config.	No of Parking Spaces	Garden		MV-VP
1	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
2	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
3	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
4	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
5	E	3b5p	Market Sale	98.1	1056	Semi-detached	2	M	£	380,000
11	B	3b5p	Market Sale	95.3	1026	Detached	2	L	£	385,000
14	C	3b5p	Market Sale	94.5	1017	Semi-detached	2	L	£	362,500
15	C	3b5p	Market Sale	94.5	1017	Semi-detached	2	L	£	362,500
16	C	3b5p	Market Sale	94.5	1017	Detached	2	L	£	367,500
17	A	2b4p	Market Sale	79	850	Detached	2	M	£	320,000
18	A	2b4p	Market Sale	79	850	Detached	2	M	£	320,000
19	A	2b4p	Market Sale	79	850	Detached	2	M	£	320,000
20	A	2b4p	Market Sale	79	850	Detached	2	M	£	320,000
21	A	2b4p	Market Sale	79	850	Detached	2	M	£	320,000
22	B	3b5p	Market Sale	95.3	1026	Detached	2	L	£	385,000
23	C	3b5p	Market Sale	94.5	1017	Detached	2	L	£	367,500
24	C	3b5p	Market Sale	94.5	1017	Detached	2	L	£	367,500
25	C	3b5p	Market Sale	94.5	1017	Detached	2	L	£	367,500
26	D	4B6P	Market Sale	108.8	1171	Detached	3	M	£	427,000
27	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
28	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
29	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
30	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
31	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
32	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
33	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
34	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
35	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
36	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
37	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	L	£	380,000
38	D	4B6P	Market Sale	108.8	1171	Semi-detached	3	L	£	410,000
39	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
40	B	3b5p	Market Sale	95.3	1026	EoT	2	S	£	375,000
41	A	2b4p	Market Sale	79	850	MT	2	S	£	315,000
42	A	2b4p	Market Sale	79	850	MT	2	S	£	315,000
43	B	3b5p	Market Sale	95.3	1026	EoT	2	S	£	375,000
44	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
47	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
48	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
51	D	4B6P	Market Sale	108.8	1171	Detached	3	M	£	427,000
52	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
53	B	3b5p	Market Sale	95.3	1026	Detached	2	L	£	385,000
54	B	3b5p	Market Sale	95.3	1026	Detached	2	L	£	385,000
55	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
56	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
57	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
58	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
59	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
60	C	3b5p	Market Sale	94.5	1017	Detached	2	M	£	362,500
61	B	3b5p	Market Sale	95.3	1026	EoT	2	S	£	375,000
62	A	2b4p	Market Sale	79	850	MT	2	S	£	315,000
63	A	2b4p	Market Sale	79	850	MT	2	S	£	315,000
64	B	3b5p	Market Sale	95.3	1026	EoT	2	S	£	375,000
65	C	3b5p	Market Sale	94.5	1017	Detached	2	L	£	367,500

66	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
67	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
68	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
69	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
70	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
71	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
72	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
73	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
74	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
75	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
76	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
77	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
78	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
79	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
80	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
81	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
82	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
83	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
84	D	4B6P	Market Sale	108.8	1171	Detached	3	L	£	427,000
85	C	3b5p	Market Sale	94.5	1017	Detached	2	M	£	362,500
86	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
87	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
88	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
89	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
90	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
91	A	2b4p	Market Sale	79	850	Semi-detached	2	L	£	320,000
92	A	2b4p	Market Sale	79	850	Semi-detached	2	L	£	320,000
93	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
94	A	2b4p	Market Sale	79	850	Semi-detached	2	S	£	320,000
95	A	2b4p	Market Sale	79	850	Semi-detached	2	S	£	320,000
96	C	3b5p	Market Sale	94.5	1017	Detached	2	M	£	362,500
97	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
98	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
99	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
100	B	3b5p	Market Sale	95.3	1026	Semi-detached	2	M	£	380,000
101	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
102	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
103	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
104	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
105	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
106	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
107	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
108	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
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110	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
111	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
112	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
113	B	3b5p	Market Sale	95.3	1026	Detached	2	M	£	385,000
134	E	3b5p	Market Sale	98.1	1056	Semi-detached	2	M	£	380,000
135	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
136	E	3b5p	Market Sale	98.1	1056	Semi-detached	2	M	£	380,000
137	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
138	E	3b5p	Market Sale	98.1	1056	Semi-detached	2	M	£	380,000
139	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
140	E	3b5p	Market Sale	98.1	1056	Semi-detached	2	M	£	380,000
141	A	2b4p	Market Sale	79	850	Semi-detached	2	M	£	320,000
Total	110		110	9911.9	106692				£	39,506,000



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For: Thanet District Council
Review of Applicant Submitted
Viability Position

Land S of Canterbury Road West
Ramsgate
Kent
CT12 5DU
March 2023
(DSP22442AJ)

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1. Notes and Limitations

- 1.1.1. The following does not provide formal valuation advice. This review and its findings are intended purely for the purposes of providing Thanet District Council (TDC) with an independent check of, and opinion on, the planning applicant's viability information and stated position in this case. In the preparation of this review Dixon Searle Partnership has acted with objectivity, impartiality, without interference and with reference to appropriate available sources of information.
- 1.1.2. This document has been prepared for this specific reason and should not be used for any other purpose without the prior written authority of Dixon Searle Partnership (DSP); we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned. To the extent that the document is based on information supplied by others, Dixon Searle Partnership accepts no liability for any loss or damage suffered by the client.
- 1.1.3. We have undertaken this as a desk-top exercise as is appropriate for this stage and level of review. For general familiarisation we have considered the site context from the information supplied by the Council and using available web-based material.
- 1.1.4. the information supplied to DSP to inform and support this review process has been stated by the applicant's agent to be private and confidential. Potentially some of the information provided may be regarded as commercially sensitive. Therefore, we suggest that the Council and prospective / current or subsequent planning applicant may wish to consider this aspect together. DSP confirms that we are content for our review information, as contained within this report, to be used as may be considered appropriate by the Council (we assume with the applicant's agreement if necessary). In looking at 'Accountability', since July 2018 (para. 021 revised in May 2019), the published national Planning Practice Guidance (PPG) on viability says on this; '*Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances.*'
- 1.1.5. Dixon Searle Partnership conducts its work only for Local Authorities and selected other public organisations. We do not act on behalf of any development interests. We have been and are involved in the review of other planning stage proposals within the Thanet area as well as strategic level/planning policy projects.



- 1.1.6. In any event we can confirm that no conflict of interests exists, nor is likely to arise given our approach and client base. This is kept under review. Our fees are all quoted in advance and agreed with clients on a fixed or capped basis, with no element whatsoever of incentive/performance related payment.

2. Introduction

- 2.1.1 Dixon Searle Partnership (DSP) has been commissioned by Thanet District Council (TDC) to carry out an independent review of the 'Financial Viability Assessment Report' (FVAR) supplied to the Council on behalf of the applicant, Monson Homes Limited, by ULL Property (ULL) and dated July 2022. This is in relation to a planning application, reference F/TH/21/1671 for 'Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure' at Land South of Canterbury Road West, Ramsgate, CT12 5DU.
- 2.1.2 Policy SP23 of the Thanet Local Plan (adopted 2020) requires 30% affordable housing on sites of more than 10 dwelling units, therefore in this case a policy compliant position would be for 42 affordable units to be provided on site, following a tenure mix set out in the Thanet Strategic Housing Market Assessment, which indicates an 80/20 split between social/affordable rent and intermediate tenure would be appropriate – therefore 34 rented homes and 8 intermediate/shared ownership homes.
- 2.1.3 The submitted appraisal includes 42 affordable homes, with a tenure mix of 29 Affordable Rent Homes (70% of the AH) including 8 apartments, and 13 Shared ownership homes (2 and 3 bed houses).
- 2.1.4 In presenting their viability position, the applicant has supplied to the Council the aforementioned 'Financial Viability Assessment Report' (FVAR) together with an electronic version of the submitted viability appraisal utilising the Argus Developer software, a build cost estimate from Baily Garner, and a schedule of accommodation with suggested market values for each of the 99 proposed market units.
- 2.1.5 DSP has also had sight of the documents contained within the Council's online planning application files.
- 2.1.6 We have considered the assumptions individually listed within the FVAR and provided our commentary based on those. This report does not consider planning policy or the wider aspects in the background to or associated with the Council's consideration of this scenario. DSP's focus is on the submitted residential viability assumptions and therefore the outcomes (scope to generate land value) associated with that aspect of the overall proposals.

- 2.1.7 For general background, a viable development may be regarded as one which has the ability to meet its costs including the cost of planning obligations, while ensuring an appropriate site value (i.e. existing use value) for the landowner and a market risk adjusted return to the developer in delivering that project. The Government's Planning Practice Guidance (PPG) on Viability sets out the main principles for carrying out a viability assessment. It states:

'Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return...Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making...In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission¹.

- 2.1.8 Under normal circumstances, if the residual land value (RLV) created by a scheme proposal exceeds the existing use value plus a premium (referred to as a benchmark land value (BLV) in this case) then we usually have a positive viability scenario – i.e. the scheme is much more likely to proceed (on the basis that a reasonable developer profit margin is also reached).
- 2.1.9 The submitted development appraisal has been run in a way which takes account of the benchmark land value (BLV) of the site and assesses the level of additional residual potentially available in excess of that after allowing for a fixed developer's profit. Therefore, an approach has been taken that sets out to consider, in the applicant's view, the maximum supportable contribution for affordable housing.

¹ Paragraph: 10 Reference ID: 10-010-20180724

- 2.1.10 The FVAR states that the proposed scheme with 30% affordable housing (29 Affordable Rent and 13 shared ownership as noted above²) produces a negative residual land value of -£201,000 after allowing for a fixed developer's profit of 17.5% on GDV for market housing and 6% GDV for affordable housing, and when compared to the assumed benchmark land value of £2,077,000 produces a deficit of -£2,278,000. The FVAR concludes that *'the fact that the Residual Land Value Is negative indicates the project is unable to sustain the Section 106 contributions sought by the local planning authority'* and *'the proposed scheme cannot support the financial contributions being sought by the LPA under the Section 106 regime, in addition to other anticipated costs associated with the development including affordable housing'*.
- 2.1.11 DSP's remit is to review the submitted information to assess whether the stated viability scope available to support planning obligations (for affordable housing and/or other matters) is the most that can reasonably be expected at the time of the assessment. Our brief does not go as far as confirming what should be the outcome where schemes are stated or verified as being non-viable per se, based on a viability submission or any subsequent review. It is for the applicant to decide whether there is sufficient justification to pursue a scheme, financially. While an absence of (or insufficient level of) planning obligations will be a material consideration, we are not aware that proof of positive viability is in itself a criterion for acceptable development under current national policy. The Council may wish to consider these matters further, however.
- 2.1.12 Accordingly, Thanet District Council requires our opinion as to whether the viability figures and position put forward by the applicant are reasonable. We have therefore considered the information submitted. Following our review of the key assumptions areas, this report provides our views.
- 2.1.13 We have based our review on the submitted FVAR and the premise that the viability of the scheme should be considered based on the assumption of current costs and values. We then discuss any variation in terms of any deficit (or surplus) created from that base position by altering appraisal assumptions (where there is disagreement if any) utilising in this case the supplied appraisal basis as a starting point.

² No First Homes have been included – however these are now required by national policy.

- 2.1.14 This assessment has been carried out by Dixon Searle Partnership, a consultancy which has many years' combined experience in the development industry working for Local Authorities, developers, Housing Associations and in consultancy. As consultants, we have a considerable track record of assessing the viability of schemes and the scope for Local Authority planning obligation requirements. This expertise includes viability-related work carried out for many Local Authorities nationwide over the last 20 years or so.
- 2.1.15 The purpose of this report is to provide our overview comments with regard to this individual scheme, on behalf of TDC - taking into account the details as presented. It will then be for the Council to consider this information in the context of the wider planning objectives in accordance with its policy positions and strategies.
- 2.1.16 In carrying out this type of review a key theme for us is to identify whether, in our opinion, any key revenue assumptions have been under-assessed (e.g. sales value estimates) or any key cost estimates (e.g. build costs, fees, etc.) over-assessed – since both of these effects can reduce the stated viability outcome.

3. Review of Submitted Viability Assumptions

3.1 Overview of Approach

- 3.1.1 The following commentary reviews the applicant's submitted viability assumptions as explained within the FVAR.
- 3.1.2 Primarily the review process takes into account the fact that the collective impact of the various elements of the cost and value assumptions is of greatest importance, rather than necessarily the individual detailed inputs in isolation. We have considered those figures provided, as below, and reviewed the impact of trial changes to particular submitted assumptions.
- 3.1.3 This type of audit / check is carried out so that we can give the Council a feel for whether or not the presented outcome is approximately as expected – i.e. informed by a reasonable set of assumptions and appraisal approach. In this particular case, we understand this is in the context of the proposals at appeal stage no longer including affordable housing that had previously been incorporated; so with viability now amongst the appeal scope aspects. As far as we can see from the FVAR submission, the change in position is not explained beyond the provided viability figures.
- 3.1.4 Should there be changes to the scheme proposals relative to the details now under review, this would obviously impact on the appraisal outputs.

3.2 Benchmark Land Value

- 3.2.1 In all appraisals of this type, the base value (value of the site or premises – e.g. in existing use) is one of the key ingredients of scheme viability. A view needs to be taken on land value so that it is sufficient to secure the release of the site for the scheme (sale by the landowner) but is not assumed at such a level that restricts the financial capacity of the scheme to deliver suitable profits (for risk reward), cover all development costs (including any abnormals) and provide for planning obligations as a part of creating sustainable development. This can be a difficult balance to reach, both in terms of developers' dealings with landowners, and Councils' assessments of what a scheme has the capacity to bear.

3.2.2 The RICS (Royal Institution of Chartered Surveyors) has issued a guidance note³ effective from 1st July 2021 and which replaces a previous (RICS 2012) guidance note⁴. The 2021 RICS guidance has an emphasis which reflects the Planning Practice Guidance (PPG) on Viability as noted below, and the PPG will remain the primary source of guidance in this field – viability in planning.

3.2.3 The 2021 RICS guidance states that:

‘The BLV should not be expected to equate to market value. [...] The BLV is not a price to be paid in the marketplace; it is a mechanism by which the viability of the site to provide developers’ contributions can be assessed. It should be set at a level that provides the minimum return at which a reasonable landowner would be willing to sell’

3.2.4 It goes on to state:

‘The BLV is a benchmark value against which the developer contributions can be assessed. Once those contributions have been set, land markets should take the level of policy requirements in to account, just as all markets should take all relevant factors that affect value into account. PPG paragraph 013 states that ‘Landowners and site purchasers should consider policy requirements when agreeing land transactions. This means that the actual price paid for a site cannot be used to reduce developer contributions.’

3.2.5 The latest PPG on viability and the NPPF (most recently updated in July 2021) very clearly advise that land value should be based on the value of the existing use plus an appropriate level of premium or uplift to incentivise release of the land for development from its existing use. With regard to how land value should be defined for the purpose of viability assessment it states: *‘To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner.’*

3.2.6 The PPG defines existing use value as: *‘the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including*

³ https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sector-standards/land/assessing-financial-viability_final.pdf

⁴ https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sector-standards/land/financial-viability-in-planning-1st_edition-rics.pdf

realistic deemed consents, but without regard to alternative uses. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield. Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.⁵

3.2.7 It states that a Benchmark Land Value should:

- *'be based upon existing use value*
- *allow for a premium to landowners (including equity resulting from those building their own homes)*
- *reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and*
- *be informed by market evidence including current uses, costs and values wherever possible. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time⁶.'*

3.2.8 The guidance further states that: *'Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.'* It goes on to state: *'Policy compliance means that the development complies fully with up to date plan policies including any policy requirements for contributions towards affordable housing requirements at the relevant levels set out in the plan. A decision maker can give appropriate weight to emerging*

⁵ Paragraph: 015 Reference ID: 10-015-20190509

⁶ Paragraph: 014 Reference ID: 10-014-20190509

policies. Local authorities can request data on the price paid for land (or the price expected to be paid through an option or promotion agreement⁷.)'

3.2.9 With regard to assuming an alternative use value to determine BLV the guidance states: *'For the purpose of viability assessment alternative use value (AUV) refers to the value of land for uses other than its current permitted use, and other than other potential development that requires planning consent, technical consent or unrealistic permitted development with different associated values. AUV of the land may be informative in establishing benchmark land value. If applying alternative uses when establishing benchmark land value these should be limited to those uses which have an existing implementable permission for that use. Where there is no existing implementable permission, plan makers can set out in which circumstances alternative uses can be used. This might include if there is evidence that the alternative use would fully comply with development plan policies, if it can be demonstrated that the alternative use could be implemented on the site in question, if it can be demonstrated there is market demand for that use, and if there is an explanation as to why the alternative use has not been pursued. Where AUV is used this should be supported by evidence of the costs and values of the alternative use to justify the land value. Valuation based on AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted⁸.'*

3.2.10 It is therefore clear that the only acceptable approach to defining a benchmark land value for the purposes of a viability assessment, is the EUV+; or, exceptionally, AUV.

3.2.11 In this case, the submitted BLV is stated to be based on the EUV+ of the site, which is currently an agricultural field. ULL consider the EUV of the site to be £131,000 and in order to assess the landowner premium to be added to this have considered various assumptions used in viability assessments in the South East including:

- Thanet's strategic viability analysis carried out by Adams Integra in 2012 which is stated to have assumed a value of £250,000 to £370,000 per hectare as EUV+ for farmland, depending on the 'bulk' of land required.
- Aspinall Verdi's strategic assessment for Swale Borough Council in December 2020 which suggests £247,000 per hectare for agricultural land.

⁷ Paragraph: 014 Reference ID: 10-014-20190509

⁸ Paragraph: 017 Reference ID: 10-017-20190509

- Site specific assessments generally, which in ULL's experience assume a BLV at 18 to 20 times agricultural land value.

3.2.12 ULL conclude that *'based on experience of other projects (details of which can be made available), and bearing in mind the approach adopted by Thanet in 2021 and other Councils more recently, we consider a reasonable benchmark land value to be £352,000/hectare, being 16x agricultural value.*

3.2.13 The site is stated to extend to a gross site area of 5.9ha (14.58 acres) therefore the submitted BLV is £2,077,000 (15.8 times the stated EUV).

3.2.14 As noted by ULL, whilst the value of the land in existing use is fairly low – estimated by ULL to be £9,000 per acre (c.£22,000/hectare), it is reasonable to assume a significant uplift on the EUV, representing the premium required to release the land for development.

3.2.15 Agricultural land value (including premium) is frequently assumed to be between 10 and 20 times EUV, with larger sites typically being closer to the lower end of that range. The submitted £352,000 per hectare represents 16 x agricultural value for this 14.58 acre (5.9 hectare site). ULL also note assumptions made in similar assessments which range from £247,000 per hectare up to £400,000 per hectare.

3.2.16 A suitable premium is difficult to pinpoint in such cases, however we consider the £247,000 per hectare mentioned here to represent a reasonable minimum BLV (therefore £1,457,300). We will consider the BLV further in our conclusions.

3.3 Acquisition Costs

3.3.1 Acquisition costs of 1.5% have been included, applied to the residualised value. These consist of 1% agents' fees and 0.5% legal fees, and are typical assumptions. In the submitted appraisal the residualised value is negative therefore no acquisition costs have been applied.

3.4 Gross Development Value

GDV – market housing

3.4.1 The submitted GDV (for a scheme including 30% affordable housing), based on a pricing schedule from JLL, is as follows:

Sales Valuation	Units	ft ²	Sales Rate £/ft ²	Unit Price (£)	Gross Sales (£)
Private houses	99	96,957	369.86	362,232	35,861,000
Affordable Rent	29	24,066	145.12	120,425	3,492,338
Intermediate	13	12,433	270.14	258,359	3,358,667
Totals	141	133,456			42,712,005

3.4.2 The submitted prices range from £320,000 for the smallest 2-bed houses to £427,000 for the largest detached houses. Typical unit types from the accommodation schedule are shown below.

Typical house types from accommodation schedule						
Beds	Sq m	Sq ft	Type	Number of parking spaces	Assumed value	£/ft ²
2 bed	79.0	850	End terrace	2	£ 375,000	£ 441.18
2 bed	79.0	850	Mid Terrace	2	£ 315,000	£ 370.59
2 bed	79.0	850	Semi-detached	2	£ 320,000	£ 376.47
3 bed	98.1	1056	Semi-detached	2	£ 380,000	£ 359.85
3 bed	94.5	1017	Semi-detached	2	£ 362,500	£ 356.44
3 bed	95.3	1026	Semi-detached	2	£ 380,000	£ 370.37
2 bed	79.0	850	Detached	2	£ 320,000	£ 376.47
3 bed	95.3	1026	Detached	2	£ 385,000	£ 375.24
4 bed	108.8	1171	Detached	3	£ 427,000	£ 364.65

3.4.3 Terraced properties are advertised at £315,000 to £375,000, Semi-detached at £320,000 to £380,000 and Detached at £320,000 to £427,000.

3.4.4 2-beds range from £315,000 to £375,000 and 3-beds from £362,500 to £385,000. 4-beds are valued at £410,000 to £427,000.

3.4.5 The FVAUR reviews sales transactions close to the site. We have reviewed the FVAUR examples and commentary, and have provided our view below.

3.4.6 Bakers Field – Cliffsend. This small development of detached homes is located close to the site, however the properties are much larger than the proposed detached homes, and sold for £600,000 to £730,000 (£332/ft² average). We agree with ULL that higher £/ft² rates can be expected for the subject scheme's smaller properties.

- 3.4.7 Foreland Heights – Ramsgate. This development is 1.3 miles from the site and again is fairly small development of large detached houses. The average sales value was £296/ft².
- 3.4.8 Mannock Drive, Manston. This scheme is further from the site (3.1 miles) however the house types are more directly comparable in size to the subject properties. The FVAUR notes that values of £350,000 to £375,000 were achieved for houses at Mannock Drive in March 2021.
- 3.4.9 We note that applying house price inflation to the most recent recorded sales at Mannock Drive/Gilmour Road indicate values in the £430,000 to £490,000 range, at £420 to £430/ft².

Address	Street	Postcode	Dwelling type	Sale price	Sale month	HPI index	Uplifted Sale Price	Floor area /ft ²	Value /ft ²
2	MANNOCK DRIVE	CT12 5DG	Detached	£348,000	01/2021	1.2454	£433,410	1012	£428.35
9	GILMOUR ROAD	CT12 5FW	Detached	£360,000	02/2021	1.2260	£441,347	1012	£436.20
29	MANNOCK DRIVE	CT12 5DG	Detached	£375,000	03/2021	1.2193	£457,228	1087	£420.57

Properties at Mannock Drive (Google Streetview)



- 3.4.10 We have reviewed all new build sales recorded on Land Registry in the CT12 postcode area for the past two years, which, adjusted for HPI indicate average £/ft² values as follows:
- Detached 396
 - Semi-detached 398
 - Terraced 355
 - Flats 335
 - **All 371**
 - **All (houses only) 385**






3.4.11 The above results indicate that the submitted values are broadly in the expected range. Higher £/ft² values are indicated for detached and semi-detached properties, however the

dataset includes a lot of properties which are much larger than those proposed, and which are on smaller more ‘boutique’ type developments.

3.4.12 It is difficult to find direct comparables for the proposed property types/sizes within the new build data, therefore we have also considered the data on second hand sales from Land Registry, which were as follows for CT12:

- Detached 371
- Semi-detached 320
- Terraced 343
- Flats 276
- **All 353**
- **All (houses only) 356**

3.4.13 The submitted values are c. 5% above the values being achieved for second hand properties generally, which appears potentially low, taking into account the premium attached to new build. We have therefore considered individual examples of recent sales from the second hand data, looking at two-storey properties of a similar size to those proposed:

LR Resale Data - CT12 - Past 6 months									
Address lines 1+2		Street	Postcode	Dwelling type	Sale price	Sale month	Floor area /ft ²	£/ft ²	Distance from site (miles)
11		SINGLETON CLOSE	CT12 4AT	Semi-detached	£400,000	09/2022	1087	£ 368	2.9
69		MONKTON ROAD	CT12 4EE	Semi-detached	£420,000	08/2022	872	£ 482	3.1
4 MANSTON COURT COTTAGES		MANSTON COURT ROAD	CT12 5AU	Terraced	£430,000	08/2022	1066	£ 404	2.4
2		CANTERBURY ROAD WEST	CT12 5EA	Semi-detached	£310,000	10/2022	883	£ 351	0.2 miles
					£390,000		977	£ 399	

3.4.14 We note that the above indicates slightly higher values than submitted, including the example closest to the site, a semi-detached property which sold for £310,000 (£351/ft²). Taking into account the premium attached to new build we would expect the proposed 850 ft² semi-detached properties to achieve a higher value than the submitted £320,000 (£376/ft²).

3.4.15 Reviewing the available data, shown above, and having reviewed individual examples within the datasets, we consider that the submitted values for houses are within the expected range, although a potentially cautious estimate. The proposed development is fairly large, with reduced individuality and therefore it may well be reasonable to assume that the pricing will not consistently reach some of the higher new build values achieved locally which relate more to smaller/exclusive developments, and/or properties with larger plots and more garden space or similar.

3.4.16 We also note that at the current time, house prices have just seen the first year-on-year fall for the past decade, and prices are expected to fall further this year, with the examples above having been sold at what appears to have been around the peak of the market. Therefore, taking an overall view, we have not adjusted the submitted values within our appraisal at this time.

GDV – affordable housing

3.4.17 Values for Affordable Rented homes equate to £145/ft² and have been assessed based on rents capped at LHA, with a deduction of £20 per week for service charges on apartments and £5 per week for houses. A yield of 4.5% has been applied to capitalise the net rent, resulting in values as follows (extract from FVAUR):

LHA rents CT12 Thanet BRMA									
Unit type	Weekly Rent (net of £10pw s/c)	Sq Ft	M & M	Major repairs	Voids & bad debts	Net yield	Price per unit	No. of units	Total price
1 bed apt	£89.32	540	£900	£400	4.00%	4.50%	£70,181	8	£561,447
2 bed house	£144.59	896	£900	£500	4.00%	4.50%	£129,262	15	£1,938,925
3 bed house	£179.11	1,051	£900	£600	4.00%	4.50%	£165,328	6	£991,965
								29	£3,492,338

3.4.18 The assumed market value of the above properties has not been stated but we estimate it to be as follows based on the submitted market values and our research, discussed above.

Type	Floor area ft2	Number of units	DSP assumed market value per unit	Submitted AH value per unit
1 bf	540	8	185000	£ 70,181
2 bh	896	15	335000	£ 129,262
3bh	1051	6	370000	£ 165,328
	2487	29	£ 300,862	£ 120,425
			Submitted as % of MV	40%

3.4.19 This indicates that the proposed Affordable Rented homes are valued at around 40% of market value, which is a lower proportion than typically seen. The allowances for maintenance and repairs exceed the range usually seen, and overall equate to 30% of the assumed rent. This appears particularly excessive given the deductions that have already been made of £20 per week for ‘service charges’ on the flats which would surely cover most of the day to day maintenance on a block of flats. If the service charges are those relating to general grounds maintenance of the estate, dealing with non-adopted roads etc, these should be at the same level as proposed for the houses (£5 per week).

3.4.20 To cross-check the submitted values, we have applied the gross weekly rents in the FVAUR (based on LHA) to the Homes England Development Appraisal Tool (DAT), alongside assumptions on management, maintenance (assumed to include any service charges payable for maintenance of the wider estate), voids and bad debts as set out below based on allowances typically seen at the present time.

Annual Costs %	Manage	Void & Bad	R&M inc	Net Yield
	ment %	Debt%	sink Fund%	%
Social Rented				
Shared Ownership				
Affordable Rent	12.00%	3.00%	10.00%	4.50%
Private Rent				

3.4.21 The DAT indicates a value of £3,672,700 which higher than the submitted £3,492,338, and is c.42% of our assumed market. We have adopted the DAT value of £3,672,700 in our appraisal.

Extract from DAT appraisal

Affordable Rent phase 1							
Type of Unit	Rent per Week (£)	Rent per Unit per Year (£)	Number of Units	Total Rent pa (£)	Total Rent pa (£) - Costs, Voids & Repairs	Yield (%)	Capital Value (fixed stream in perpetuity) (£)
1 Bed Flat Low rise	£0	£0	0	£0	£0	4.50%	0
2 Bed Flat Low rise	£0	£0	0	£0	£0	4.50%	0
3 Bed Flat Low rise	£0	£0	0	£0	£0	4.50%	0
4 Bed + Flat Low rise	£0	£0	0	£0	£0	4.50%	0
1 Bed Flat High rise	£109	£5,704	8	£45,635	£34,226	4.50%	760,576
2 Bed Flat High rise	£0	£0	0	£0	£0	4.50%	0
3 Bed Flat High rise	£0	£0	0	£0	£0	4.50%	0
4 Bed + Flat High rise	£0	£0	0	£0	£0	4.50%	0
2 Bed House	£150	£7,806	15	£117,086	£87,814	4.50%	1,951,428
3 Bed House	£184	£9,607	6	£57,642	£43,231	4.50%	960,696
4 Bed + House	£0	£0	0	£0	£0	4.50%	0
0	£0	£0	0	£0	£0	4.50%	0
0	£0	£0	0	£0	£0	4.50%	0
			29	£220,362	£165,271		3,672,700

3.4.22 For the shared ownership properties, it has been assumed that an initial sale of 40% of the properties' stated market value (£320,000 for 2 bed houses and £380,000 for 3 bed houses) will take place with a rent on the unsold equity of 2.5% and a yield of 4.5%, resulting in values as follows (extract from FVAR):

Shared Ownership									
Unit type	Av Sq Ft	Average Market value	Share sold	Rent on unsold equity	Annual Rent	Net yield	Price per unit	No. of units	Total price
2 bed house	850	£320,000	40%	2.50%	£4,800	4.50%	£234,667	6	£1,408,000
3 bed house	1,047	£380,000	40%	2.50%	£5,700	4.50%	£278,667	7	£1,950,667
								13	£3,358,667

3.4.23 The stated market values align with the market sale values for units of a similar size, within the pricing schedule provided with the FVAR, and the capital values for the SO properties resulting from the above assumptions equates to £270/ft² or c. 73% of market value which is within the range usually seen for shared ownership.

3.4.24 Overall we consider values attributed to the shared ownership homes to be appropriately placed, however we consider the value of the AR properties to be underestimated and have applied our calculation based on the DAT, of £3,672,700 (153/ft² average or 42% of our assumed MV for the AR units) for the value of these properties.

3.5 Ground Rents

3.5.1 Additional potential income from ground rents has not been included in the submitted appraisal. The Leasehold reform (Ground rent) Bill came into force on 30 June 2022. It restricts ground rents on the grant of new leases to a peppercorn. On this basis, we

consider that it is acceptable not to include a capital contribution from ground rents within the appraisal.

3.6 Cost Assumptions - Construction Costs & Fees – Private Residential

3.6.1 The submitted build costs are based on a cost estimate from Baily Garner which is included as Appendix 2 to the FVAR. The cost plan total is £29,870,000 which is stated to include 5% design fees of £1,291,854.

3.6.2 Contingency has been included in the submitted cost plan at 5% of works cost which is a fairly standard assumption not exceeding usual parameters.

3.6.3 The cost plan figure includes an uplift of 4.8753% ‘as per BCIS latest indices’, applied to all costs including design fees and contingency and stated to allow for ‘Inflation up to 4Q 2022’. Therefore although the cost plan was prepared in July 2022 the costs are estimated to Oct-Dec 2022.

3.6.4 DSP commissioned MWA quantity surveyors to review the cost plan on behalf of TDC. MWA’s report is attached as Appendix 1 and their summary/conclusions are shown below.

4.00 Conclusion									
4.01 In gross terms we arrive at a lower figure with a variance of circa 1.61% (shown in the details) resulting in an over estimate by the applicant for the Project of £481,310.00 which we consider to be not unreasonable.									
								MWA Total	Variance to Applicants Total
Substructure								£ 1,667,111	£ -
Superstructure								£ 6,651,672	-£ 2,000
Finishes								£ 2,163,572	£ 496,589
Fittings, Furnishings and Equipment								£ 969,020	-£ 234,716
Services								£ 4,111,473	£ 424,663
Sub-Total Building								£ 15,562,848	£ 684,536
Site Works								£ 5,904,414	£ -
Main Contractor's Preliminaries								£ 2,576,071	£ 82,144
Main contractor's overheads and profit								£ 1,442,600	-£ 1,117,832
Project/design team fees								£ 1,274,297	-£ 17,557
Risks (Client's Contingencies)								£ 1,338,012	-£ 18,435
Inflation allowance based 2.8% on TPI of 369 as at 4Q 2022								£ 746,358	-£47,107.03
Inflation during the works								£ 548,040	-£47,059.01
Total Construction Cost								£ 29,392,640	-£ 481,310

- 3.6.5 Whilst there is some variance between MWA's view of build cost and Baily Garner's, the difference is within the tolerance expected when seeking the views of two different QS's, therefore we have accepted the submitted costs which are considered a reasonable view. However, we note that both Baily Garner and MWA have included an allowance for 'inflation during the works' which it is not appropriate to include for the purposes of viability testing (with values and costs being needing to be viewed at present day rates). Therefore, we have applied the submitted costs less the £595,099 applied for 'inflation during the works', i.e. a total assumed build cost of £29,274,901.
- 3.6.6 In addition to the 5% design fees included in the Baily Garner cost plan (and slightly less in MWA's estimate), an allowance of 5% for professional fees (planning, design and pre-contract fees) has been included in the submitted appraisal.
- 3.6.7 The 5% within the appraisal has been applied to the total build cost which already included fees and contingency (and an uplift to Q4 2022), therefore results in the addition of £1,493,500 and a total fees allowance of £2,785,354 which is approximately 10.7% of the build cost (rather than the 8.00% stated in the FVAR). This exceeds the allowances typically seen, particularly for a scheme such as this which has a straightforward design with 10 or so house types that repeat across 133 dwellings.
- 3.6.8 We have applied a 4% fees allowance within our appraisal as an addition to the design fees already included within the build cost (reduced from the submitted 5% additional allowance), therefore total fees of £2,462,850 which equates to c. 9.7% of our assumed build cost (or 8.4% of the gross cost inc design fees/contingency).

3.7 Development Timings/Project Timescales

- 3.7.1 The development timings applied in the submitted appraisal include a 3-month lead-in and an 24-month construction period with sales revenue spread over a period of 18 months, beginning 12 months into construction. Overall the timescales are within expected parameters and therefore we have not adjusted them in our appraisal.

3.8 CIL / Planning Obligations

- 3.8.1 Thanet District Council does not charge a Community Infrastructure Levy (CIL) on new development. The FVAR has made the following allowances for S106 items within the submitted appraisal which including indexing total £2,463,448.

S106 costs included in submitted appraisal (£)	
Community Learning & Skills	2,381
Youth Service	9,498
Libraries	8,040
Adult Social Care	21,298
Waste	7,898
Primary Education	931,600
Secondary Education	916,134
Special Education	144,099
CCG	128,088
<i>S106: indexation to 2Q2022</i>	<i>294,412</i>
	2,463,448

3.8.2 The Council will need to confirm or otherwise, the level of planning obligations required. It should be noted that any change in the chargeable sum(s) assumed would have an impact on the overall viability of the scheme as viewed through the appraisal - a reduction in the CIL/s106 cost assumptions would improve the presented viability outcome and an increase would pull it downwards (looking at the effect of these assumptions only). In all such reviews, we assume that all requirements that are necessary to make a development proposal acceptable in respect of sustainability or other usual criteria will have to be included.

3.9 Development Finance

- 3.9.1 Finance costs have been included in the FVAR appraisal using a 6.5% interest rate assumption.
- 3.9.2 The interest rate is the cost of funds to the scheme developer; it is applied to the net cumulative negative cash balance each month on the scheme as a whole. According to the HCA in its notes to its Development Appraisal Tool (DAT): *'The rate applied will depend on the developer, the perceived scheme risk, and the state of the financial markets. There is also a credit interest rate, which is applied should the cumulative month end balance be positive. As a developer normally has other variable borrowings (such as an overdraft), or other investment opportunities, then the value of credit balances in reducing overall finance charges is generally the same as the debit interest charge. A zero rate of credit interest is not generally plausible and will generate significantly erroneous results in a long-term scheme.'*
- 3.9.3 We typically see rates of 6.0% to 8.0% in the current market, representing finance costs inclusive of all fees. The submitted cost of 6.5% including all ancillary fees therefore does not exceed the range currently seen. We have not adjusted this assumption in our appraisal.

3.10 Agent's, Marketing and legal costs

- 3.10.1 The development appraisal accompanying the FVAR assumes sales and marketing costs of 2.5% total. Legal costs of £750 per unit have also been assumed. These costs are within the range typically seen and therefore we have applied the same in our appraisals.

3.11 Developer's Risk Reward – Profit

- 3.11.1 In this case, the level of profit has been included as a fixed input at 17.5% of gross development value (GDV) on market housing. Profit on affordable housing has been assumed at 6%.
- 3.11.2 The Planning Practice Guidance (PPG) on Viability states: *'Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of fully complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan'*. It goes on to state: *'For the purpose of plan making an*

assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. Alternative figures may also be appropriate for different development types⁹.

3.11.3 We consider that the assumption of 17.5% on market housing is an appropriately pitched level for these specific proposals and have not adjusted this assumption in our appraisal. Likewise, the affordable housing profit assumption does not exceed typical parameters.

⁹ <https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment> - Paragraph: 018 Reference ID: 10-018-20190509

4. Findings Summary

4.1.1 The overall approach taken within the submitted FVAR to assessing the viability of the proposed development is considered appropriate in terms of general principles. However, the proposed affordable housing mix does not follow the Government’s requirement to include First Homes.

4.1.2 Similarly, the majority of the submitted assumptions are considered suitable for the review purpose and circumstances. There are some areas where we have a difference of opinion or have tested alternative assumptions, as follows:

- We consider the submitted market sale values to be potentially cautious in relation to examples of recent sales. However, seen alongside the profit assumption which is in the middle of the range suggested by the PPG, and bearing in mind the current market which has a negative forecast at least in the short term, we consider these to be a not unreasonable view at the present time and have not adjusted the market values in our appraisal.
- We have tested a higher GDV for the Affordable Rented units of £3,672,700 (153/ft²) (see 3.4.17 onwards), as follows:

Type	Floor area ft ²	Number of units	DSP assumed AR value per unit	Submitted AR value per unit
1 bf	540	8	£ 95,072	£ 70,181
2 bh	896	15	£ 130,095	£ 129,262
3bh	1051	6	£ 160,116	£ 165,328
	2487	29	£ 126,645	£ 120,425

- We have reduced the additional fees allowance within the appraisal from 5% to 4% (see 3.6.6 onwards), resulting in total design fees/professional fees of £2,462,850. This equates to c. 9.7% of the build costs, or 8.4% of the gross build cost (inc design fees and contingency).

4.1.3 Making the above adjustments to the submitted appraisal indicates a residual value for the scheme (with 42 affordable units and having allowed for all stated S106 contributions plus a 17.5% profit on market housing and 6% profit on affordable housing) indicates a residual value of £794,397.

- 4.1.4 This falls below our suggested minimum BLV for the site of £1,457,300. Against this lower BLV the appraisal indicates a deficit of -£662,903, and therefore an 'actual' adjusted profit of £6,034,654 which equates to 15.7% on market housing and 6% on affordable housing. Whilst not reaching the assumed profit target of 17.5% GDV (market) and 6% (affordable) this falls within the 15% to 20% range suggested in the PPG.
- 4.1.5 Against the submitted BLV of £2,077,000, the appraisal indicates a deficit of -£1,282,603 and therefore an 'actual' adjusted profit of £5,414,954, which equates to 13.9% GDV (market) and 6% (affordable).
- 4.1.6 We note also that MWA surveyors' view of the build costs was £481,310 lower than the applicant's QS. We have not applied MWA's lower estimate in our appraisal, but doing so would increase the profit position in either scenario by over 1%.
- 4.1.7 Stepping back, and considering the viability outcomes and BLV, the scheme fails to reach the stated 17.5% profit target for market housing, however indicates a profit of c.15% on market housing, with a policy compliant contribution to affordable housing and all stated S106 contributions included. The scheme is shown to be proceedable, albeit at a profit level that is towards the lower end of the range stated within the PPG for market housing. Timed as this is during an ongoing period of market difficulty and uncertainty, therefore with the possibility of an improvement in the medium to long term, we recommend that if any concession on S106 contributions or affordable housing is granted at application stage (i.e. any reduction from what is included within the submitted appraisal), this should be accompanied by a review mechanism to ensure that any improvement in the relationship between values and costs can be captured by the Council at an appropriate point during the development.
- 4.1.8 We need to be clear that our review is based on current day costs and values assumptions as described within our review based on the current scheme(s) as submitted. A different scheme may of course be more or less viable – we are only able to review the information provided.
- 4.1.9 Of course, no viability report or assessment can accurately reflect costs and values until a scheme is built and sold – this is the nature of the viability process and the reason for local authorities needing to also consider later stage review mechanisms when significant developments fall short of policy provision. In this sense, the applicant and their agents are

in a similar position to us in estimating positions at this stage – it is not an exact science by any means, and we find that opinions can vary.

- 4.1.10 As regards the wider context including the challenging economic situation, in accordance with the relevant viability guidance our review is based on current day costs and values – a current view is appropriate for this purpose. There is evidence of month-on-month falls in house prices currently, with the RICS predicting a c. 8% fall in house prices nationally over the coming year. However it is also possible that we may see some balance for example in terms of continued market resilience, development cost levels, Government interventions or other factors.
- 4.1.11 As set out in the PPG, a balanced assessment of viability should consider the returns against risk for the developer and also the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission. The RICS guidance note¹⁰ on viability notes that *‘The return for the risk is included in the developer return and the PPG makes it clear that it is the developer’s job to mitigate this risk, not plan makers and decision takers’*. DSP will continue to monitor the established appropriate information sources; as the Council will also be able to do.
- 4.1.12 DSP will be happy to advise further if/as required by TDC.

**Review report ends
March 2023**

¹⁰ https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sector-standards/land/assessing-financial-viability_final.pdf

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PRIVATE & CONFIDENTIAL

Financial Viability Assessment Report

Land South of Canterbury Road West Phase 2

Thanet District Council

Prepared for Monson Homes Limited

Updated Report - July 2023



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1. Executive Summary

- 1.1 As part of the detailed planning application, Monson Homes Limited ('the Applicant') has instructed ULL Property ('ULL') to assess and report on, the financial viability of providing affordable housing and Section 106 financial contributions as part of the development proposal.
- 1.2 Thanet District Council ('the Council') has policy targets for affordable housing provision as part of new residential developments, and these targets are not intended to restrain development, based on the outcome of financial viability testing. ^{1.1}_{ISEP}The Council has requested Section 106 financial contributions amounting to £2,428,000 which impact the viability of the development proposals.
- 1.3 In July 2022 ULL Property carried out a Financial Viability Assessment ('FVA') which demonstrated that financial contributions of £2,463,000 (the slightly higher estimate made at that time) are not viable for this development, while providing the policy target of affordable housing. We have been advised that, in the Council's opinion, the Section 106 financial contributions are mandatory, and therefore the Applicant has now instructed ULL to assess the impact on the provision of affordable housing.
- 1.4 The site is currently in agricultural planning use and is in the ownership of Monson Homes Limited. The site measures 5.9 hectares (14.58 acres).
- 1.5 The proposed planning application seeks permission for "Development of 141 dwellings (including affordable housing), with open space, landscaping, access and associated infrastructure."
- 1.6 The Gross Development Value for the scheme is £44,257,000 (rounded) based on the residential sales value and affordable housing transfer pricing.
- 1.7 The total scheme cost is £44,190,000 (rounded).
- 1.8 The Argus Developer appraisal for the proposed development calculates a residual land value for the proposed development of £67,000.
- 1.9 The Benchmark Land Value is assessed as £2,077,000 (rounded), based on the existing use value plus a premium.
- 1.10 The net residual land value is, therefore, showing a shortfall of £2,010,000.
- 1.11 We conclude that the proposed scheme does not viably sustain the financial contributions being sought by the local planning authority. However we understand the developer is prepared to undertake the development on this basis, being a social business focused on providing housing.
- 1.12 The Council instructed Dixon Searle ('DS') to review our July 2022 report and we comment in this report on DS's findings, making amendments to our assumptions where these are agreed. Other amendments relate to the tenure mix of accommodation, and updates to the Section 106 financial contributions



2. Instructions & Report Context

- 2.1 Monson Homes Limited ('the Applicant') has submitted a planning application to Thanet District Council ('the Council') in respect of the site known as Land South of Canterbury Road West (Phase 2), Cliffsend, Ramsgate, Kent CT12 ('the Site').
- 2.2 The application seeks planning permission for "Development of 141 dwellings (including affordable housing), with open space, landscaping, access and associated infrastructure."
- 2.3 As part of the planning application the Applicant has instructed ULL to assess, and report on, the financial viability of providing affordable housing and Section 106 financial contributions as part of the development proposal.

ULL Property

- 2.4 This viability assessment has been prepared with regard to the policies and guidance available at national, regional and local levels, and carried out in accordance with the Royal Institution of Chartered Surveyors (RICS) professional statement 'Financial viability in planning: conduct and reporting' (1st edition, May 2019, effective from September 2019).
- 2.5 ULL is a property services company specialising in development consultancy, affordable housing, financial viability and project management. The company aims to find viable solutions, which facilitate development, while at the same time supporting the reasonable mitigation of development impact. In so doing, we operate at the centre of development economics; assisting developers and Local Planning Authorities reach effective solutions against a challenging financial background.
- 2.6 This report has been prepared by Richard Ashdown, who has more than 25 years' experience in residential development and consultancy. Richard held numerous senior positions in the industry before starting ULL where he is now Managing Director.

Limitations

- 2.7 This report does not constitute a valuation and should not be relied upon for valuation purposes.
- 2.8 It is provided for the sole use of the party to whom it is addressed. It is confidential to the addressee and their professional advisors. ULL accepts no responsibility whatsoever to any person other than the client themselves.
- 2.9 Neither the whole nor any part of the report nor any reference thereto may be included in any published document, circular, or statement, or published in any way, without the prior written approval of ULL.

Information relied upon

- 2.10 We have been provided with, and relied upon:
 - Proposed plans and accommodation schedule prepared by PRP Architects



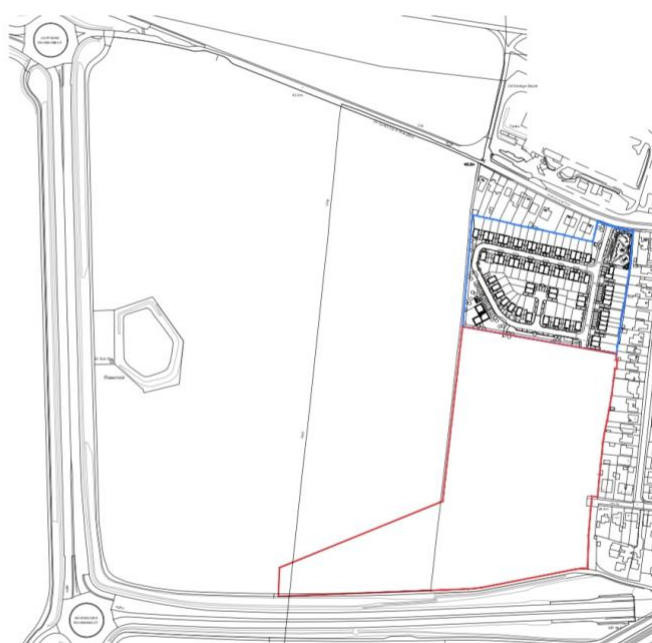
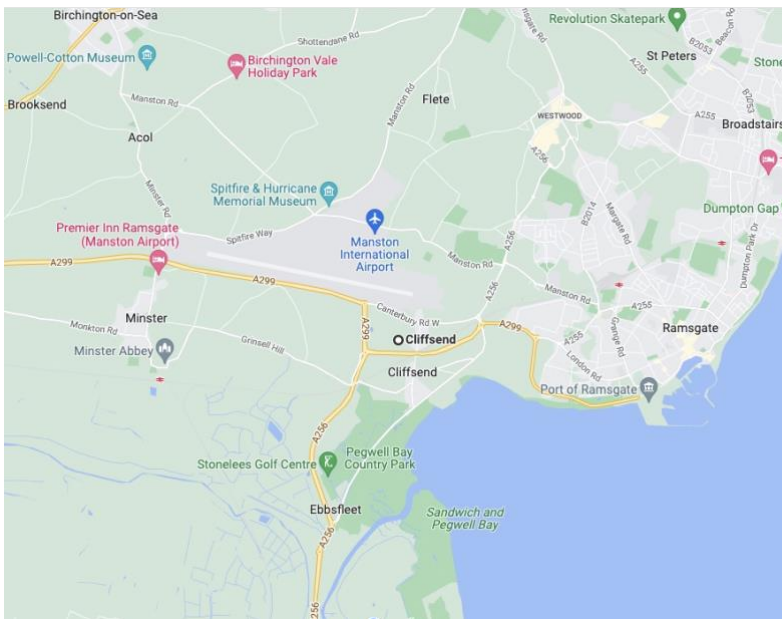
- A construction cost plan prepared by Baily Garner dated 1st July 2022.



3. Project Details

Location

- 3.1 This site is located at Canterbury Road West Phase 2, Cliffsend, Ramsgate, Kent CT12.
- 3.2 The site is positioned immediately to the north of Hengist Way (A229) as it runs East-West to the north of Cliffsend village centre. To the East of the site is a 1970s housing estate comprising mostly bungalows, and to the north of the site, beyond the Phase 1 Canterbury Road West site, is the airstrip for the disused Manston Airport. To the West is agricultural land.
- 3.3 The maps below show the site location (marked with 'Cliffsend' pin)





- 3.4 The subject property has an approximate site of 5.9 hectares (14.58 acres). It is currently in agricultural use, and we understand this is its planning designation.
- 3.5 We have not been provided with a report on Title, however we understand that the interest is of freehold title. For the purpose of our report, we have assumed that there are no onerous or restrictive covenants affecting Title.

Transport

The site is 2.2 miles from Ramsgate railway station; Canterbury Road West is on a bus route to Ramsgate which passes close to the railway station. Trains serve the local area (Broadstairs, Margate, Canterbury) as well as direct to London St Pancras, the fastest trains taking 1 hr 15 mins.

Scheme Proposals

- 3.6 The proposed development comprises 141 residential dwellings. The summary schedule of accommodation is as follows:

Type	No.
1 bed 2 person flat	8
2 bed 4 person house	60
3 bed 5 person house	59
4 bed 6 person house	14
Total	141



4. Planning Policy – Affordable Housing & Viability Methodology

- 4.1 In this section we have reviewed the policies and guidance relevant to planning obligations under the Section 106 regime.

National Planning Practice Guidance (NPPG)

- 4.2 The NPPG provides guidance to participants in the planning systems to assist with implementing policies and decisions in a way that is both sustainable and deliverable. In its revision dated 24 July 2018 (paragraph 10), NPPG states: “In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.”

- 4.3 The NPPG defines the key inputs for viability assessments:

“Gross Development Value - Gross development value is an assessment of the value of development. For residential development, this may be total sales and/or capitalised net rental income from developments. Grant and other external sources of funding should be considered. For commercial development broad assessment of value in line with industry practice may be necessary...For viability assessment of a specific site or development, market evidence (rather than average figures) from the actual site or from existing developments can be used. Any market evidence used should be adjusted to take into account variations in use, form, scale, location, rents and yields, disregarding outliers. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

Costs - Assessment of costs should be based on evidence which is reflective of local market conditions. As far as possible, costs should be identified at the plan making stage. Plan makers should identify where costs are unknown and identify where further viability assessment may support a planning application. Costs include:

- a) build costs based on appropriate data, for example that of the Building Cost Information Service”; (in our opinion a site-specific elemental cost breakdown should be provided for site-specific viability assessment)*
- b) abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or costs associated with brownfield, phased or complex sites. These costs should be taken into account when defining benchmark land value;*
- c) site-specific infrastructure costs, which might include access roads, sustainable drainage systems, green infrastructure, connection to utilities and decentralised energy. These costs should be taken into account when defining benchmark land value;*
- d) the total cost of all relevant policy requirements including contributions towards affordable housing and infrastructure, Community Infrastructure Levy charges, and any other relevant policies or standards. These costs should be taken into account when defining benchmark land value;*
- e) general finance costs including those incurred through loans;*
- f) professional, project management, sales, marketing and legal costs incorporating organisational overheads associated with the site. Any professional site fees should also be taken into account when defining benchmark land value;*
- g) explicit reference to project contingency costs should be included in circumstances where scheme*



specific assessment is deemed necessary, with a justification for contingency relative to project risk and developers return;

Land Value - To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing used value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. This approach is often called 'existing use value plus' (EUV+). In order to establish benchmark land value, plan makers, landowners, developers, infrastructure and affordable housing providers should engage and provide evidence to inform this iterative and collaborative process.

Competitive Return to Developers - Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan. For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development.

A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. Alternative figures may also be appropriate for different development types.

Competitive Return to Landowners - The premium (or the 'plus' in EUV+) is the second component of benchmark land value. It is the amount above existing use value (EUV) that goes to the landowner. The premium should provide a reasonable incentive for a landowner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements. Plan makers should establish a reasonable premium to the landowner for the purpose of assessing the viability of their plan. This will be an iterative process informed by professional judgement and must be based upon the best available evidence informed by cross sector collaboration. For any viability assessment, data sources to inform the establishment of the landowner premium should include market evidence and can include benchmark land values from other viability assessments. Any data used should reasonably identify any adjustments necessary to reflect the cost of policy compliance (including for affordable housing), or differences in the quality of land, site scale, market performance of different building use types and reasonable expectations of local landowners. Local authorities can request data on the price paid for land (or the price expected to be paid through an option agreement)"

Thanet District Council Planning Policy

4.4 Thanet's local plan was adopted in July 2020. Policy SP23 states with regard to Affordable Housing:

Residential development schemes for more than 10 dwelling units, including mixed use developments incorporating residential and developments with a combined gross floor Thanet Local Plan Adopted July 2020 60 area of more than 1,000 square meters shall be required to provide 30% of the dwellings as affordable housing.



The affordable housing shall be provided in proportions set out in the Strategic Housing Market Assessment or successive documents.

The above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable.

4.5 With regard to the affordable housing proportions, the Thanet Strategic Housing Market Assessment 2016 states at paragraph 9.36 that “a 80/20 split between social/affordable rented homes and intermediate housing options would be appropriate.”

4.6 Thanet adopted its Planning Obligations Supplementary Planning Document in April 2010; this includes a section headed “What about economic viability?” This states:

In some instances, perhaps arising from site-specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable.

In such cases, and where the development is needed to meet the aims of the development plan, the council will decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers (e.g. Kent County Council) in the area.

Where the development is needed to meet the aims of the development plan, the decision on the level of contributions will be based on negotiation with developers over the level of contribution that can be demonstrated as reasonable whilst still allowing development to take place.

In some instances, factual information needs to be validated for negotiations to continue. In these cases a developer may wish to agree and fund an independent third party with relevant expertise (e.g. valuation) to help progress the negotiations. Responsibility for the final determination of the application remains with Thanet District Council.

4.7 In summary, the forgoing local and national policies demonstrate that Thanet District Council has policy targets for affordable housing provision as part of new residential developments, and that these targets are not intended to restrain development, based on the outcome of financial viability testing.

4.8 In compliance with policy, the level of contribution can be reduced or waived to ensure that development remains viable; however the Council adopts testing of viability to identify land value increases arising from the grant of planning permission, to meet affordable housing and other objectives.

Viability Methodology

4.9 The purpose of this report is to provide an independent assessment of the viability of proposed development, and in so doing to assess the level of obligations which can be provided to the local planning authority, while sustaining an appropriate land value to the landowner and profit to the developer. Assessing the viability of a proposed development involves comparing the residual land value of the site, based on the proposed scheme, with an appropriate benchmark.

4.10 A viable development will support a residual land value at a level sufficiently above the site’s Existing Use Value (EUV) or Alternative Use Value (AUV), to support a land acquisition price acceptable to the



landowner. As such, where a development proposal generates a residual value, which is higher than the appropriate benchmark value it is deemed financially viable and therefore likely to proceed. Conversely, if the residual value is lower than the benchmark, it is considered to be economically unviable and consequently unlikely to progress.

4.11 A - B = Residual Land Value, based on inputs from the attached table:

A: Revenue	B: Costs
Residential Gross Development Value	Construction Costs
	Planning and Development Professional Fees
	Planning Contributions
	Marketing Costs
	Land Purchase Costs
	Finance Costs
	Developer's Return

- 4.12 It need not be the land value that is the target residual. A fixed land price can be input as a cost, and a residual developer profit assessed. Alternatively, the residual target can be the planning contributions.
- 4.13 An explanation for all the appraisal inputs is provided at Section 5 (Income Analysis) and 6 (Cost Assumptions).
- 4.14 The next task is to arrive at an appropriate benchmark against which to compare the Residual Land Value of the proposed scheme, to determine whether the proposal is viable. This is assessed further in Section 7.
- 4.15 The purpose of our analysis has been to understand the development economics of the site and to show the results of our analysis. This incorporates appraisal of all costs and values, finance inputs and Section 106 contributions.
- 4.16 The assumptions made in the development appraisal are a reflection of the development's overall economics. Our assumptions are in some cases inter-related such that a change in one assumption can have an impact on other assumptions.
- 4.17 Appendix 1 shows the financial appraisal incorporating the costs and values of the project. We have used Argus Developer appraisal software, a standard appraisal tool used across the property industry, and recognised by local authorities in viability analysis. The model is set up as a Residual Land Value appraisal, making fixed assumptions about costs, revenues and profit.



5. Income Analysis

5.1 The revenue for the scheme is derived from the sale of the completed residential units.

Residential sales

5.2 JLL has carried out a pricing exercise as at July 2022 to advise the Applicant in relation to selling prices at the proposed scheme (see Appendix 3 and paragraph 5.8 below). We have carried out our own research into recent sales on new residential developments, close to the subject site, and set out our findings as follows.

Bakers Field, Cliffsend, Ramsgate CT12 5GH

5.3 This development by Millwood Homes has seen sales of houses in the previous 12 months. The site is to the South East of the subject site, just across the Hengist Way trunk road. The following prices have been achieved:

Sale Price	£/sq Ft	Sq Ft	Type	Developer	Address	Date Sold
£620,000	£341	1,819	Detached	Millwood Homes (Bakers Field)	19 Bakers Field, Cliffsend, Ramsgate	19/04/2021
£653,000	£339	1,927	Detached	Millwood Homes (Bakers Field)	21 Bakers Field, Cliffsend, Ramsgate	17/06/2021
£630,000	£316	1,991	Detached	Millwood Homes (Bakers Field)	27 Bakers Field, Cliffsend, Ramsgate	14/05/2021
£730,000	£332	2,196	Detached	Millwood Homes (Bakers Field)	29 Bakers Field, Cliffsend, Ramsgate	28/05/2021
£690,000	£305	2,260	Detached	Millwood Homes (Bakers Field)	22 Bakers Field, Cliffsend, Ramsgate	31/03/2021
£600,000	£369	1,625	Detached	Millwood Homes (Bakers Field)	26 Bakers Field, Cliffsend, Ramsgate	31/03/2021
£3,923,000	£332	11,818				

5.4 The house sizes are larger than those proposed at the subject site, and we would therefore expect to see a higher £/sq ft price at Canterbury Road West.

Foreland Heights, Ramsgate, CT11 0FF

5.5 This development is located on the Western side of Ramsgate, approximately 1.3 miles from the subject site. A development of 14 detached houses, these too are larger than proposed at Canterbury Road West.

Sale Price	£/sq Ft	Sq Ft	Type	Agent	Address	Date Sold
£579,525	£293	1,981	Detached	Miles & Barr	14 Forelands Heights, Ramsgate	07/08/2020
£590,000	£298	1,981	Detached	Miles & Barr	13 Forelands Heights, Ramsgate	19/11/2020
£625,000	£301	2,077	Detached	Miles & Barr	12 Forelands Heights, Ramsgate	26/06/2020
£580,000	£293	1,981	Detached	Miles & Barr	10 Forelands Heights, Ramsgate	13/08/2020
£2,374,525	£296	8,020				

Mannock Drive, Manston

5.6 Coldrum Homes have developed this scheme of 22 two and three bedroom houses, launching in 2020. The site is located 3.1 miles by road from the subject site, being the other side of Manston Airport to the North-West. The most recent achieved sales prices are as follows:



Sale Price	£/sq Ft	Sq Ft	Type	Developer	Address	Date Sold
£350,000	£322	1,087	Semi-Detached	Coldrum Homes	21 Mannoek Drive, Manston, Ramsgate	31/03/2021
£365,000	£336	1,087	Detached	Coldrum Homes	25 Mannoek Drive, Manston, Ramsgate	11/03/2021
£375,000	£345	1,087	Detached	Coldrum Homes	29 Mannoek Drive, Manston, Ramsgate	26/03/2021
£1,090,000	£334	3,261				

- 5.7 These homes reflect more closely the floor areas of the proposed homes at the subject site.
- 5.8 Regarding the advice provided by JLL, this reflects an average price of £370/sq ft. In consideration of the foregoing evidence, the site location, unit typology and floor areas we consider £370/sq ft represents an optimistic average selling price for the subject proposals.
- 5.9 For the purposes of this viability assessment we have adopted the private sales revenue indicated by JLL’s pricing schedule, provided at Appendix 3, although we consider this should be kept under review.
- 5.10 We have not updated the market housing revenue assumption for the current update. We the Nationwide House Price Index indicates a reduction in house prices of 3.67% for the Outer South East since our July 2022 report, this is not yet reflected in the Land Registry Index which currently reports to March 2023 only.

Affordable Housing

- 5.11 In assessing the transfer value of the affordable housing, or in this case the value to the (RP) developer, we have adopted revenue and cost assumptions as shown in the remainder of this section.

Affordable Rented Tenure

- 5.12 The Applicant, being a Registered Provider, has advised that the rented homes will be Affordable Rented tenure, being a maximum of 80% of market rent. We have assessed local market rents for second-hand properties to be in the region of the following:

- 1-bedroom apartments - £725 pcm / £167 per week.
- 2-bedroom houses - £925 pcm / £213 per week.
- 3-bedroom houses - £1,200 pcm / £277 per week.

- 5.13 80% of the foregoing rents equates to:

- 1-bedroom apartments - £134 per week.
- 2-bedroom houses - £170 per week.
- 3-bedroom houses - £222 per week.

- 5.14 However, the rents will be capped at Local Housing Allowance rates which are:

- 1-bedroom apartments - £109.32 per week.
- 2-bedroom houses - £149.59 per week.
- 3-bedroom houses - £184.11 per week.



5.15 The Affordable Rents will be net of service charges, and therefore a further deduction is made of £20 per week for apartments and £5 per week for houses. Therefore the net rents to be charged are assumed to be :

- 1-bedroom apartments - £89.32 per week.
- 2-bedroom houses - £144.59 per week.
- 3-bedroom houses - £179.11 per week.

5.16 The following table identifies the assumptions we have made in arriving at a capital value for the Affordable Rented homes:

LHA rents CT12 Thanet BRMA									
Unit type	Weekly Rent (net of s/c)	Sq Ft	M & M	Major repairs	Voids & bad debts	Net yield	Price per unit	No. of units	Total price
1 bed apt	£99.40	540	£819	£1,152	1.70%	5.00%	£62,192	8	£497,535
2 bed house	£144.59	948	£819	£1,152	1.70%	5.00%	£108,387	7	£758,712
3 bed house	£179.11	1,056	£819	£1,152	1.70%	5.00%	£143,676	5	£718,378
								20	£1,974,624

5.17 Changes compared with our July 2022 report are identified in blue in the above table. These are in response to Dixon Searle’s query in relation to the deductions from the rents that ULL had assumed.

5.18 DSP suggested the deductions we have assumed from Local Housing Allowance Rents are excessive. DSP further suggests that ULL’s assessment of the Affordable Rent value represents a percentage of market value that is a “lower proportion than typically seen.” In our experience the percentage of market value of Affordable Rented housing varies so greatly as to make a comparison between market value for affordable rented units and market value for private housing difficult.

5.19 We asked the Applicant, as a Registered Provider, to provide the rents they will be charging for the Affordable Rented units, together with their assumptions for deductions for management and maintenance. These are:

- Management £358pa
- Maintenance £461pa
- Major repairs £1,152pa
- Voids and bad debts 1.7%

- Rents pw
- 1 bed flat - £99.40 (net of service charge)
- 2 bed house - £144.69 (net of service charge)
- 3 bed house - £179.24 (net of service charge)

5.20 We have increased the yield from 4.5% to 5% to reflect increased interest costs since our July 2022 report.

Intermediate (Shared Ownership) Tenure



5.21 1 house has been identified as Intermediate Housing. The Intermediate Housing is assumed to be shared ownership tenure, however we would advise the Section 106 Agreement be flexible to enable this to be an intermediate rented unit in the event it is unsold.

5.22 We have assessed the pricing of the Intermediate housing according to the following table:

Shared Ownership									
Unit type	Av Sq Ft	Average Market value	Share sold	Rent on unsold equity	Annual Rent	Net yield	Price per unit	No. of units	Total price
2 bed house	1,056	£320,000	40%	2.50%	£4,800	5.00%	£224,000	1	£224,000
								1	£224,000

5.23 The 'Average Market Value' is taken from JLL's pricing schedule as it relates to Shared Ownership homes. The Intermediate housing price of £224,000 has been included in the appraisal at Appendix 1.



6. Cost Assumptions

Construction Costs

- 6.1 In determining the construction costs for the proposed scheme, we have had regard to a Cost Plan produced by Baily Garner dated 1 July 2022, which is submitted with this report as Appendix 2 (this has not been updated since our July 2022 report, although in reality we would expect an increase over the past 6 months). The construction costs amount to £29,870,000.
- 6.2 The cost plan includes contractor’s design fees in the sum of £1,291,854. In addition we have applied 5% planning, design and pre-contract professional fees to the appraisal at Appendix 1.
- 6.3 Dixon Searle pointed out that the Baily Garner cost plan included inflation for the period of construction in the sum of £595,099 which DS considered should be removed. For the purposes of this exercise we have removed this sum from our current assessment to give a cost of £29,275,000 (rounded) as at July 2022.
- 6.4 Build costs since July 2022, according to the All-In Tender Price Index, have increased by 3.77%. We have therefore adjusted the build cost assumption to £30,379,000 (rounded).

Other Costs

- 6.5 Within the Argus Developer model at Appendix 1 we have made the following cost assumptions:

Item	Value	Elements
Land		
Stamp Duty	UK SDLT Rates	Residual Land Value
Agents Fee	1.00%	Residual Land Value
Legal Fee	0.5%	Residual Land Value
Construction Costs		
Professional Fees	4.00% (adjusted to accord with DS view)	Build Cost Sum
Lettings and Disposal Costs		
Marketing (Residential)	1.00%	Residential GDV
Sales Agent Fees (Residential Units)	1.5%	Residential GDV
Legal Fees (Residential Units)	£750 per unit	Residential GDV
S.106 Costs		
The Council is seeking to require the developer to provide financial contributions with the objective of mitigating the impact of the development. The contributions are identified in the following categories, and include indexation to the current date:		
Community learning & skills - £2,847		
Youth service - £11,355		
Libraries - £9,613		
Adult social care - £25,474		
Waste - £9,443		
Primary education - £1,111,988		
Secondary education - £1,093,527		
CCG - £152,907		
Total S106 contributions - £2,428,219		



Contributions per dwelling - £17,221
Finance Costs
The finance rate is assumed to be 7.5%. This reflects the average cost of capital to include debt interest (senior and mezzanine), and arrangement, exit and valuation fees. The cost of development finance has seen significant increases in recent months impacting development funding costs, including for Registered Providers.
Developer Return
The appraisal has been set up to show profit as a cost to the project, at 17.5% of GDV for the private elements, and 6% on the affordable housing. In our opinion this represents the lower end of a range of requirements from funders in the current market.

Development Programme

6.6 We have adopted the following construction timings:

- Pre-construction – 3 months
- Construction – 24 months
- Sales – 18 months, equating to 5.5 private sales per month. Sales are assumed to commence 12 months after construction commences.



7. Benchmark Land Value

- 7.1 As explained at Section 3, viability is typically tested by comparing the residual land value of the proposed scheme with a Benchmark Land Value (BLV). The Benchmark can be derived following an assessment of the value of the site in its Existing Use (EUV) or a reasonable Alternative Use Value (AUV).
- 7.2 Where the method of assessing the Benchmark is via EUV, a landowner premium is often added as a reasonable incentive for the landowner to bring the land forward for development.

Existing site

- 7.3 The current planning use of the existing site is agricultural. A range of commentators and market operators provide general indicators of agricultural land values, and they lie in a similar range of each other, with relatively small variations depending in which part of the country the land resides.
- 7.4 Carter Jonas' Farmland Market Update Q4 2021 identifies regional variations, and suggests agricultural values for the South East in the range £7,500 - £10,500/acre (£18,500 - £26,000/hectare). The Valuation Office Agency in its 2019 assessment concluded agricultural land values in the South East at £25,000 per hectare. We have assumed for the subject site a value of £9,000 per acre (c. 22,000/ha). The site measures 14.58 acres (5.9 hectares). This means the agricultural land value equates to £131,200.
- 7.5 It is recognised that agricultural land value is generally insufficient to incentive landowners to bring sites forward for development. Referring to site-specific viability assessments on projects elsewhere, we have experienced local authority advisers proposing uplifts of 18-20 times agricultural land value. This considerable uplift is based on the incentive required to sell land assets that have been in a family for generations.
- 7.6 Thanet commissioned Adams Integra to carry out Council-wide viability analysis to support the local plan, in 2012; although somewhat dated, Adams Integra applied the principle that higher multipliers are appropriate as incentives for agricultural landowners, the same principle that is applied today. Adams Integra state (paragraph 3.3.3, "Economic Viability Assessment of Development in Thanet District") that the incentive required might take comparative land values up to perhaps £100,000 - £400,000 per hectare. Other local authorities provide guidance in the assessment of a reasonable uplift. For example East Cambridgeshire District Council has published "Viability Assessment Information" which gives "Interim Policy Support" and is dated April 2019. In discussing land values in the District, the document states at paragraph 2.10.12:

"The figure that we consider likely to represent the minimum land value likely to incentivise release for development under any circumstances in the East Cambridgeshire context is around £250,000 to perhaps £370,000/ha based on gross developable site area and dependent on the "bulk" of land required. Land values at those levels are likely to be relevant to development on larger to smaller scale greenfield land (or enhancement to amenity land value) and therefore potentially relatively commonly occurring across the District".

- 7.7 Aspinall Verdi prepared a borough-wide assessment for nearby Swale Borough Council in December 2020 (paragraph 6.31), which suggests £247,100 per hectare as a reasonable benchmark land value for agricultural land in the Borough. This appears low compared with the opinion of Adams Integra, our own experience on scheme-specific viability studies and other Councils' advice.



- 7.8 Based on experience of other projects (details of which can be made available), and bearing in mind the approach adopted by Thanet in 2012 and other Councils more recently, we consider a reasonable benchmark land value to be £352,000/hectare, being 16x agricultural value.
- 7.9 We have therefore adopted a benchmark land value of £2,077,000 (rounded)
- 7.10 Dixon Searle commented in some detail on ULL’s assessment of the benchmark land value. ULL assessed the Existing Use Value to be 22,000 per hectare, equating to £131,000. DSP has not disputed this figure. There is a difference of opinion as regards the landowner premium to be applied. DSP considers the multiplier should be 11.23x (£247,000 / £22,000/ha)
- 7.11 National Planning Guidance states with regard to the landowner premium, under the heading *Viability and Decision Making – How should the premium for the landowner be defined for viability assessment:*

“Market evidence can include benchmark land values from other viability assessments.”
- 7.12 ULL’s evidence, presented in accordance with the National Planning Guidance, is as follows:
- 7.13 Viability assessment of strategic development of 2,500 homes, Swale BC – 20 x agricultural land value (2019). Submitted by ULL and uncontested.
- 7.14 Viability assessment of a scheme of 28 houses in Guildford BC – 18.5 x agricultural land value (assessed on behalf of the Local Authority by BNP Paribas) (2020).
- 7.15 Viability assessment in relation to 16 homes in East Cambridgeshire DC – 15.7 x agricultural land value (assessed on behalf of the Local Authority by Bespoke Property Consultants) (2022).
- 7.16 Council-wide viability assessment for Canterbury City Council (May 2022) identified EUV + £350,000/ha for agricultural benchmark land value. Canterbury is adjacent to Thanet.
- 7.17 Council-wide viability assessment for Dover Council (May 2022) identified EUV + £400,000/ha for agricultural benchmark land value. Dover is adjacent to Thanet.
- 7.18 We note that DSP carried out the Borough-wide viability study for Thanet District Council in 2017; this document suggests agricultural benchmark land values at £250,000/ha. We would expect DSP’s review of the viability at Canterbury Road West to be consistent with the Borough-wide viability advice, albeit 6 years previously.
- 7.19 On the basis that the Existing Use Value is agreed at £22,000/ha, we have compared the foregoing evidence as shown in the following table:

Viability report	Agreed EUV at CRW/Ha	Equivalent BLV/Ha at CRW	Total BLV Equivalent at CRW
Canterbury Borough-Wide (2022)	£22,000	£372,000	£2,194,800
Dover Borough Wide (2022)	£22,000	£422,000	£2,489,800
Thanet Borough Wide (2017)	£22,000	£250,000	£1,475,000
Guildford site-specific (2020)	£22,000	£407,000	£2,401,300
East Cambs site specific (2022)	£22,000	£345,400	£2,037,860
Average BLV/ha		£359,280	£2,119,752

- 7.20 Indeed, if we exclude the Thanet-wide assessment carried out by DSP, the average equivalent land value is £2,280,940, demonstrating that DSP’s position appears as an outlier in the local context.



7.21 Following this further analysis we therefore maintain that ULL's Benchmark Land Value figure of £2,077,000 represents a reasonable, possibly conservative assessment in relation to the subject site.



8. Summary of the Appraisal

8.1 For ease of reference we provide here a summary of the Argus appraisals relating to this project, demonstrating the viability position:

Appraisal Summary	
Costs	
Construction Costs	£30,379,000
Professional Fees	£1,215,000
Disposal Fees	£1,141,000
S106	£2,428,000
Acquisition Costs	£1,000
Total finance costs	£1,533,000
Profit	£7,493,000
Total Costs	£44,190,000
Revenue	
Private Residential Sales	£39,817,000
Affordable Rent	£1,975,000
Intermediate housing	£224,000
First Homes	£2,241,000
Total Revenue	£44,257,000
Residual Land Value	£67,000
Benchmark Land Value	£2,077,000
Surplus/ (Deficit)	(£2,010,000)

8.2 The fact that the [Net Residual Land Value](#) is negative indicates the project is unable to sustain the Section 106 contributions sought by the local planning authority.



9. Summary and Conclusions

- 9.1 In compiling the appraisals, we have applied the site-specific construction costs and property values relating to the proposed development, alongside market assumptions concerning other development costs such as finance and profit. This is in line with the principles of a financial viability assessment of this nature.
- 9.2 Accounting for the inputs explained above, the Argus appraisal for the proposed development calculates a residual land value for the proposed development of **£67,000**. A summary of the Argus Developer appraisal is included in Appendix 1.
- 9.3 The benchmark land value of the existing property has been demonstrated to be £2,077,000 (as per Section 7 of this report). Having completed the viability appraisal, we conclude that the net residual is **-£2,010,000** (negative).
- 9.4 We conclude that the proposed scheme does not support the financial contributions being sought by the LPA under the Section 106 regime, in addition to other anticipated costs associated with the development including affordable housing. [However we understand the developer is prepared to undertake the development on this basis, being a social business focused on providing housing.](#)
- 9.5 The Council's policy makes clear that contributions are subject to viability testing, and this report has been compiled in compliance with this policy, National Planning Policy Framework and RICS Guidance.
- 9.6 Should the Council require further information from ULL to consider the above, we would be happy to provide it, and our contact details can be found at the end of this report.



Appendix 1 – Argus Developer Appraisal

Canterbury Road West - July '22 appraisal Updated July '23
Confidential - Not a Valuation

Development Appraisal
ULL Property
July 18, 2023

APPRAISAL SUMMARY

ULL PROPERTY

Canterbury Road West - July '22 appraisal Updated July '23
Confidential - Not a Valuation

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft	Sales Rate ft ²	Unit Price	Gross Sales
Private houses	110	107,531	370.28	361,970	39,816,666
First Homes 2 bed houses	10	8,504	263.53	224,105	2,241,054
Affordable Rent	20	16,237	121.61	98,731	1,974,624
Intermediate	1	1,056	212.12	224,000	224,000
Totals	141	133,328			44,256,344

NET REALISATION

44,256,344

OUTLAY

ACQUISITION COSTS

Residualised Price		65,577		65,577
Agent Fee	1.00%	656		
Legal Fee	0.50%	328		
				984

CONSTRUCTION COSTS

Construction	ft	Build Rate ft ²	Cost
Construction Costs	138,181	219.85	30,379,000
S106: Community Learning & Skills			2,847
S106: Youth Service			11,355
S106: Libraries			9,613
S106: Adult Social Care			25,474
S106: Waste:			9,443
S106: Primary Education			1,111,988
S106: Secondary Education			1,093,527
S106: CCG			152,907
S106: NR Ticket Machine Shelters			11,066
			32,807,220

PROFESSIONAL FEES

Professional Fees	4.00%	1,215,160		1,215,160
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MARKETING & LETTING

Marketing	1.00%	420,577		420,577
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DISPOSAL FEES

Sales Agent Fee - Private Resi		1.50%	630,866
Sales Legal Fee - Private Resi	120 un	750.00 /un	90,000

APPRAISAL SUMMARY

ULL PROPERTY

Canterbury Road West - July '22 appraisal Updated July '23
Confidential - Not a Valuation

720,866

TOTAL COSTS BEFORE FINANCE

35,230,384

FINANCE

Timescale	Duration Commences	
Purchase	1	Feb 2022
Pre-Construction	3	Mar 2022
Construction	24	Jun 2022
Sale	18	Jun 2023
Total Duration	34	

Debit Rate 7.50%, Credit Rate 0.00% (Nominal)

Land	12,118	
Construction	1,450,107	
Other	71,135	
Total Finance Cost		1,533,361

TOTAL COSTS

36,763,745

PROFIT

7,492,599

Performance Measures

Profit on GDV% 16.93%

CASH FLOW REVENUE AND COST SUMMARY

ULL PROPERTY

Canterbury Road West - July '22 appraisal Updated July '23
Confidential - Not a Valuation

Heading	%	Total	At Date	To Date
Phase1				
Sale - First Homes 2 bed houses		2,241,054	Jun 2023	Jun 2023
Sale - Affordable Rent		1,974,624	Jun 2023	Nov 2024
Sale - Intermediate		224,000	Jun 2023	Nov 2024
Sale - Private houses		39,816,666	Jun 2023	Nov 2024
Sales Agent Fee - Private Resi	1.50%	(630,866)	Jun 2023	Nov 2024
Sales Legal Fee - Private Resi	0.00%	(90,000)	Jun 2023	Nov 2024
Residualised Price		(65,577)	Feb 2022	Feb 2022
Agent Fee	1.00%	(656)	Feb 2022	Feb 2022
Legal Fee	0.50%	(328)	Feb 2022	Feb 2022
Con. - Construction Costs		(30,379,000)	Jun 2022	May 2024
S106: Community Learning & Skills		(2,847)	Jun 2022	Jun 2023
S106: Youth Service		(11,355)	Jun 2022	Jun 2023
S106: Libraries		(9,613)	Jun 2022	Jun 2023
S106: Adult Social Care		(25,474)	Jun 2022	Jun 2023
S106: Waste:		(9,443)	Jun 2022	Jun 2023
S106: Primary Education		(1,111,988)	Jun 2022	Jun 2023
S106: Secondary Education		(1,093,527)	Jun 2022	Jun 2023
S106: CCG		(152,907)	Jun 2022	Jun 2022
S106: NR Ticket Machine Shelters		(11,066)	Jun 2022	Jun 2022
Professional Fees	4.00%	(1,215,160)	Jun 2022	May 2024
Marketing	1.00%	(420,577)	Jun 2023	Nov 2024

CASH FLOW REVENUE AND COST SUMMARY

ULL PROPERTY

Canterbury Road West - July '22 appraisal Updated July '23
Confidential - Not a Valuation

Distribution

Single

Monthly

Monthly

Monthly

Related: Sale - Private houses to First Homes 2 bed houses

Related: 750.00/un to Selected Total Units of 120

Single

Related: Residualised Price

Related: Residualised Price

S-Curve

Annual

Annual

Annual

Annual

Annual

Annual

Annual

Single

Single

Related: : Curve Related from Con. - Construction Costs to Other Construction Costs

Related: Sale - Private houses to First Homes 2 bed houses

TIMESCALE AND PHASING CHART **ULL PROPERTY**

Canterbury Road West - July '22 appraisal Updated July '23
Confidential - Not a Valuation

Project Timescale	
Project Start Date	Feb 2022
Project End Date	Nov 2024
Project Duration (Inc Exit Peric	34 months

Phase 1

	Start Date	Duration	End Date	Feb 22	Feb 23	Feb 24
Project	Feb 2022	34	Nov 2024	[Gantt bar from Feb 22 to Nov 24]		
Purchase	Feb 2022	1 Month(s)	Feb 2022	[Gantt bar from Feb 22 to Feb 22]		
Pre-Construction	Mar 2022	3 Month(s)	May 2022	[Gantt bar from Mar 22 to May 22]		
Construction	Jun 2022	24	May 2024	[Gantt bar from Jun 22 to May 24]		
Post Development	Jun 2024	0 Month(s)		[Gantt bar from Jun 24 to Jun 24]		
Letting	Jun 2024	0 Month(s)		[Gantt bar from Jun 24 to Jun 24]		
Income Flow	Jun 2024	0 Month(s)		[Gantt bar from Jun 24 to Jun 24]		
Sale	Jun 2023	18	Nov 2024	[Gantt bar from Jun 23 to Nov 24]		
Cash Activity	Feb 2022	34	Nov 2024	[Gantt bar from Feb 22 to Nov 24]		
				1	13	25

SENSITIVITY ANALYSIS REPORT

ULL PROPERTY

Canterbury Road West - July '22 appraisal Updated July '23
Confidential - Not a Valuation

Table of Land Cost and Land Cost

Construction: Rate /ft ²					
Sales: Rate /ft ²	-10.000%	-5.000%	0.000%	+5.000%	+10.000%
	197.86 /ft ²	208.86 /ft ²	219.85 /ft ²	230.84 /ft ²	241.83 /ft ²
-10.000%	(£202,206)	£1,258,354	£2,731,949	£4,223,699	£5,727,311
333.25 /ft ²	(£202,206)	£1,258,354	£2,731,949	£4,223,699	£5,727,311
-5.000%	(£1,573,704)	(£162,070)	£1,300,114	£2,773,581	£4,264,980
351.77 /ft ²	(£1,573,704)	(£162,070)	£1,300,114	£2,773,581	£4,264,980
0.000%	(£2,945,202)	(£1,533,568)	(£121,934)	£1,341,874	£2,815,212
370.28 /ft ²	(£2,945,202)	(£1,533,568)	(£121,934)	£1,341,874	£2,815,212
+5.000%	(£4,316,699)	(£2,905,065)	(£1,493,431)	(£81,797)	£1,383,634
388.79 /ft ²	(£4,316,699)	(£2,905,065)	(£1,493,431)	(£81,797)	£1,383,634
+10.000%	(£5,688,197)	(£4,276,563)	(£2,864,929)	(£1,453,295)	(£41,661)
407.31 /ft ²	(£5,688,197)	(£4,276,563)	(£2,864,929)	(£1,453,295)	(£41,661)

Sensitivity Analysis : Assumptions for Calculation

Construction: Rate /ft²

Original Values are varied by Steps of 5.000%.

Heading	Phase	Rate	No. of Steps
Construction Costs	1	£219.85	2.00 Up & Down

Sales: Rate /ft²

Original Values are varied by Steps of 5.000%.

Heading	Phase	Rate	No. of Steps
Private houses	1	£370.28	2.00 Up & Down



ULL Property

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475 Godstone Road
Whyteleafe
CR3 0BL

info@ullproperty.com



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For: Thanet District Council
Review of Updated Scheme Viability

Land S of Canterbury Road West
Ramsgate
Kent
CT12 5DU
September 2023
(DSP22442AJ (F1))

Contents

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1. Notes and Limitations

- 1.1.1. The following does not provide formal valuation advice. This review and its findings are intended purely for the purposes of providing Thanet District Council (TDC) with an independent check of, and opinion on, the planning applicant's viability information and stated position in this case. In the preparation of this review Dixon Searle Partnership has acted with objectivity, impartiality, without interference and with reference to appropriate available sources of information.
- 1.1.2. This document has been prepared for this specific reason and should not be used for any other purpose without the prior written authority of Dixon Searle Partnership (DSP); we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned. To the extent that the document is based on information supplied by others, Dixon Searle Partnership accepts no liability for any loss or damage suffered by the client.
- 1.1.3. We have undertaken this as a desk-top exercise as is appropriate for this stage and level of review. For general familiarisation we have considered the site context from the information supplied by the Council and using available web-based material.
- 1.1.4. the information supplied to DSP to inform and support this review process has been stated by the applicant's agent to be private and confidential. Potentially some of the information provided may be regarded as commercially sensitive. Therefore, we suggest that the Council and prospective / current or subsequent planning applicant may wish to consider this aspect together. DSP confirms that we are content for our review information, as contained within this report, to be used as may be considered appropriate by the Council (we assume with the applicant's agreement if necessary). In looking at 'Accountability', since July 2018 (para. 021 revised in May 2019), the published national Planning Practice Guidance (PPG) on viability says on this; '*Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances.*'
- 1.1.5. Dixon Searle Partnership conducts its work only for Local Authorities and selected other public organisations. We do not act on behalf of any development interests. We have been and are involved in the review of other planning stage proposals within the Thanet area as well as strategic level/planning policy projects.



- 1.1.6. In any event we can confirm that no conflict of interests exists, nor is likely to arise given our approach and client base. This is kept under review. Our fees are all quoted in advance and agreed with clients on a fixed or capped basis, with no element whatsoever of incentive/performance related payment.

2. Introduction

- 2.1.1 Dixon Searle Partnership (DSP) was commissioned by Thanet District Council (TDC) to carry out an independent review of the 'Financial Viability Assessment Report' (FVAR) supplied to the Council on behalf of the applicant, Monson Homes Limited, by ULL Property (ULL) and dated July 2022 in relation to a planning application, reference F/TH/21/1671 for 'Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure' at Land South of Canterbury Road West, Ramsgate, CT12 5DU.
- 2.1.2 The submitted appraisal at the time included 30% affordable housing (as required by TDC policy) as well as S106 contributions, and concluded that based on a deficit indicated by the submitted appraisal, whilst, in financial viability terms, the scheme could support the affordable housing requirement, it could not support the required S106 contributions.
- 2.1.3 TDC has since confirmed that the S106 contributions are mandatory, therefore the applicant and their agents have updated their appraisal to test the level of affordable housing that, in their view, can be supported after allowing for the required S106 contributions.
- 2.1.4 This review is based on the updated viability assessment report (UVAR) dated July 2023 and provided by U.L.L. Property (ULL) on behalf of the applicant, Monson Homes Limited (MHL).
- 2.1.5 This report should be read in conjunction with our previous review of viability, dated March 2023 (reference DSP22442AJ).
- 2.1.6 The UVAR appraisal includes a reduced affordable housing provision, with 31 affordable homes (reduced from the previously submitted 42) and with an updated tenure mix to include 10 x First Homes as required by national policy.
- 2.1.7 In presenting their viability position, the applicant has supplied to the Council the aforementioned 'Financial Viability Assessment Report' (UVAR) together with an appendix including printed summaries of the UVAR financial appraisal and sensitivity testing. We have not been provided with an electronic version of the updated viability appraisal therefore we have updated our previous Argus Developer appraisal using the UVAR assumptions and will use this to test alternative assumptions.

2.1.8 We have considered the assumptions individually listed within the UVAR and provided our commentary based on those. This report does not consider planning policy or the wider aspects in the background to or associated with the Council's consideration of this scenario. DSP's focus is on the submitted residential viability assumptions and therefore the outcomes (scope to generate land value) associated with that aspect of the overall proposals.

2.1.9 For general background, a viable development may be regarded as one which has the ability to meet its costs including the cost of planning obligations, while ensuring an appropriate site value (i.e. existing use value) for the landowner and a market risk adjusted return to the developer in delivering that project. The Government's Planning Practice Guidance (PPG) on Viability sets out the main principles for carrying out a viability assessment. It states:

'Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return...Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making...In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission¹ .

2.1.10 Under normal circumstances, if the residual land value (RLV) created by a scheme proposal exceeds the existing use value plus a premium (referred to as a benchmark land value (BLV) in this case) then we usually have a positive viability scenario – i.e. the scheme is much more likely to proceed (on the basis that a reasonable developer profit margin is also reached).

¹ Paragraph: 10 Reference ID: 10-010-20180724

- 2.1.11 The submitted development appraisal has been run in a way which takes account of the benchmark land value (BLV) of the site and assesses the level of additional residual potentially available in excess of that after allowing for a fixed developer's profit. Therefore, an approach has been taken that sets out to consider, in the applicant's view, the maximum supportable contribution for affordable housing.
- 2.1.12 The UVAR states that the proposed scheme with 22% affordable produces a negative residual land value of -£67,000 after allowing for a fixed developer's profit of 17.5% on GDV for market housing and 6% GDV for affordable housing², and when compared to the assumed benchmark land value of £2,077,000 produces a deficit of -£2,010,000. The FVAR concludes that *'the proposed scheme does not support the financial contributions being sought [...] in addition to other anticipated costs associated with the development including affordable housing. However we understand the developer is prepared to undertake the development on this basis, being a social business focused on providing housing.'*
- 2.1.13 Taking into account the stated deficit, the presented position therefore is that the applicant is willing to proceed with provision of 22% affordable housing and the required S106 contributions, on the basis of a profit of £5,482,599 or 12.39% GDV (blended).
- 2.1.14 DSP's remit is to review the submitted information to assess whether the stated viability scope available to support planning obligations (for affordable housing and/or other matters) is the most that can reasonably be expected at the time of the assessment. Our brief does not go as far as confirming what should be the outcome where schemes are stated or verified as being non-viable per se, based on a viability submission or any subsequent review. It is for the applicant to decide whether there is sufficient justification to pursue a scheme, financially. While an absence of (or insufficient level of) planning obligations will be a material consideration, we are not aware that proof of positive viability is in itself a criterion for acceptable development under current national policy. The Council may wish to consider these matters further, however.
- 2.1.15 Accordingly, Thanet District Council requires our opinion as to whether the viability figures and position put forward by the applicant are reasonable. We have therefore considered

² The assumed profit on First Homes has not been stated, but these appear to be considered as market housing in terms of the profit assumptions applied here, resulting in an overall blended profit of 16.93% GDV.

the information submitted. Following our review of the key assumptions areas, this report provides our views.

- 2.1.16 We have based our review on the submitted UVAR and the premise that the viability of the scheme should be considered based on the assumption of current costs and values. We then discuss any variation in terms of any deficit (or surplus) created from that base position by altering appraisal assumptions (where there is disagreement if any) utilising in this case the supplied appraisal basis as a starting point.
- 2.1.17 This assessment has been carried out by Dixon Searle Partnership, a consultancy which has many years' combined experience in the development industry working for Local Authorities, developers, Housing Associations and in consultancy. As consultants, we have a considerable track record of assessing the viability of schemes and the scope for Local Authority planning obligation requirements. This expertise includes viability-related work carried out for many Local Authorities nationwide over the last 20 years or so.
- 2.1.18 The purpose of this report is to provide our overview comments with regard to this individual scheme, on behalf of TDC - taking into account the details as presented. It will then be for the Council to consider this information in the context of the wider planning objectives in accordance with its policy positions and strategies.
- 2.1.19 In carrying out this type of review a key theme for us is to identify whether, in our opinion, any key revenue assumptions have been under-assessed (e.g. sales value estimates) or any key cost estimates (e.g. build costs, fees, etc.) over-assessed – since both of these effects can reduce the stated viability outcome.

3. Review of Submitted Viability Assumptions

3.1 Overview of Approach

- 3.1.1 The following commentary reviews the applicant's submitted viability assumptions as explained within the FVAR.
- 3.1.2 Primarily the review process takes into account the fact that the collective impact of the various elements of the cost and value assumptions is of greatest importance, rather than necessarily the individual detailed inputs in isolation. We have considered those figures provided, as below, and reviewed the impact of trial changes to particular submitted assumptions.
- 3.1.3 This type of audit / check is carried out so that we can give the Council a feel for whether or not the presented outcome is approximately as expected – i.e. informed by a reasonable set of assumptions and appraisal approach. In this particular case, we understand this is in the context of the proposals at appeal stage no longer including affordable housing that had previously been incorporated; so with viability now amongst the appeal scope aspects. As far as we can see from the FVAR submission, the change in position is not explained beyond the provided viability figures.
- 3.1.4 Should there be changes to the scheme proposals relative to the details now under review, this would obviously impact on the appraisal outputs.

3.2 Benchmark Land Value

- 3.2.1 Benchmark Land Value (BLV) is discussed in detail in our previous report. The PPG is clear that the only acceptable approach to defining a benchmark land value for the purposes of a viability assessment, is the EUV+; or, exceptionally, AUV.
- 3.2.2 In this case, the submitted BLV is stated to be based on the EUV+ of the site, which is currently an agricultural field. The EUV is agreed to be £22,000 however there is a difference of opinion between DSP and ULL regarding the appropriate level of premium to apply. In our view, a BLV of £250,000 including premium is suitable, representing over 1000% premium.
- 3.2.3 ULL disagree and refer to the PPG commentary that *'Market evidence can include benchmark land values from other viability assessments'*. ULL quote various BLVs which

have been proposed and ‘not contested’ and take an average of these, noting that this is higher than DSP’s suggested BLV. We do not give great weight to this approach because it appears somewhat circular; if the currently proposed BLV were to be accepted then there would be one more example of a higher BLV and the average would increase and could then be used to justify a higher BLV and so on. Each site specific viability assessment has its own context, and an overview is taken; it is not possible, without looking at each individual case, to see what the context was or the reason that the BLV has not been challenged (for example a BLV might not be contested because the residual value of a scheme is negative therefore the BLV does not make any difference to the viability outcome).

3.2.4 The site is stated to extend to a gross site area of 5.9ha (14.58 acres). The submitted BLV is £2,077,000 (15.8 times the stated EUV). A suitable premium is difficult to pinpoint in such cases, however as per our previous report we consider £247,000 per hectare mentioned here to represent a reasonable minimum BLV (therefore £1,457,300). We will consider the BLV further in the context of the residual value generated by our updated appraisal and taking into account the overall set of appraisal assumptions.

3.3 Acquisition Costs

3.3.1 Acquisition costs of 1.5% have been included, applied to the residualised value. These consist of 1% agents’ fees and 0.5% legal fees and are typical assumptions. We have applied the same in our appraisal.

3.4 Gross Development Value

3.4.1 The submitted GDV (for a scheme including 22% affordable housing) is as follows:

Type	Number of units	%	Ave unit size (ft2)	Total floor area	£/ft ² Value	Unit price	GDV
Private houses	110	78%	978	107,531	£ 370	£ 361,970	£ 39,816,666
Affordable Rent	20	14%	812	16,237	£ 122	£ 98,731	£ 1,974,624
Intermediate	1	1%	1,056	1,056	£ 212	£ 224,000	£ 224,000
First Homes 2 bed hses	10	7%	850	8,504	£ 264	£ 224,105	£ 2,241,054
Total	141			133,328			£ 44,256,344

3.4.2 In comparison to the previous scheme iteration, the net floor area has slightly reduced (by 128 ft²). The UVAR appraisal assumes the same gross floor area. The average market

housing unit size has reduced from 979 ft² to 978 ft², and the average AH unit has reduced in size from 869 ft² to 832 ft².

GDV – market housing

- 3.4.3 Our previous review agreed that an average £370/ft² for market housing was a suitable assumption as at March 2023.
- 3.4.4 The UVAR provides additional analysis of three schemes Baker Field, Ramsgate (with sales noted from 2021), Foreland Heights, Ramsgate (sales in 2020) and 3 x sales in Mannock Drive, Manston (2021). ULL have adopted the previously agreed figure of £370/ft² average for market housing, noting that the Nationwide House Price Index indicates a reduction in house prices of 3.67% since the original viability research was carried out in 2022.
- 3.4.5 We have carried out our own updated review of the available evidence and agree that £370/ft² remains a suitable assumption. The most recent House Price Index data from Land Registry indicates that average house prices have remained roughly the same in Thanet – see Appendix 1. A small increase is shown overall, however there is a 2 to 3 month lag in Land Registry data on property sales and house prices generally have been falling in the South East.
- 3.4.6 We have also reviewed asking prices using the Rightmove website. The results are attached as Appendix 2 and again suggest that £370/ft² average is a reasonable assumption for new build properties on the proposed site at the present time. The datasets in Appendix 2 also include resale properties and we note that modern, recently built second hand properties in good condition are typically being advertised at between £300 and 350/ft² which again indicates that the submitted £370/ft² (average) for new build properties is not underestimated.
- 3.4.7 We have not adjusted the submitted market values within our appraisal.

GDV – affordable housing

- 3.4.8 Values for Affordable Rented homes were previously assumed at £145/ft², and DSP tested a higher assumption of £152.61/ft². Intermediate (shared ownership) values were agreed at £270/ft².

Thanet District Council

3.4.9 The UVAR provides additional evidence regarding rents and maintenance/management deductions, resulting in a lower assumption of £122/ft² average for Affordable Rented homes. This is partly due to an increased yield assumption (from 4.5% to 5%) which is within the range seen currently however appears potentially high alongside the assumptions on maintenance/repairs shown below. . Updated assumptions for Affordable Rent are as follows (DSP table based on submitted assumptions/commentary. Thanet LHA rates shown for reference/comparison).

LHA		Weekly rent/unit (net of service charge)	Annual Rent/unit	Number of Units	Total Annual Rent	Per unit			Total		
						Management/maintenance	Major repairs	Voids/bad debts	Management/maintenance	Major repairs	Voids/bad debts
109.32	1 bed apt	£ 99.40	£ 5,169	8	£ 41,350.40	819	1152	1.70%	6552	9216	£ 702.96
149.59	2 bed house	£ 144.59	£ 7,519	7	£ 52,630.76	819	1152	1.70%	5733	8064	£ 894.72
184.11	3 bed house	£ 179.11	£ 9,314	5	£ 46,568.60	819	1152	1.70%	4095	5760	£ 791.67
£ 140,549.76									£ 16,380.0	£ 23,040.0	£ 2,389.3
									11.7%	16.4%	1.7%
									29.7%		

3.4.10 As percentage amounts the management/maintenance allowances are higher than typically seen, although this is as a percentage of a fairly low rent. Overall however the transfer values for the Affordable Rented homes appear low.

3.4.11 There is only one Intermediate (shared ownership) unit included in the updated appraisal, valued at £212/ft² based on the following assumptions (again including a higher yield assumption):

Extract from UVAR

Shared Ownership									
Unit type	Av Sq Ft	Average Market value	Share sold	Rent on unsold equity	Annual Rent	Net yield	Price per unit	No. of units	Total price
2 bed house	1,056	£320,000	40%	2.50%	£4,800	5.00%	£224,000	1	£224,000
								1	£224,000

3.4.12 First Homes have been valued at 70% of the average market value, as per the requirement for a 30% discount.

3.4.13 We consider the assumed transfer values for shared ownership and First Homes to be suitable. The Affordable Rented values appear low and to fully stress-test the viability we have considered higher values of £140/ft² for the Affordable Rented properties.

3.5 Ground Rents

3.5.1 Additional potential income from ground rents has not been included in the UVAR appraisal. The Leasehold reform (Ground rent) Bill came into force on 30 June 2022. It restricts ground rents on the grant of new leases to a peppercorn. On this basis, we consider that it is acceptable not to include a capital contribution from ground rents within the appraisal.

3.6 Cost Assumptions - Construction Costs & Fees – Private Residential

3.6.1 The originally submitted build costs were based on a cost estimate from Baily Garner dated July 2022 which was uplifted to allow for inflation. The resultant cost was assessed by MWA quantity surveyors on behalf of TDC who considered the costs to be appropriate as at March 2023. The same cost plan and costs have been referred to by ULL in the updated assessment – although we note that the housing mix appears to have changed and the floor area has reduced slightly.

3.6.2 In our previous review we noted that both Baily Garner and MWA had included an allowance for ‘inflation during the works’ which it is not appropriate to include for the

purposes of viability testing. We removed this allowance, and ULL have also removed this allowance in their updated costings.

3.6.3 ULL have updated the July 2022 cost plan figures by 3.77% to allow for inflation (using the BCIS all-in Tender Price Index). Following a similar approach we have relied upon MWA's conclusion as at March 2023 and have updated the costs using the same BCIS All-in TPI which indicates an increase of 0.77% since the point of our previous review.

3.6.4 Our previous review considered the overall allowance for fees to be excessive, and ULL have applied our suggested allowances within their latest appraisal. We have applied the same, adding a 4% fees allowance within our appraisal to the £1.5 million design/professional fees already included within our assumed build cost.

3.6.5 Therefore, we have assumed a build cost of £31,529,068 plus an additional £1.215 million in fees.

3.7 Development Timings/Project Timescales

3.7.1 The development timings applied in the submitted appraisal include a 3-month lead-in and a 24-month construction period with sales revenue spread over a period of 18 months, beginning 12 months into construction. These were previously agreed to be suitable, and we have not adjusted them in our appraisal.

3.8 CIL / Planning Obligations

3.8.1 Thanet District Council does not charge a Community Infrastructure Levy (CIL) on new development. The UVAR has applied updated allowances for S106 items within the submitted appraisal. The changes to assumptions are summarized below, and result in an overall reduction in S106 costs of £35,228.

Previous S106 assumptions		Updated		Difference
S106: Community Learning & Youth Service	£ 2,381	S106: Community Learning & Youth Service	£ 2,847	£466
S106: Libraries	£ 8,040	S106: Libraries	£ 9,613	£1,573
S106: Adult Social Care	£ 21,298	S106: Adult Social Care	£ 25,474	£4,176
S106: Waste:	£ 7,898	S106: Waste:	£ 9,443	£1,545
S106: Primary Education	£ 931,600	S106: Primary Education	£ 1,111,988	£180,388
S106: Secondary Education	£ 916,134	S106: Secondary Education	£ 1,093,527	£177,393
S106: Special Education	£ 144,099			-£144,099
S106: CCG	£ 128,088	S106: CCG	£ 152,907	£24,819
-		NR Ticket Machine Shelters	£ 11,066	£11,066
Indexation	£ 294,412	-		-£294,412
	£ 2,463,448		£ 2,428,220	-£35,228

3.8.2 It has been stated that the Council is seeking the above amounts (which include indexation). The Council will need to confirm or otherwise, the level of planning obligations required. It should be noted that any change in the chargeable sum(s) assumed would have an impact on the overall viability of the scheme as viewed through the appraisal - a reduction in the CIL/s106 cost assumptions would improve the presented viability outcome and an increase would pull it downwards (looking at the effect of these assumptions only). In all such reviews, we assume that all requirements that are necessary to make a development proposal acceptable in respect of sustainability or other usual criteria will have to be included.

3.9 Development Finance

3.9.1 Finance costs were previously included using a 6.5% interest rate assumption. This has been increased to a 7.5% interest rate, which we consider to be not unreasonable given the changes in the market (and Bank of England base rate) since March 2023. We are regularly seeing rates of 7.0% to 8.0% applied at the current time and the assumption falls in the middle of that range.

3.10 Agent's, Marketing and legal costs

3.10.1 The development appraisal accompanying the FVAR assumes sales and marketing costs of 2.5% total. Legal costs of £750 per market unit have also been assumed. These costs were previously agreed, and the only change is that they have now been applied to First Homes which we consider to be a suitable approach; although part of the affordable housing provision these are likely to be sold by the developer, not by/to a housing association and are a market-facing product.

3.11 Developer's Risk Reward – Profit

3.11.1 In this case, the level of profit has been included as a fixed input at 17.5% of gross development value (GDV) on market housing. Profit on affordable housing has been assumed at 6%; both as previously agreed. The profit assumption for First Homes has not been specified in the updated report, however it appears to have been applied at 17.5%. We agree that First Homes should have a higher profit assumption than typical affordable housing, however we do not consider it appropriate to apply the full market housing level of profit for this product. We have applied an assumption of 12% GDV to the First Homes in our appraisal.

4. Findings Summary

4.1.1 The overall approach taken within the submitted UVAR to assessing the viability of the proposed development is considered appropriate in terms of general principles.

4.1.2 Similarly, the majority of the updated assumptions are considered suitable for the review purpose and circumstances. The following outlines the changes from the previous position and highlights any areas of disagreement/difference of opinion or where we have tested alternative assumptions.

- Benchmark Land Value (BLV) (see 3.2): There is not agreement on this, with ULL proposing a BLV of £2,077,000 which we consider excessive. However we acknowledge that a suitable BLV will be at least £1,457,300. We will consider the BLV in the context of the residual value generated by our updated appraisal.
- Housing mix: The updated appraisal has reduced the proportion of affordable housing from 30% to 22% and has included 10 x First Homes as required by national policy (and with a 30% discount from market sale value assumed).
- The assumed size of some of the units and therefore the overall floor area has reduced slightly although this makes a relatively small difference to viability outcomes.
- Values have been maintained as agreed at March 2023 which we consider to be a not unreasonable assumption given the current market.
- We have tested a higher value for Affordable Rented units, increased from the UVAR appraisal value of £122/ft² to £140/ft².
- We have adjusted our previous assumptions on build costs and fees using the BCIS All-in Tender Price Index (which indicates an increase of only 0.77% since our previous review.
- We have applied updated S106 costs as provided by ULL, which results in a net decrease in S106 costs of £35,228.

- We have increased the interest rate assumption to 7.5% (as proposed by ULL and which we consider to be not unreasonable at the present time).
- We have reduced the profit assumption on First Homes to 12% GDV (resulting in an overall profit assumption in our appraisal of £7,394,520 which equates to 16.6% (blended) on GDV or 19.9% (blended) on cost.

4.1.3 We have run an appraisal, making the above adjustments, which includes 31 units of affordable housing (22% AH) and allows for all stated S106 contributions plus a 17.5% profit on market housing, a 6% profit on affordable housing and 12% profit on First Homes.

4.1.4 Our appraisal (a summary of which is attached as Appendix 3) indicates a residual value for the scheme of £372,408.

4.1.5 This falls below our suggested minimum BLV for the site of £1,457,300. Against this lower BLV the appraisal indicates a deficit of -£1,084,892, and therefore an 'actual' adjusted profit of £6,283,868 which equates to 14.8% on market housing, 12% on First Homes and 6% on affordable housing. This indicates that the scheme as presented (with 22% affordable housing and the required S106 contributions) is proceedable, but at a sub-optimal level of profit, with market housing at just under 15% to 20% range suggested in the PPG.

4.1.6 If a higher BLV (as proposed by ULL) is considered the viability position is worsened.

4.1.7 Overall we consider that the scheme viability has been robustly tested and we agree with ULL/the applicant that if all the S106 contributions below are included, the proposed 22% affordable housing represents a reasonable offer in the circumstances.

4.1.8 To be clear, the proposed affordable housing is 31 units out of a total 141, with the following tenure mix:

- 20 units of Affordable Rent: 16,237 ft² total
- 1 unit of intermediate tenure (Shared Ownership): 1,056 ft²
- 10 First Homes: 2-bed houses, 8504 ft² total

4.1.9 The proposed S106 contributions are as follows:

Updated S106 assumptions	
S106: Community Learning & Skills	£ 2,847
S106: Youth Service	£ 11,355
S106: Libraries	£ 9,613
S106: Adult Social Care	£ 25,474
S106: Waste:	£ 9,443
S106: Primary Education	£ 1,111,988
S106: Secondary Education	£ 1,093,527
S106: CCG	£ 152,907
NR Ticket Machine Shelters	£ 11,066
-	
	£ 2,428,220

4.1.10 Timed as this is during an ongoing period of market difficulty and uncertainty, therefore with the possibility of an improvement in the medium to long term, the Council may wish to consider whether a review mechanism would be appropriate, to ensure that any improvement in the relationship between values and costs can be captured by the Council at an appropriate point during the development.

4.1.11 We need to be clear that our review is based on current day costs and values assumptions as described within our review based on the current scheme(s) as submitted. A different scheme may of course be more or less viable – we are only able to review the information provided.

4.1.12 Of course, no viability report or assessment can accurately reflect costs and values until a scheme is built and sold – this is the nature of the viability process and the reason for local authorities needing to also consider later stage review mechanisms when significant developments fall short of policy provision. In this sense, the applicant and their agents are in a similar position to us in estimating positions at this stage – it is not an exact science by any means, and we find that opinions can vary.

4.1.13 DSP will be happy to advise further if/as required by TDC.

**Review report ends
September 2023**

Land off Canterbury Road West (Phase 2), Cliffsend - *Shadow* Habitat Regulations Assessment (HRA) Appropriate Assessment

Monson Homes Ltd


February 2023

Ecus Ltd

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Summary

Ecus Limited (Ecus) was commissioned by Monson Homes Ltd to deliver a *shadow* Habitats Regulations Assessment (HRA) for a land parcel (Phase 2) off Canterbury Road West, Cliffsend, Kent, centred at National Grid Reference: TR 34426 64820.

A search for ‘Habitats Sites’ within 10 km (extended to 20 km for bats) of the proposed development Site identified five Sites, namely: Sandwich Bay Special Area of Conservation (SAC), Thanet Coast SAC, Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Thanet Coast and Sandwich Bay Ramsar site.

This report is a record of the Screening Stage (Stage 1) and Appropriate Assessment Stage (Stage 2) of a *shadow* HRA.

Stage 1 identifies if the proposed development will have any Likely Significant Effects (LSE) on the interest features of any of the above Habitat Sites.

The HRA Screening illustrates that, without the implementation of mitigation to reduce the disturbance by recreational use, all the above Habitat Sites could incur LSE from the proposed development.

Stage 2 of HRA, ‘Appropriate Assessment’ is included here to discuss and determine the appropriate mitigation to reduce to an acceptable level, the recreational disturbance on these protected sites.

Appropriate Assessment Summary

The interest features of the Sandwich Bay SAC are all outside of the Thanet District Council (TDC) area. Whilst several ongoing pressures and threats are identified for the Site’s interest features, the exposure of the interest features to the effects of the TDC Local Plan is likely to be limited (certainly in comparison with the Dover District Council (DDC) Local Plan). Furthermore, the TDC Local Plan has limited scope to prevent or moderate local effects on the important sand dune features of the SAC, except through general policies designed to encourage recreation close to allocation sites (e.g. SP24 (Green Infrastructure)). However, the development includes measures that are likely to help moderate effects on this Site, as far as the Local Plan can and so no adverse effects would be expected alone or in combination.

In addition, a proposal being considered by the Government this year (2023), is the introduction of a new building code which will ensure that all new housing developments will have to include EV-ready charging stations. The Local Government Support Programme helps local authorities decarbonise transport, improve air quality and increase electric vehicle adoption. The programme is fully funded by the Department for Transport and available to all local authorities across England. The development could include charging points which would reduce Nitrogen oxides (NOx) emissions, further reducing pressures on the SAC.

The wide-scale and regional nature of recreational pressures means that the possibility of associated

significant effects cannot be completely excluded, based on either the available data for the European sites, Site specific surveys, or through the use of allocation-specific avoidance or mitigation measures (e.g. greenspace provision). In the Local Plan, TDC has therefore included policy commitments to the Thanet Coast Strategic Access Management and Monitoring Plan (SAMM). The SAMM will include measures that have been successfully employed for other European sites. This plan-level mitigation measure is therefore considered to be both achievable and likely to be effective and so can be relied on to ensure that proposals coming forward under the Local Plan either avoid affecting the designated sites entirely (no significant effect) or will not adversely affect site integrity where potential effect pathways remain.

1. Introduction

1.1 Background

- 1.1.1 Ecus Limited (Ecus) was commissioned by Monson Homes Ltd to deliver a *shadow* Habitat Regulations Assessment (HRA) for a housing development with associated landscaping and access road.
- 1.1.2 The proposed works are known as Phase 2 (Phase 1 currently being built) and are located on land off Canterbury Road West, Cliffsend, Kent and centred at National Grid Reference: TR 34426 64820, hereafter referred to as the Site.
- 1.1.3 This report is a *shadow* HRA aimed at providing the competent authority, Thanet District Council, with an independent specialist assessment which the authority can adopt as the basis of its assessment conclusions, if it considers appropriate to do so.

1.2 Project Description

- 1.2.1 The Proposed Development consists of new housing comprising 141 residential dwellings: 133 houses and 8 flats, with associated landscaping and access roads.
- 1.2.2 The Proposed Development currently has an assumed 24-month construction programme from approx. Sept 2023 - Sept 2025, with all properties occupied by approx. March 2026. This is however currently only a draft programme.

1.3 Site Description

- 1.3.1 The Site is a section of a single arable field situated within a wider rural landscape and the Cliffsend residential area immediately to the east. A 1 m wide field margin comprising a mix of tall ruderal and scattered scrub vegetation was present along the eastern boundary of the Site. The town of Ramsgate is situated 2 km east of the Site, which houses approximately 40,408 people (2011 census).

1.4 Natural England Comments

- 1.4.1 Natural England were contacted about the above development on the 02 November 2022 which was received by Natural England on the same date. The client received two letters from the organisation. The letter received on the 17 November 2022 (NE ref: 412425) determined that based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes, (Appendix 3).

2. Habitats Regulations Assessment Process

2.1 Need for HRA

2.1.1 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) defines the procedure for the assessment of the implications of plans or projects on Habitat Sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Under these Regulations, if a proposed development is unconnected with site management and is likely to significantly affect a Habitat Site, the statutory regulator (the ‘Competent Authority’) of the proposed development must undertake an ‘appropriate assessment’ (Regulation 63(1)).

2.1.2 Changes to The Conservation of Habitats and Species Regulations 2017 (as amended) have been implemented by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The key changes are the creation of a ‘National Site Network’ (NSN) (which no longer forms part of the EU Natura 2000 network) and the establishment of management objectives for the NSN. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,
- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

2.1.3 Although Ramsar sites are not part of the NSN, they are subject to the same protections as SACs and SPAs. Collectively NASN and Ramsar sites are referred to as Habitats Sites.

2.1.4 A search for Habitats Sites within 10 km was considered appropriate for the scale and nature of the proposed development. In addition, a 20 km Zone of Influence (Zol) was searched to identify any SACs that are designated for barbastelle bats *Barbastellus barbastelle*, as this species will forage up to 20 km from its roost sites (Mammal Society, 2022).

2.1.5 The Habitat Site search did not identify any SACs designated for barbastelle bats within the 20 km Zol.

2.1.6 The Habitat Site search identified the following sites within 10 km, therefore HRA is required:

- Sandwich Bay SAC
- Thanet Coast SAC
- Thanet Coast and Sandwich Bay SPA
- Thanet Coast and Sandwich Bay Ramsar site

2.2 Method

2.2.1 UK Government Guidance on the use of Habitats Regulations Assessment (2019) identifies a staged process to the assessment of the effects of plans or projects on these protected sites. These stages are collectively referred to as the HRA.

2.2.2 There are four stages to the HRA process, as follows:

- Stage 1 – Screening. This process identifies the Likely Significant Effects (LSE) upon the Habitat Sites, either alone or in-combination with other projects or plans. This stage considers whether these impacts are likely to be significant and determines whether or not an Appropriate Assessment is needed.
- Stage 2 – Appropriate Assessment. The consideration of the effect on the integrity of the Habitat Sites, either alone or in-combination with other projects or plans, with respect to the site's structure and function and its conservation objectives.
- Stage 3 – Consideration of Suitable Alternative Solutions. This process examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Habitat Site. Alternatives that avoid adverse effects should be considered as early as possible and in reality, the second and third stages should be considered in unison.
- Stage 4 - Imperative Reasons of Overriding Public Interest (IROPI) and provision of compensation. An assessment of compensatory measures is required where, in the light of no alternative solutions and an assessment IROPI, it is deemed that the project or plan should proceed.

2.2.3 If it is concluded at the screening stage that there will be no LSE, there is no need to carry out subsequent stages of the HRA.

2.3 Approach to Screening for LSE

2.3.1 Sections 3 - 6 of this report are a record of the Screening stage (Stage 1), which comprises the identification of LSE on the interest features of any Habitat Site.

2.3.2 An LSE is any effect that may be reasonably predicted because of a project that may affect the conservation objectives of the features of the protected site but excluding trivial or inconsequential effects.

2.3.3 In accordance with the European Court of Justice Ruling on the 'People over Wind and Sweetman' case in 2018, mitigation at the Screening stage cannot be considered. Therefore, where LSEs are anticipated in the absence of mitigation, an Appropriate Assessment will be required. There is no requirement to consult with the Statutory Nature Conservation Body (SNCB) as part of the LSE assessment.

2.3.4 In relation to coastal Habitat Sites, a specific Zone of Influence (Zol) of 6 km was applied to Thanet Coast SAC, Sandwich Bay SAC and Thanet Coast and Sandwich Bay SPA and Ramsar site, which covers the entirety of the Thanet District. This Zol of influence was informed by studies undertaken as part of the Strategic Access Management and Monitoring Plan (SAMM, 2022) in respect of the Thanet section of the Thanet Coast and Sandwich Bay SPA²⁶. Given the time which has elapsed since the original visitor survey in 2011, it is recommended that further surveys are conducted to confirm whether the 6 km Zol remains valid. It is understood that a 6 km Zol was previously applied in the HRA of the Thanet Local Plan 27 (ref July 2020) and was considered satisfactory by Thanet District Council and by the relevant consultees.

2.3.5 A precautionary approach is applied when undertaking HRAs and a plan/project cannot proceed unless it is ascertained that there will be no adverse effect on the integrity of a Habitats Site, which is considered at the Appropriate Assessment stage (Stage 2).

2.3.6 Stage 2 Appropriate Assessment follows on from the Stage 1 Screening in Section 8 of this report.

2.4 In-combination effects

2.4.1 The planning portal for Thanet District Council was searched for projects within the 10 km Zol that may have an individual effect on the local environment. In-combination effects are only likely to occur with developments that through their nature and scale and location, have a reasonable likelihood of presenting a contributory effect.

2.4.2 No such planning applications were identified and therefore there is currently no pathway for in-combination effects to occur.

3. Sandwich Bay SAC

3.1 Introduction

- 3.1.1 This Section of the report identifies whether there are any LSE on the Sandwich Bay SAC. The SAC covers 1136.699 hectares (Ha) and is located at its nearest point at NGR TR354604, 1.8 km southeast of the proposed development site.
- 3.1.2 Sandwich Bay SAC is a largely inactive dune system with a particularly extensive representation of fixed dune grassland, the only large area of this habitat in the south-east of England. The vegetation of these dunes and their associated slacks is extremely species rich. The site includes several rare and scarce species, such as fragrant evening-primrose *Oenothera stricta*, bedstraw broomrape *Orobanche caryophyllacea* and sand catchfly *Silene conica*, as well as the UK's largest population of lizard orchid *Himantoglossum hircinum*.

3.2 Reason for designation

- 3.2.1 The SAC is designated for the presence of the following qualifying features:
- H2110 Embryonic shifting dunes
 - H2120 Shifting dunes along the shoreline with *Ammophila arenaria* ('White dunes')
 - H2130 Fixed dunes with herbaceous vegetation ('Grey dunes')
 - H2170 Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*)
 - H2190 Humid dune slacks

3.3 Conservation Objectives

- 3.3.1 Ensure that the integrity of the Site is maintained or restored as appropriate, and ensure that the Site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:
- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
 - The structure and function (including typical species) of qualifying natural habitats;
 - The structure and function of the habitats of qualifying species; and,
 - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely.

3.4 Threats and Pressures

- 3.4.1 The Site Improvement Plan north-east Kent (Thanet) (SIP240) identifies the following threats and pressures to the SAC:

- Changes in species distribution
- Invasive species
- Public access/distribution
- Hydrological changes
- Water Pollution
- Air Pollution
- Fisheries: commercial and marine and estuarine

3.5 Consideration of Likely Significant Effects (alone)

3.5.1 Table 1 below details the Likely Significant Effects of the project on the Sandwich Bay SAC.

Table 1: Likely Significant Effects on Sandwich Bay SAC

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
Embryonic shifting dunes	The Embryonic shifting dunes at Sandwich Bay are representative of this habitat type in south-east England. The seaward edge of the north of this site displays a good sequence of embryonic shifting dune communities and there is a clear zonation within the dune habitat, with strandline species on the seaward edge and sand-binding grasses inland. Lyme-grass <i>Leymus arenarius</i> is extremely sparse and sand couch <i>Elytrigia juncea</i> is the dominant sand-binding species.	Proposed works will be located on Site, 1.8 km from the boundary of the SAC. As such, direct impacts to this feature can be screened out. Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out. The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.	Y
H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("White	The small areas of dunes with <i>Salix repens</i> ssp. <i>Argentea</i> found at Sandwich Bay is of interest as it is the only example found in the dry south-east of England and is representative	Proposed works will be located on Site, 1.8 km from the boundary of the SAC. As such, direct impacts to this feature can be screened out.	Y

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
dunes")	of this habitat type in a near-continental climate.	<p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	
H2130 Fixed coastal dunes with herbaceous vegetation ('Grey dunes')	Sandwich Bay is a largely inactive dune system with a particularly extensive representation of fixed dune grassland, the only large area of this habitat in the extreme south-east of England. The vegetation is extremely species-rich and the site has been selected because it includes a number of rare and scarce species, such as fragrant evening-primrose <i>Oenothera stricta</i> , bedstraw broomrape <i>Orobanche caryophyllacea</i> and sand catchfly <i>Silene conica</i> , as well as UK's largest population of lizard orchid, <i>Himantoglossum hircinum</i> .	<p>Proposed works will be located on Site, 1.8 km from the boundary of the SAC. As such, direct impacts to this feature can be screened out.</p> <p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	Y
H2170 Dunes with <i>Salix repens</i> spp.	Annex 1 habitats present as a qualifying feature, but not a primary	Proposed works will be located on Site, 1.8 km from the boundary of the SAC. As	Y

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
<i>Argentea (Salicion arenariae)</i>	reason for selection of this site.	<p>such, direct impacts to this feature can be screened out.</p> <p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	

3.6 Conclusion

- 3.6.1 There will be no direct LSE in the form of pollution to the SAC from this proposed development.
- 3.6.2 The development is expected to increase recreational activity to the SAC, therefore recreational disturbance resulting from the development cannot be screened out at this stage. The development **could have an LSE** on the above SAC and further assessment is required.

4. Thanet Coast SAC

4.1 Introduction

4.1.1 This Section of the report identifies whether there are any LSE for the Thanet Coast SAC. The SAC covers 2815.95 ha and is located at its nearest point at NGR TR348711, approximately 6 km northeast of the Site.

4.2 Reason for designation

4.2.1 The SAC is designated for the presence of the following qualifying features:

- 1170 Reefs
- 8330 Submerged or partially submerged sea caves

4.3 Conservation Objectives

4.3.1 The conservation objectives are to ensure that the integrity of the Site is maintained or restored as appropriate and ensure that the Site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

1. Reefs

Subject to natural change maintain the reefs in favourable condition, in particular:

- Intertidal chalk cliff algal and lichen communities
- Intertidal red algal turf communities
- Kelp dominated communities on animal bored rock
- Subtidal animal bored chalk communities

2. Submerged or partially submerged sea caves

Subject to natural change, maintain the submerged or partially submerged sea caves in favourable condition, in particular:

- Intertidal chalk cliff algal and lichen communities

4.4 Threats and Pressures

4.4.1 The Thanet Coast Site Improvement Plan (Natural England, 2015b) identifies the following threats and pressures to the SAC:

- Changes in species distribution
- Invasive species
- Public access/distribution
- Hydrological changes
- Water Pollution
- Air Pollution

- Fisheries: commercial and marine and estuarine

4.5 Consideration of Likely Significant Effects (alone)

4.5.1 Table 2 below details the Likely Significant Effects of the project on the Thanet Coast SAC.

Table 2: Likely Significant Effects on Thanet Coast SAC

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
1170 Reefs	<p>Thanet Coast in the extreme south-east of England has been selected on account of the unusual communities that are found on this, the longest continuous stretch of coastal chalk in the UK. It represents approximately 20% of the UK resource of this type and 12% of the EU resource. This site contains an example of reefs on soft chalk along the shore. Thanet has sublittoral chalk platforms that extend into the littoral and form chalk cliffs. The sublittoral chalk reefs within the site are comparatively impoverished, owing to the harsh environmental conditions in the extreme southern area of the North Sea, but they are an unusual feature because of the scarcity of hard substrates in the area. Infralittoral kelp forests are characteristically absent, owing to the high turbidity of the water. The subtidal chalk platforms extend offshore in a series of steps dissected by gullies. Species present include an unusually rich littoral algal flora, essentially of chalk-boring algae, which may extend above high water mark into the splash zone in wave-exposed areas. Thanet remains the sole known location for some algal species.</p>	<p>Proposed works will be located on Site, 6 km from the boundary of the SAC. As such, direct impacts to this feature can be screened out.</p> <p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	Y

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
8330 Submerged or partially submerged sea caves	Thanet Coast provides the second most extensive representation of chalk caves in the UK on the extreme south-east coast of England. The site is bordered by about 23 km of chalk cliffs with many caves and stack and arch formations. Partially submerged caves around Thanet vary considerably in depth, height and aspect and hence in the algal communities present. Some caves extend for up to 30 m into the cliffs and reach 6-10 m in height, although many are much smaller. They support very specialised algal and lichen communities containing species such as <i>Pseudendoclonium submarinum</i> and <i>Lyngbya</i> spp., some of which were first described from Thanet and have never been recorded elsewhere.	<p>Proposed works will be located on Site, 6 km from the boundary of the SAC. As such, direct impacts to this feature can be screened out.</p> <p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	Y

4.6 Conclusion

- 4.6.1 There will be no direct LSE in the form of pollution to the SAC from this proposed development.
- 4.6.2 The development is expected to increase recreational activity upon the SAC, therefore recreational disturbance because of the development cannot be screened out at this stage. The development **could have an LSE** on the above SAC and further assessment is required.

5. Thanet Coast and Sandwich Bay SPA

5.1 Introduction

- 5.1.1 This Section of the report identifies whether there are any LSE for the Thanet Coast and Sandwich Bay SPA located 1.8 km southeast of the Site. Thanet Coast and Sandwich Bay Special Protection Area (SPA) is 18.8 km² site located at the north eastern tip of Kent in southern England. The Site stretches from Swalecliffe to Deal. The site starts at Long Rock, Swalecliffe and barring small stretches (Hampton to the end of Neptunes arm at Herne Bay, Viking Bay and Ramsgate Main sands to the end of Ramsgate harbour) spans the entirety of the coastline in a narrow band. The site expands to incorporate the whole of Pegwell Bay and the River Stour up to the industrial estate at Sandwich. An additional a section in the Lydden valley is also included.
- 5.1.2 A large proportion of the SPA is intertidal consisting of large areas of intertidal mud and sand flats at Pegwell, Minnis and Sandwich Bay, with shingle and rocky shores, saltmarsh habitats, lagoons and intertidal shingle habitats (Natural England, 2015).
- 5.1.3 Terrestrial habitats within the SPA, close to Sandwich Bay consist of improved and unimproved grassland, with some arable land, all important habitats for golden plover (*Pluvialis apricaria*) to roost and feed.
- 5.1.4 The intertidal reef, together with the mudflats and sandflats which characterise the remainder of the coastline in northeast Kent, provide valuable feeding grounds and roosting areas at low water for wintering waders, including turnstone (*Arenaria interpres*). In summer, shingle provides an important breeding habitat for little tern (*Sterna albifrons*).

5.2 Reason for designation

- 5.2.1 The SPA is designated for the presence of three key bird species which are the following qualifying features:

A140 *Pluvialis apricaria*; European golden plover (Non-breeding)

- 5.2.2 In summer they inhabit upland moorlands in the S Uplands and Highlands of Scotland, the Western and Northern Isles, the Peak District, N Yorkshire, Wales and Devon. In winter they move to lowland fields, forming large flocks, often in the company of lapwings.
- 5.2.3 The species are generally present between September and May although some individuals may be present all year round.
- 5.2.4 Golden Plover also overwinters within and around the SPA on inland grassland and intertidal areas near the coast.

A169 *Arenaria interpres*; Ruddy turnstone (Non-breeding)

5.2.5 Turnstones can be found around the UK coastline. Likes rocky shores as well as sandy and muddy ones. Particularly likes feeding on rocks covered with seaweed and will feed along seawalls and jetties.

5.2.6 Turnstones are present for most of the year. Birds from Northern Europe pass through in July and August and again in spring. Canadian and Greenland birds arrives in August and September and remain until April and May. Non-breeding birds may stay through the summer.

A195 *Sterna albifrons*; Little tern (Breeding)

5.2.7 Little tern are a strictly coastal species found around the UK coastline at suitable breeding beaches. The largest colonies are found along the east and south coasts of Scotland and England at sites which include Blakeney Point and Great Yarmouth in Norfolk, Minsmere in Suffolk and Langstone Harbour, Hampshire.

5.2.8 Little tern are a summer visitor to Europe, arriving in April and May. Their return migration starts in August and continues into September.

5.2.9 Its vulnerable nesting sites and its decline in Europe make it an Amber List species. It is also listed as a Schedule 1 species in The Wildlife and Countryside Act.

5.3 Conservation Objectives

5.3.1 This SPA is a part of the northeast Kent European Marine Site (EMS). These Conservation Objectives should be used in conjunction with the Conservation Advice document for the EMS. Natural England’s formal Conservation Advice for European Marine Sites can be found via the Government website at GOV.UK.

5.3.2 The conservation objectives are to ensure that the integrity of the Site is maintained or restored as appropriate and ensure that the Site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features, and;
- The distribution of the qualifying features within the site.

5.4 Threats and Pressures

5.4.1 The Thanet Coast Site Improvement Plan (Natural England, 2015b) identifies the following threats and pressures to the SPA:

-
- Changes in species distribution
 - Invasive species
 - Public access/distribution
 - Hydrological changes
 - Water Pollution
 - Air Pollution
 - Fisheries: commercial and marine and estuarine

5.5 Winter Bird surveys

- 5.5.1 Ecus Ltd was commissioned by Monson Homes Ltd in November 2021 -2023 (ongoing) to undertake a Wintering Bird Survey (WBS) at the proposed development Site.
- 5.5.2 Terrestrial habitats within the SPA, close to Sandwich Bay consist of improved and unimproved grassland, with some arable land, all important habitat for golden plover to roost and feed. Natural England requested further information to determine the significance of potential impacts and the scope for mitigation (see Appendix 3). The following information was requested:
- Further consideration as to whether the proposed development site is likely to support the qualifying features of the Thanet Coast and Sandwich Bay SPA and is therefore Functionally Linked Land (FLL).
 - Consideration of potential FLL as part of a Habitats Regulations Assessment.
- 5.5.3 The WBS survey were led by an experienced Ecus Ornithologist over seven visits between November 2021 and March 2022. Surveys were carried out in suitable weather conditions. The survey methodology broadly followed the British Trust for Ornithology (BTO) Winter Farmland Bird Survey methodology (Gillings *et al.* 2008).
- 5.5.4 A total of 25 bird species were recorded during the WBS. Of these, no species protected under the Wildlife and Countryside Act 1981 (as amended) Schedule 1 were recorded. Five species listed under the Birds of Conservation Concern 5 (BoCC5) Red list and eight Amber listed species were recorded on Site across the seven survey visits. All five of the Red listed bird species are also species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.
- 5.5.5 The majority of Red and Amber listed species recorded were present at the Site in low numbers only. The Site is therefore considered to be of importance to these species at the site level only during winter and loss of habitats for these species is of importance at the site level.
- 5.5.6 No golden plover were recorded on Site or nearby during the WBS of 2021-2022 and as such the Site is considered to not be FLL to the SPA.

5.6 Consideration of Likely Significant Effects (alone)

5.6.1 Table 3 below details the Likely Significant Effects of the project on the Thanet Coast and Sandwich Bay SPA.

Table 3: Likely Significant Effects on the SPA

Threats and Pressures	Potential Effect	LSE? Y/N
A140 <i>Pluvialis apricaria</i> ; European golden plover (Non-breeding)		
Changes in species distribution	<p>The development is located 1.8 km from the SPA. The wintering bird surveys (conducted by ECUS) found low numbers of birds were using the field which will be developed. It was concluded that the Site does not provide functionally linked land to the SPA.</p> <p>It is concluded no LSE is expected on the above species in terms of changes in species distribution as a direct result of the development.</p>	N
Invasive species	The development will potentially introduce domestic pets to the area in the form of dogs and cats, however due to the low numbers of birds recorded on the Site, it is not anticipated that this development will have LSE on the SPA in terms of invasive species.	N
Public access/distribution	<p>The Site is located 1.8 km from the protected area, disturbance during and post construction in the form of light/noise or vibrations pollution has been screened out as having a LSE on the SPA.</p> <p>Natural England's Site Improvement Plan reports that there has been a decline in overwintering Turnstone, noting that anthropogenic disturbance is a probable cause for some of the decline in numbers. It notes the features of the SPA affected by public access / disturbance as the three bird species – Golden Plover, Turnstone and Little Tern.</p> <p>A 2016 study surveyed areas around the SPA. Inland areas around Sandwich Bay were found to have Golden Plover present with some areas holding some of the largest numbers of wintering birds. Public rights of way pass close to some of these areas. Surveyors noted that the disturbance was most frequent in areas close to residential development or vehicle parking.</p> <p>The 2020 visitor survey provided detailed information on visitors, their behaviour and awareness of nature which has been important in developing the Strategic Access Mitigation and Monitoring Strategy (SAMM) approach. A high proportion of visitors are frequent visitors with 47.2% visiting once a week or more often. Dog walking was the most popular main activity and 73.8% of groups indicating this was their main reason for visiting. 86.4% of those visiting once a week or more had a dog with them and 88% of all dogs were off the lead.</p> <p>There could potentially be a LSE with this pressure.</p>	Y

Threats and Pressures	Potential Effect	LSE? Y/N
Hydrological changes	The development is located 1.8 km from the SPA, no Hydrological changes are to occur to the SPA during the construction and post development stages	N
Water Pollution	The development is located 1.8 km from the SPA, no sewage or surface runoff will enter the SPA from the development during and post construction as there is no hydrologic connection between the Site and the SPA.	N
Air Pollution	The development is located 1.8 km from the SPA, it is also limited in size compared to neighbouring developments, therefore it is not anticipated that this development will have LSE on the SPA due to size and locality.	N
Fisheries: commercial and marine and estuarine	The development will not impact the marine and estuarine in terms of fishing as it is solely based in the terrestrial environment.	N
A169 <i>Arenaria interpres</i>; Ruddy turnstone (Non-breeding)		
Changes in species distribution	<p>The development is located 2 km from the SPA. The wintering bird surveys (conducted by ECUS) found low numbers of birds were using the field which will be developed. It was concluded that the Site does not provide functionally linked land to the SPA.</p> <p>It is concluded no LSE is expected on the above species in terms of changes in species distribution as a direct result of the development.</p>	N
Invasive species	The development will potentially introduce domestic pets to the area in the form of dogs and cats, however due to the low numbers of birds recorded on the Site, it is not anticipated that this development will have LSE on the SPA in terms of invasive species.	N
Public access/distribution	<p>The Site is located 2 km from the protected area, disturbance during and post construction in the form of light/noise or vibrations pollution has been screened out as having a LSE on the SPA.</p> <p>Natural England's Site Improvement Plan reports that there has been a decline in overwintering Turnstone, noting that anthropogenic disturbance is a probable cause for some of the decline in numbers. It notes the features of the SPA affected by public access / disturbance as the three bird species – Golden Plover, Turnstone and Little Tern.</p> <p>A 2016 study surveyed areas around the SPA. Inland areas around Sandwich Bay were found to have Golden Plover present with some areas holding some of the largest numbers of wintering birds. Public rights of way pass close to some of these areas. Surveyors noted that the disturbance was most frequent in areas close to residential development or vehicle parking.</p> <p>The 2020 visitor survey provided detailed information on visitors, their behaviour and awareness of nature which has been important in developing the Strategic Access Mitigation and Monitoring Strategy (SAMM) approach. A high proportion of visitors are frequent visitors with 47.2% visiting once a week or more often. Dog walking was the most popular main activity and 73.8% of groups</p>	Y

Threats and Pressures	Potential Effect	LSE? Y/N
	<p>indicating this was their main reason for visiting. 86.4% of those visiting once a week or more had a dog with them and 88% of all dogs were off the lead.</p> <p>There could potentially be a LSE with this pressure.</p>	
Hydrological changes	The development is located 2 km from the SPA, no sewage or surface runoff will enter the SPA from the development during and post construction as there is no hydrologic connection between the Site and the SPA.	N
Water Pollution	The development is located 2 km from the SPA, no sewage or surface runoff will enter the SPA from the development during the construction and post development stages.	N
Air Pollution	The development is located 2 km from the SPA, it is also limited in size compared to neighbouring developments, therefore it is not anticipated that this development will have LSE on the SPA due to size and locality.	N
Fisheries: commercial and marine and estuarine	The development will not impact the marine and estuarine in terms of fishing as it is a housing development.	N
A195 <i>Sterna albifrons</i>; Little tern (Breeding)		
Changes in species distribution	<p>The development is located 2 km from the SPA. The wintering bird surveys (conducted by ECUS) found low numbers of birds were using the field which will be developed. It was concluded that the Site does not provide functionally linked land to the SPA.</p> <p>It is concluded no LSE is expected on the above species in terms of changes in species distribution as a direct result of the development.</p>	N
Invasive species	The development will potentially introduce domestic pets to the area in the form of dogs and cats, however due to the low numbers of birds recorded on the Site, it is not anticipated that this development will have LSE on the SPA in terms of invasive species.	N
Public access/distribution	<p>The Site is located 2 km from the protected area, disturbance during and post construction in the form of light/noise or vibrations pollution has been screened out as having a LSE on the SPA.</p> <p>Natural England's Site Improvement Plan reports that there has been a decline in overwintering Turnstone, noting that anthropogenic disturbance is a probable cause for some of the decline in numbers. It notes the features of the SPA affected by public access / disturbance as the three bird species – Golden Plover, Turnstone and Little Tern.</p> <p>A 2016 study surveyed areas around the SPA. Inland areas around Sandwich Bay were found to have Golden Plover present with some areas holding some of the largest numbers of wintering birds. Public rights of way pass close to some of these areas. Surveyors noted that the disturbance was most frequent in areas close to residential development or vehicle parking.</p> <p>The 2020 visitor survey provided detailed information on visitors, their behaviour and awareness of nature which</p>	Y

Threats and Pressures	Potential Effect	LSE? Y/N
	<p>has been important in developing the Strategic Access Mitigation and Monitoring Strategy (SAMM) approach. A high proportion of visitors are frequent visitors with 47.2% visiting once a week or more often. Dog walking was the most popular main activity and 73.8% of groups indicating this was their main reason for visiting. 86.4% of those visiting once a week or more had a dog with them and 88% of all dogs were off the lead.</p> <p>The development is small in size in comparison to neighbour towns, however a slight increase in visitors will be expected, therefore there could potentially be a LSE with this pressure.</p>	
Hydrological and Water changes	The development is located 1.8 km from the SPA, no sewage or surface runoff will enter the SPA from the development during and post construction as there is no hydrologic connection between the Site and the SPA.	N
Air Pollution	The development is located 1.8 km from the SPA, it is also limited in size compared to neighbouring developments, therefore it is not anticipated that this development will have LSE on the SPA due to size and locality.	N
Fisheries: commercial and marine and estuarine	The development will not impact the marine and estuarine in terms of fishing as it is a housing development.	N

5.7 Conclusion

- 5.7.1 The current WBS and ECUS data from 2021-2022 clearly shows the proposed development Site is not functionally linked land associated with the SPA.
- 5.7.2 As a result of this development, there is the potential for recreational activity in the form of rambling and dog walking to increase footfall to the SPA. This could have a direct effect on the species which are protected within the designated site. As a result, **LSE could not be ruled out** during screening. An appropriate assessment is therefore required to establish further detail on the above issues.

6. Thanet Coast and Sandwich Bay Ramsar Site

6.1.1 Thanet Coast and Sandwich Bay qualifies as a Ramsar site, a wetland of international importance, as it supports on average 1% of the ruddy turnstone population over winter (source: JNCC). The Ramsar Site covers 2,183 ha.

6.1.2 The Thanet Coast and Sandwich Bay Ramsar site includes a wide variety of coastal habitats including areas of chalk cliff, rocky shore, shingle, sand and mudflats, saltmarsh, and sand dunes. As well as its value for breeding and wintering birds, the site supports outstanding communities of terrestrial and marine plant species, a significant number of rare invertebrate species and is of geological importance. The site supports a large number of rare species of wetland invertebrates. A total of at least 15 Red Data Book species associated with wetlands have been recorded.

Table 3: Likely Significant Effects on Thanet Coast and Sandwich Bay Ramsar site

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
<p>Ramsar criterion 2: Supports 15 British Red Data Book wetland invertebrates</p>	<p>The following supporting habitats have been selected as proxy for the wetland invertebrates as impacts to the supporting habitats are likely to cause direct/indirect impacts to the invertebrates that live within or are dependent upon them.</p> <p><u>Supporting Habitat</u></p> <ul style="list-style-type: none"> • Coastal lagoon • Freshwater and Coastal • Grazing Marsh and other annuals colonising mud and sand • Atlantic salt meadows • Spartina swards • Intertidal rock • Intertidal biogenic reef • Intertidal mud Intertidal sand and muddy sand • Water column 	<p>The development is situated 1.8 km from the Ramsar site (coastline). There will not be any light, noise or vibration pollution during or post development between the Site and the Ramsar site. Due to the distance of the development from the Ramsar site, water quality will also not be affected.</p> <p>There will be an increase in recreational use at the Ramsar site due to the development, therefore a LSE on the habitats listed in this criterion cannot be screened out.</p>	<p>Y</p>

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
Ramsar criterion 6 – species/populations occurring at levels of international importance: Ruddy turnstone	<p>Turnstones can be found around the UK coastline. Likes rocky shores as well as sandy and muddy ones. Particularly likes feeding on rocks covered with seaweed and will feed along seawalls and jetties.</p> <p>Turnstones are present for most of the year. Birds from Northern Europe pass through in July and August and again in spring. Canadian and Greenland birds arrives in August and September and remain until April and May. Non-breeding birds may stay through the summer.</p>	<p>The development is situated 1.8 km from the Ramsar site (coastline). There will not be any light, noise or vibration pollution during or post development between the Site and the Ramsar site. Due to the distance of the development from the Ramsar site water quality will also not be affected.</p> <p>There will be an increase in recreational use to the Ramsar site, therefore a LSE on wintering birds in criterion 6 cannot be screened out.</p>	Y

6.2 Conclusion

- 6.2.1 The current WBS and ECUS data from 2021-2022 clearly shows the proposed development Site is not functionally linked land associated with the SPA/Ramsar site.
- 6.2.2 There is the potential for disturbance from recreational activities to Red Data Book wetland invertebrates and birds from the proposed development, therefore **LSE cannot be screened out** for indirect impacts on the qualifying features. An appropriate assessment is therefore required to establish further detail on the above issues.

7. Conclusion of Stage 1 Screening

- 7.1.1 Sections 3-6 of this report present the screening assessment for the Sandwich Bay SAC, Thanet Coast SAC, Thanet Coast and Sandwich Bay SPA and Thanet Coast and Sandwich Bay Ramsar site. A summary of the findings is presented in Table 4 below.
- 7.1.2 As raised in the Kent County Council Ecological Advice Service response (see **Appendix 4**), impacts arising from the risk of indirect recreational disturbance cannot be ruled out and therefore Appropriate Assessment is required.
- 7.1.3 Stage 2 Appropriate Assessment follows on from the Stage 1 Screening in Section 8 of this report.

Table 4: Summary of Screening Assessment

Habitat Site	LSE Yes/No
Sandwich Bay SAC	Yes
Thanet Coast SAC	
Thanet Coast and Sandwich Bay SPA	
Thanet Coast and Sandwich Bay Ramsar site	

8. Appropriate Assessment: Sandwich Bay and Thanet Coast SAC

8.1 Current Issues and Threats to Interest Features

- 8.1.1 Sandwich Bay SAC is designated for its sand dune habitats, which are sensitive to direct damage (trampling, erosion, etc.) and localised eutrophication (e.g. associated with dog faeces). Thanet Coast SAC is designated for its off shore reefs and submerged or partially submerged sea caves; these features are sensitive to localised eutrophication associated with air and water pollution from urbanisation and increase recreational use.
- 8.1.2 To some extent, the dune systems rely on disturbance to maintain the various successional vegetation stages and the early successional stages are essentially disturbance-generated vegetation communities. However, the later successional stages are more sensitive to localised erosion, which can result in otherwise stable dune habitats being re-mobilised. Kent Wildlife Trust, which manages parts of the SAC, has noted that with limited formal parking, cars are frequently parked on the dunes, damaging some of the valued habitats. This is not recorded in the SSSI condition assessment and this aspect is outside Thanet District Council's (TDC) direct control, as the dune habitats are all within the adjacent Dover District Council (DDC) area. The minimum critical load for nitrogen deposition is currently exceeded at the Site for all the air quality sensitive features (Dunes with creeping willow; White dunes; Grey dunes; Embryonic shifting dunes; offshore reefs).
- 8.1.3 The Local Plan does not include any proposals for developments that are likely to result in potentially significant new point-sources of emissions, therefore the main mechanism by which the Local Plan may influence the baseline air emissions locally, will be through changes in patterns of vehicle use associated with the development. It is important to note that there has been a significant decline in NOx emissions in recent years, partly due to increased efficiency standards for cars, including the increase in electric vehicle use and this decline is expected to continue.

8.2 Recreational Pressure and Urbanisation

Proposed / Incorporated Mitigation

- 8.2.1 The interest features of this SAC are all outside Thanet and so the extent to which the TDC Local plan can directly manage or mitigate current pressures through policy controls, etc. is limited. For example, parking on the dune habitats has been identified as one of the key pressures on the Site, but the TDC Local Plan cannot substantially influence this aspect through its planning controls. Therefore, no bespoke mitigation measures are identified within the TDC Local Plan for managing recreational pressure at this Site. The Local Plan does include several policies that will help minimise additional recreational pressure on designated sites, including the following:

- SP12 (General Housing Policy): Requires that, inter alia, proposed developments contribute to the SAMM and SP26, and assessment of the development site’s functional linkages with the SPA.
- SP24 (Green Infrastructure): Requires that developments make a positive contribution to Thanet’s green infrastructure through, inter alia, provision and management of new accessible open space for informal recreation/walking and dog walking.
- SP25 (Protection of the International and European Designated Sites): Reiterates the legal requirements of the Habitats Regulations.
- SP26 (Strategic Access Management and Monitoring Plan (SAMM)): Requires that all new residential development complies with the Strategic Access Management and Monitoring Plan (SAMM) to mitigate against the in-combination effects of new development, with other development considered on a case-by-case basis.
- SP27 (Biodiversity and Geodiversity Assets): Provides policy-level safeguards for land that may be functionally linked to the SPA.
- SP31 (Provision of Accessible Natural and Semi Natural Green Space, Parks, Gardens and Recreation Grounds): Requires provision of green space to help manage the demands for passive recreation generated by residential development.

8.3 Assessment of Effects

- 8.3.1 Public access to the dune systems is limited by the number of public footpaths and the presence of private golf clubs, which ensure that there are access restrictions. Natural England note that the SSSI units that are in unfavourable (recovering) condition within the SAC are affected primarily by management (Unit 22, associated with a golf course) and hydro-ecological changes that have degraded some fixed dunes (Unit 18). Recreational activities, particularly vehicles accessing the foreshore, are identified as a pressure in the SIP for the SAC, but specific locations are not identified by the SSSI condition assessments. The growth of Thanet urban area will increase visitor numbers to the Site, although it is likely that any increase will be relatively easy to manage, since the dune habitats are not ‘access land’ under the Countryside and Rights of Way Act 2000 and the effects will generally be local to the existing PRoWs and Permissive Paths; the absence of open access limits the exposure of the interest features to effects associated with visitor pressure.
- 8.3.2 Consequently, there are several factors that are likely to limit the exposure of the interest features to additional recreational pressure and significant effects are not likely. Regarding mitigation, the plan includes several policies that will help minimise additional recreational pressure, such as

SP23 (Green Infrastructure) and SP27 (Provision of Green Space). The installation of electrical charging points within the development to encourage electric car use is also proposed. The erection of information boards within the development and inclusion of a leaflet in the home welcome packages detailing the designated sites and pressures they face is also recommended. Arming residence with knowledge could aid the protection and sensitive use of the area. The effects of the development (on the SAC) given its size (new housing comprising 141 residential dwellings: 133 houses and 8 flats, with associated landscaping and access roads) are expected to be limited given the distance from the SAC and the size in comparison to the neighbouring village of Cliffsend and town of Ramsgate.

8.3.3 Following guidance in the Thanet Local Plan, the measures above are likely to help moderate effects on this SAC, as far as the Local Plan can and therefore no adverse effects would be expected alone or in combination.

8.4 Conclusion

8.4.1 The interest features of the Sandwich Bay SAC are all outside of the TDC area. Whilst several ongoing pressures and threats are identified for the Site interest features, the exposure of the interest features to the effects of the TDC plan is likely to be limited (certainly in comparison with the DDC Local Plan). Furthermore, the TDC Local Plan has limited scope to prevent or moderate local effects on the sand dune features, except through general policies designed to encourage recreation close to allocation sites (e.g. SP24 (Green Infrastructure)). However, the development includes measures that are likely to help moderate effects on this Site, as far as the Local Plan can and so no adverse effects would be expected alone or in combination.

8.4.2 A proposal being considered by the Government this year (2023), is the introduction of a new building code which will ensure that all new housing developments will have to include EV-ready charging stations. The Local Government Support Programme helps local authorities decarbonise transport, improve air quality and increase electric vehicle adoption. The programme is fully funded by the Department for Transport and available to all local authorities across England. The development could include charging points which would reduce NOx emissions, further reducing pressures on the SAC.

9. Appropriate Assessment: Thanet Coast and Sandwich Bay SPA / Thanet Coast and Sandwich Bay Ramsar

9.1 Current Issues and Threats to Interest Features

Bird Species - Turnstone

- 9.1.1 Investigations by the Kent Wildlife Trust have provided evidence that disturbance caused by recreational and commercial activities around the Thanet coastline may be having a detrimental effect on the populations of overwintering waders associated with the Thanet Coast and Sandwich Bay SPA, especially overwintering turnstone. The most notable disturbing activity, particularly in the northern section of Sandwich Bay SPA, is thought to be walking dogs off the lead (although other activities such as walking, bait digging and kite surfing may have local impacts). Studies have shown that turnstone are particularly vulnerable to disturbance from dogs, which interrupt their feeding behaviour so affecting their ability to gain sufficient body fat for overwintering or migration. Population increases associated with new housing provision in Thanet and its neighbouring districts will increase recreational pressure on the SPA as more people are likely to make use of the coastline for leisure and work. Most recreational activities are 'casual' and pursued opportunistically (e.g. walking, walking dogs, bike riding) rather than being structured (e.g. organised group activities or trips to specific discrete attractions). This can make it difficult to quantify the impacts of these activities on protected sites and ultimately makes it harder to control or manage them.
- 9.1.2 Turnstone population surveys undertaken in 2013 and 2014 by the Sandwich Bay Bird Observatory Trust (SBBOT) for NE recorded notable declines in turnstone numbers, compared to surveys undertaken between 2001 and 2010. This is reflected in Wetland Bird Survey (WeBS) sector count data. Although recreational disturbance has been cited as a potential factor in this decline, the studies of such disturbance on the Thanet Coast and Sandwich Bay SPA have not established a relationship between the observed disturbance levels and reduced productivity or increased mortality of the birds. However, that is not to say that potential increases in visitor pressure are not an issue that needs to be appropriately managed. With regard to the prediction of effects, it is not possible to accurately model the likely increase in the number of visits to the SPA / Ramsar site without substantial investigations into the current behaviour of residents in the Thanet area.
- 9.1.3 Natural England have suggested that, in the absence of mitigation, the quantum of growth facilitated by the Thanet Local Plan is likely to have a significant effect on the interest features of the SPA (notably turnstone) which could adversely affect the integrity of the designated site.

Bird Species - Golden Plover

9.1.4 Golden plover are less dependent on the coastal SPA habitats than turnstone. Several studies suggest that some areas of lowland farmland may be as important for this species as the habitats of the coastal and wetland SPAs, typically associated with wintering waders (e.g. Mason & MacDonald, 1999; Gillings, 2003) and perhaps even more so. Broadly, it appears that golden plover retain an association with wetland or coastal sites, typically remaining within a few kilometres of these (except where significant regional movements of flocks occur in response to (for example) weather conditions), but will often spend several tidal cycles (or more) foraging and roosting in farmland, both during the day and night. This behaviour is known to be under-recorded by the standard WeBS monitoring technique, with the result that increasing attention is being paid to the use of agricultural areas by overwintering golden plover. Indeed, the 2016 SPA Review (JNCC 2016) includes golden plover in a broad group of species that are known to be reliant on cropped habitats, which are under-represented in the SPA network. However, whilst there is evidence of regional site fidelity (i.e. birds associated with the Thanet Coast and Sandwich Bay SPA will predominantly use available habitats within a few kilometres of the site), the species use of farmland appears variable according to cropping patterns and rotations, with limited field fidelity from year to year (Mason & MacDonald 1999), except where favoured habitats are consistently or intentionally maintained.

9.1.5 There is evidence that certain crops may be favoured and larger fields are favoured over smaller ones, but distributions will often be variable from year to year. Gillings *et al.* (2007) found that flocks occupied only a fraction of the available fields in each area, concentrating mostly in large fields with open boundaries and where manure had been applied. The development could arguably affect golden plover through direct disturbance to birds using the SPA due to increased recreational pressure (as per turnstone), or by affecting associated functional habitat and favoured non-SPA areas, due to the allocations themselves (direct loss of functional habitat) or through increased recreational pressure associated with developments. It should be noted that the second and third SPA Reviews (Stroud *et al.* 2001 and Stroud *et al.* 2016 respectively) have both suggested that golden plover be removed as an interest feature from this SPA and it is understood that the recommendations of the third review is likely to be implemented soon.

Bird Species - Little Tern

9.1.6 The SPA is designated in part for its breeding little tern, which up until the 1990s had colonies on Shell Ness at the mouth of the Great Stour in Pegwell Bay and at Plum Pudding Island on the north coast of the Thanet peninsula, near Minnis Bay. Around 30 pairs regularly nested in Pegwell Bay at the time of designation (1992), although this had dropped from a peak of over 60 pairs in the mid-80s. This decline has continued in recent years such that the second SPA Review suggests that little tern might be removed as an interest feature and the SIP notes that “previous

attempts at habitat conservation and management to encourage this species to breed within the Site again have been unsuccessful. Kent Wildlife Trust (2012) note that “breeding little tern abandoned the site in the 1990s”. The reasons for the decline are uncertain, but disturbance has been suggested as a possible cause. However, the site appears to remain unused despite management measures to moderate this and surveys (e.g. for the Richborough grid connection project (National Grid, 2016)) have not recorded little tern breeding at Shell Ness. The Sandwich Bay Bird Observatory identifies them as ‘migrants’ rather than breeders in its sightings records. It is possible that wider population-scale changes have resulted in local declines, or there may have simply been a minor shift in Site conditions or preferences which has led to abandonment of the breeding locations. Although the conditions at former breeding colonies appear to remain suitable and habitat conservation and management measures have been employed to ensure this, population increases associated with new housing provision in Thanet and its neighbouring districts will increase recreational pressure on the SPA, as more people are likely to make use of the coastline for leisure and work. If this is not managed, then it is unlikely that favourable conditions for future re-colonisation of the Site by little tern will be achieved.

9.2 Recreational Pressure and Urbanisation

Proposed / Incorporated Mitigation

Disturbance effects on birds within the SPA

- 9.2.1 One of the most common approaches to mitigation for recreational impacts involves developer contributions (financial), usually linked to catchment areas and development size.
- 9.2.2 Most recreational activities with the potential to affect European sites are ‘casual’ and pursued opportunistically (e.g. walking, walking dogs, riding) rather than being structured (e.g. organised group activities or trips to specific discrete attractions). This means that it can be harder to quantify or predict either the uptake or the impacts of these activities on European sites and (ultimately) harder to control or manage. It also means it is difficult to explore in detail all of the potential aspects of visitor pressure at the strategic level. However, it is possible for plans and strategies to influence recreational use of European sites through the planning process, for example by increasing the amount of green-space required within or near developments if potentially vulnerable European sites are located nearby.
- 9.2.3 Typically, the distance within which 75% of visitors live is less than 6 – 7 km, although in practice this distance is as likely to reflect the local settlement and population distributions and journey times (which are not generally examined in detail), as much as the attractiveness of the European site. However, it is important to note that there is no standard method for defining the ‘zone of influence’ and a range of approaches have been adopted for different Sites. For example, in a study for Canterbury City Council, Fearnley *et al.* (2014) suggested several possible options for

a 'zone of influence' around the Thanet Coast SAC, on which mitigation proposals could be based; these ranged from 4.9 km (the distance within which 75% of all 'regular visitors' live) to 7.2 km (the distance within which 90% of all 'regular visitors' live), to 9.8 km (the distance within which 75% of all visitors live).

- 9.2.4 Most attempts to predict the significance of increased recreation on European sites generally aim to identify the distance within which a certain percentage of visits originate (i.e. taking account of frequency of visits as well as distance travelled); this is typically 75%. Analysis of the literature suggests that, for most European sites studied, this distance is usually around 5 – 7 km from the site boundary. However, the merits of this for Thanet are limited as all of the TDC area is within 6 km of the Thanet Coast and Sandwich Bay SPA and as the Thanet peninsula is only around 6 km from north to south and the main population centres are clustered around the coast, the majority of the population is within 2 km. The vast majority of visitors during winter will therefore originate from Thanet and all of the allocations will be within the typical travel distance for casual recreation.
- 9.2.5 It is possible that some allocations may have a disproportionate effect due to their proximity to the SPA / Ramsar site; the allocations that are within 0 – 2 km of the SPA may be of more concern, partly as many of these are within existing urban areas and so there will be limited space to provide alternative local recreational opportunities and partly as they are so close to the SPA that the Site will almost always be the first-choice location for casual recreation.

Management

- 9.2.6 Natural England has indicated to TDC that provision of a wardening scheme would provide a suitable approach to mitigation, **supported by funding** for access management measures such as rationalisation of access points and car park locations and the provision of interpretation. TDC has within its Local Plan a Strategic Access Management and Monitoring Plan which includes a **tariff system of developer contributions**. Policy 29 sets out a charging schedule setting out four different residential contribution rates based on proximity to the SPA; this cost will be decided by the Local Authority upon application. There are several policies within the Thanet Local Plan that will help minimise or manage additional recreational pressure on the SPA, including:
- SP12 (General Housing Policy): Requires that, inter alia, proposed developments contribute to the SAMM and SP26, and requires an assessment of a development site's functional linkages with the SPA.
 - SP24 (Green Infrastructure): Requires that developments make a positive contribution to Thanet's green infrastructure through, inter alia, provision and management of new accessible open space for informal recreation/walking and dog walking.

- SP25 (Protection of the International and European Designated Sites): Reiterates the legal requirements of the Habitats Regulations.
- SP26 (Strategic Access Management and Monitoring Plan (SAMM)): Requires that all new residential development complies with the Strategic Access Management and Monitoring Plan (SAMM) in order to mitigate against the in-combination effects of new development, with other development considered on a case-by-case basis.
- SP27 (Biodiversity and Geodiversity Assets): Provides policy-level safeguards for land that may be functionally linked to the SPA.
- SP31 (Provision of Accessible Natural and Semi Natural Green Space, Parks, Gardens and Recreation Grounds): Requires provision of green space to help manage the demands for passive recreation generated by residential development.

9.2.7 The most notable of these is SP26, which refers to the Strategic Access Management and Monitoring Plan (SAMM) for the Thanet coast (essentially, a plan for mitigating the potentially adverse effects of housing growth in Thanet on the SPA) and requires that developers demonstrate how they are meeting this. The SAMM (TDC, 2016) has been finalised in consultation with NE and is available from the TDC website. In summary, the mitigation package presented in the SAMM comprises:

- A wardening service between October and April, providing an on-site presence throughout the SPA within Thanet District when turnstone and golden plover numbers are at their peak;
- Educational measures to support longer-term compliance;
- A co-ordination role to manage the wardening presence and to coordinate activities throughout the year;
- Localised access-management; and
- Regular monitoring of birds and visitors.

9.2.8 These measures will be funded by a developer tariff, based on the number of new dwellings, which will cover annual mitigation costs (i.e. seasonal wardening, coordination, monitoring, etc.) and any capital investment required (e.g. signage, etc.) in perpetuity. The SAMM will be reviewed after a period of no more than ten years, or sooner if monitoring results identify potentially significant issues which are not being addressed by the SAMM. The SAMM will be principally targeted at the wintering interest features using the SPA (i.e. turnstone and golden plover), but could potentially be extended to support little tern should future monitoring suggest that a

population recovery is underway that would benefit from these measures. This strategic mitigation approach covers strategic housing allocations included in the Local Plan, plus likely windfall sites.

9.2.9 The SAMM was initially drafted based on an allocation of 12,000 new homes over the planning period. The appropriateness of the SAMM to the revised allocation (17,140 by 2031) has been evaluated and it is considered that the measures proposed for the 12,000 allocation can be scaled up to address the higher housing figures. This is consistent with NE's position on other strategic mitigation schemes (for example, in relation to the Thames Basin Heaths SPA, or the SPAs associated with the Solent and nearby harbours). Other developments, such as this one (e.g. windfall development), which is outside the allocated housing plan, require separate assessment at the discretion of the Local Planning Authority.

9.2.10 Financial contributions will address the cumulative 'in combination' impact of the intended development. As requested in the TDC a project-level HRA has been undertaken to determine any site or scheme specific details that may require additional measures.

Assessment of Effects

Turnstone

9.2.11 Other local authorities' plans have adopted a range of measures in similar situations, but most commonly these involve developer contributions to site management; and the provision of well-designed green infrastructure that integrates with the developments and allows easy walking access to local greenspace and the wider countryside (i.e. attractive local areas that are more convenient than protected areas). Studies have repeatedly shown that the most important factors influencing dog owners' choice of recreational area, are the ability to take their dog off its lead, the proximity to home and an absence of traffic. Measures that reduce the attractiveness of the Thanet Coast in this regard and that increase the accessibility and value of local greenspace are likely to be successful in mitigating some potential increases in recreational pressure. The proposed mitigation scheme (the SAMM) is likely to be successful in managing the effects of population growth and recreational pressure, such that there are not likely to be any adverse effects on turnstone.

Golden Plover

9.2.12 As noted, golden plover are less dependent on the coastal SPA habitats than turnstone, so whilst the SAMM will have some benefit for this species, this will principally relate to its use of the development as functionally connected land to the SPA. Assessing the effects of population growth on this aspect is difficult at the strategic level, as:

- There is limited data on the distribution within Thanet of golden plover and its key foraging areas; and particularly,

- Distributions and the use of fields will vary year to year according to local and regional conditions and cropping patterns (e.g. cold winters may increase use of some terrestrial habitats).

9.2.13 The principal sources of data on the use of terrestrial habitats by golden plover in Thanet are:

- The English Nature Research Report No. 569 (numbers and distribution of the wintering golden plover population in and around the Thanet Coast & Sandwich Bay SPA 2002/2003; EN (2004));
- Ad hoc surveys and records, including Kent Ornithological Society sightings data (online, accessed June 2017) and surveys reported for the Richborough Grid Connection project (National Grid (2016)); and
- Surveys of the allocation sites, completed in early 2016 and repeated in 2016 / 2017 (Sutherland, 2016).

9.2.14 Determining the numbers of golden plover that are associated with the SPA and potentially exposed to the effects of the Local Plan is not simple and is complicated somewhat by the likelihood that golden plover will be removed as a feature of this SPA following the 2016 SPA Review.

9.2.15 Currently, the SPA citation indicates that the site supports 0.2% of the GB population (a 5-year peak mean 1991/92-1995/96 of 411 birds), although the original citation noted a 5-year peak mean of 1,980 birds. Having said that, the Wetland Bird Survey (WeBS; BTO (2016)) data (Table 6.1) show that larger aggregations have been recorded in the Pegwell Bay and the Thanet Coast count areas, although their distributions do not coincide exactly with the SPA or Ramsar site boundaries. In addition, ad hoc records (see “known important areas” below) show that large aggregations do occur (including in areas not covered by the WeBS). Inland aggregations of some birds, including golden plover, are known to be under-recorded by the WeBS.

9.2.16 When considering thresholds for significance, 1% of the relevant population is typically used; so, for golden plover, the threshold for designation as an international site is 4,000 birds, based on the currently estimated UK population of golden plover of 400,000 (Stroud *et al.* 2016). This 1% value is often used for HRAs of projects – so a project likely to affect 1% of a SPA’s population of a species could potentially have a significant effect (in HRA terms). As the population of golden plover associated with the SPA is uncertain, it is appropriate to use the current WeBS 5 year peak mean for Pegwell Bay and Thanet Coast (around 3370 birds if combined) and the GB population (400,000) to provide guidance on appropriate thresholds. On this basis, aggregations of 34 – 40 birds (i.e. 1% of the 5 year peak mean and 0.1% of the threshold for SPA designation) would be potentially notable, such that significant effects could potentially occur.

Known important areas and allocation sites

9.2.17 Historically, golden plover has roosted in large numbers (+10,000 birds) at low tide on the intertidal mudflats of Pegwell Bay, with Musgrove *et al.* (2003) indicating that golden plover were largely confined to the area by the outflow of the Great Stour. Other datasets identify areas outside Pegwell Bay itself where potentially notable numbers of golden plover have been recorded:

- English Nature (2004): the largest aggregations of golden plover identified in this report are largely outside Thanet, in fields adjacent to Sandwich Bay; three sites that appear particularly important for golden plover are identified and recommended for inclusion in the SPA (these either form part of the Ramsar site or are immediately adjacent to the SPA). In addition, the fields around Reculver periodically support aggregations of golden plover.
- Kent Ornithological Society (KOS) have several records from the last eight years where peak counts of golden plover exceed 100 birds at sites in Thanet, most notably from:
 1. Pegwell Bay (peak count of 1600 from November 2010); and
 2. The fields and marshes between Reculver and Birchington (several hundred birds recorded in most years).

9.2.18 Areas immediately outside of these ‘core areas’ appear to be used periodically or on an opportunistic basis, including: the fields between Westwood and Kingsgate; Minster Marshes, southeast of Minster; and around Cliffsend north of the A299. The development is located north of A299, although the ECUS 2021/2022 and currently ongoing 2022/2023 wintering bird surveys of the proposed development Site have recorded no SPA species, indicating it is not functionally linked habitat to the SPA.

9.2.19 The TDC 2018 review did find historic records of periodic and opportunistic use of the development Site by golden plover (see **Appendix 2**). However, as the two seasons of wintering bird surveys (ECUS 2021-2023) found the arable field allocated for the development had no crop rotation suitable to golden plover and recorded no individual golden plover (or any other SPA interest species), the report concluded that the Site offered no functionally linking habitat to the SPA. Therefore, the loss of the arable field and the increase of recreational activity at the Site will have no significant effects (alone) on golden plover, based on the wider availability of habitats, the relatively localised effects of the allocations and the measures incorporated within the Local Plan.

9.2.20 Regarding ‘in combination’ effects, particularly with allocations from adjacent authorities, it is evident that TDC has managed its impacts on the identified core golden plover areas within its control as far as it is able and that its effects on the species’ population associated with the SPA

(which also use the Canterbury City or Dover District areas) are nominal. There are a few allocations within these neighbouring authorities that could affect the non-SPA core areas that have been identified, although mitigation measures incorporated into development and DDC plans will minimise the effects of this and on this basis significant ‘in combination’ effects are not anticipated.

Little Tern

The potential effects of the development on little tern are difficult to quantify, particularly considering the current absence of the species despite there being apparently suitable conditions for breeding within the bay. In the absence of future management or control measures it is unlikely that favourable conditions for breeding little tern would be maintained. However, the relatively discrete distribution of little tern at the Site ensures that any potential disturbance due to recreation can be managed. The SAMM can be relied on to help ensure that favourable conditions in the form of green space are constructed and maintained. Furthermore, the ECUS 2021/2022 and ongoing 2022/2023 wintering bird surveys recorded no SPA species on the development site indicating it is not functionally linked habitat to the SPA. On this basis, the plan would have no significant effect on the little tern interest feature.

9.3 Conclusion

- 9.3.1 The wide-scale and regional nature of recreational pressures means that the possibility of associated significant effects cannot be completely excluded based on either the available data for the European sites, site specific surveys, or through the use of allocation-specific avoidance or mitigation measures (e.g. greenspace provision). In the Local Plan, TDC has therefore included policy commitments to the Thanet Coast Strategic Access Management and Monitoring Plan (SAMM). The SAMM will include measures that have been successfully employed for other European sites and this plan-level mitigation measure is therefore both achievable and likely to be effective and so can be relied on to ensure that proposals coming forward under the Local Plan either avoid affecting the designated sites entirely (no significant effect) or will not adversely affect site integrity where potential effect pathways remain.
- 9.3.2 Furthermore our conclusion is supported by Natural England that based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes, (Appendix 3), which is stated in a letter received on the 17 November 2022 (NE ref: 412425).
- 9.3.3 At the time of writing, Monson Homes Ltd have agreed to a proposed SAMM contribution, although the exact figure is yet to be confirmed.

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Appendix 1: Map of the Designated Sites centred around the Proposed Development Site

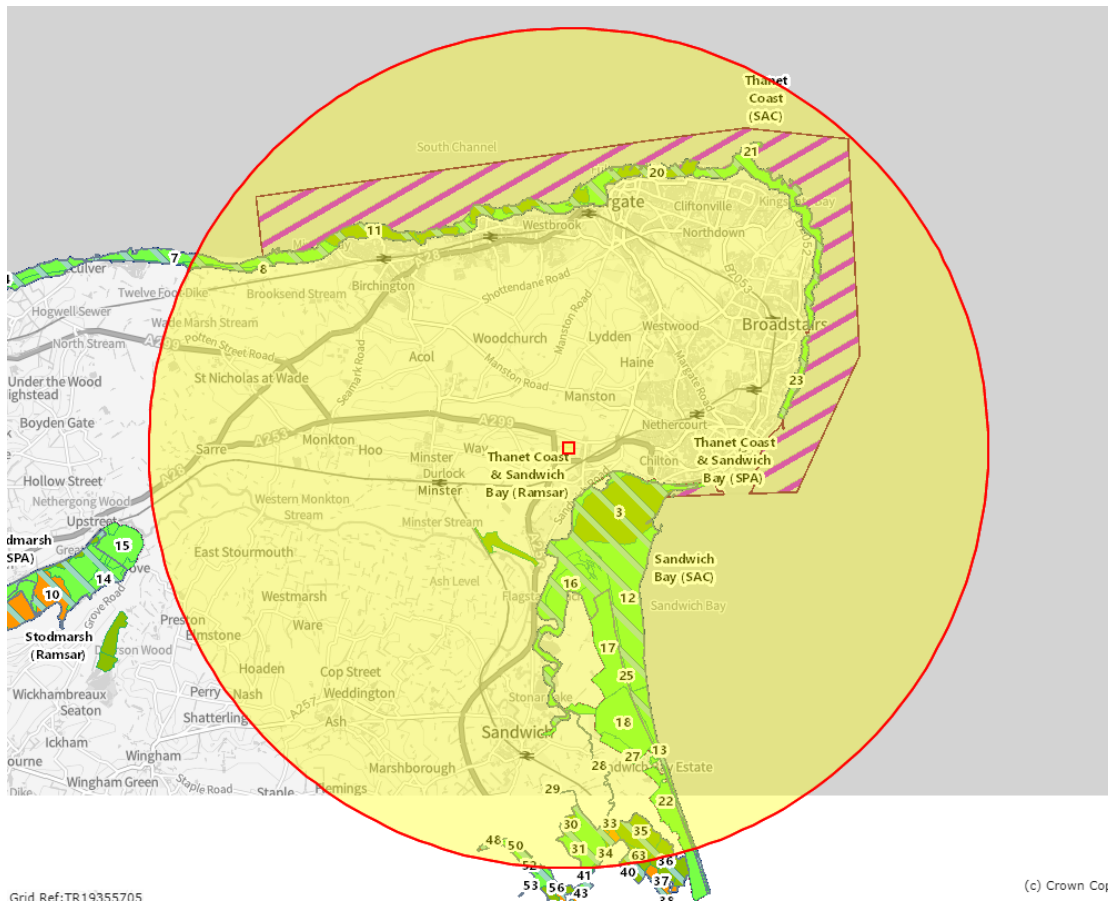


Figure 1: Red Square indicates the Site.

Appendix 2: Non-SPA used by Golden Plover

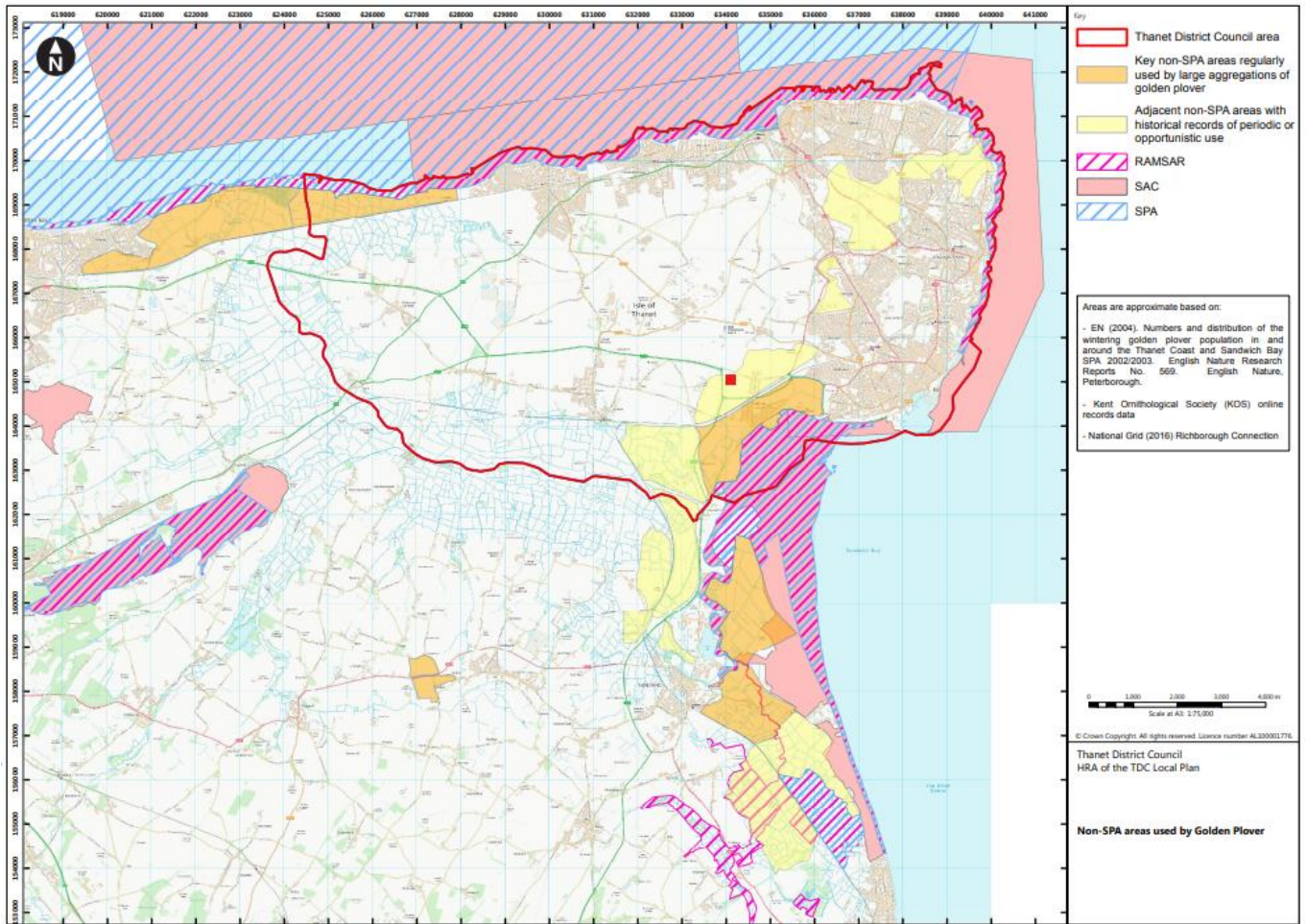


Figure 2: Map used from the TDC HRA 2018

Appendix 3: Natural England Planning Consultation

Date: 13 July 2022
Our ref: 396260
Your ref: F/TH/21/1671



Thanet District Council
9 Cecil Street
Margate
CT9 1XZ

Customer Services
Hombear House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Sir/Madam,

Planning consultation: Wintering Bird Survey: Erection of 145 dwellings, with open space, landscaping, access and associated infrastructure

Location: Land off Canterbury Road West, Ramsgate CT12 5DU

Thank you for your consultation on the above dated 09 June 2022 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Thanet Coast and Sandwich Bay Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further consideration as to whether the proposed development site is likely to support the qualifying features of the Thanet Coast and Sandwich Bay SPA, and is therefore Functionally Linked Land.
- Consideration of potential Functionally Linked Land as part of a Habitats Regulations Assessment.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

Date: 17 November 2022
Our ref: 412425
Your ref: F/TH/21/1671



Ms E Fibbens
Thanet District Council
P O Box 9
Cecil Street
Margate
Kent CT9 1XZ

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY
planning.services@thanet.gov.uk

Dear Ms Fibbens,

Planning consultation: Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure.

Location: Land South Of, Canterbury Road West, RAMSGATE, Kent

Thank you for your consultation on the above dated 02 November 2022 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Mrs Sally Ireland
Consultations Team

Appendix 4: Kent County Council Ecological Advice Service response



ECOLOGICAL ADVICE SERVICE

TO: Emma Fibbens
FROM: Luke Wallace
DATE: 24 June 2022
SUBJECT: F/TH/21/1671 / Land S Of Canterbury Road West, Ramsgate

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

We have reviewed the submitted wintering bird survey (including scrutinisation of the methodology and restraints) and concur with the conclusion, i.e., "The bird assemblages recorded on Site during the WBS visits do not match species assemblages known within the Thanet Coast and Sandwich Bay SPA. The qualifying features of this SPA include internationally important wildfowl assemblages, none of which were seen utilising the Site habitats".

As none of the species listed within the qualifying features were documented on-site, we take the view that the site is not functionally-linked to the Thanet Coast and Sandwich Bay SPA. However, it is important to note that works for the approved development immediately to the north were carried out during the time of the surveys, and this is likely to increase the chances that wintering birds would have been absent for the survey period.

We advise that the development must still account for the putative increase in recreational pressure via the SAMMS and that comments in our previous advice note (13th December 2021) remain valid.

Luke Wallace
Biodiversity Officer

This response was submitted following consideration of the following documents:
Wintering Bird Survey. Ecus. May 2022.



D02 **F/TH/23/1341**

PROPOSAL: Erection of 9No self contained flats, comprising of 4No 1-bed and 5No 2-bed, following demolition of existing garages together with associated access, landscaping and parking

LOCATION: Garage Block Rear Of 161 To 213 Clements Road RAMSGATE Kent

WARD: Northwood

AGENT: Mr R Lemon

APPLICANT: Thanet District Council SHP

RECOMMENDATION: Defer & Delegate

Defer and delegate the application for approval subject to the transfer of the financial contributions towards the SAMM project and the following safeguarding 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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 1100 Rev P07, 1101 Rev P07, 1102 Rev P07, 1104 Rev P07, 2050 Rev P06, 2051 Rev P06, 2052 Rev P06, 2053 Rev P06,, 3010 Rev P06 received 07 October 2023, 3011 Rev P06, 3012, Rev P06 and 3013 Rev P06 received 11 October 2023 and, 1015 Rev P09, 1016 Rev P14, DPLC/CLE/LD001/B received, 08 December 2023.

GROUND;

To secure the proper development of the area.

3 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall

a)Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

c)Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

4 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

GROUND

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

5 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

6 Prior to the commencement of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be in the form of one active charging point per allocated parking space, and one active charging point per ten unallocated parking spaces. The electric vehicle charging points shall be provided prior to the first occupation of the development and thereafter maintained.

GROUND

To protect air quality, in accordance with Policy SP14 of the Thanet Local Plan and the advice as contained within the NPPF

7 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1016 Rev P14 shall be provided and thereafter maintained.

GROUND

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

8 The area shown on the approved plan numbered 1016 Rev P14 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 of the dwelling hereby permitted.

GROUND

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

9 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 outer most 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 Policy QD02.

10 All excavations within the existing spread of the trees to be retained shall be carried out manually; using only hand held tools and any roots exposed thereby shall be bridged over in the construction of the foundations.

GROUND

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

12 Prior to the first occupation of the development hereby permitted, the communal garden as shown on the approved plan numbered 1016 Rev P14 shall be provided and thereafter maintained.

GROUND

In order to provide suitable amenity space in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

13 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and 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) Measures to control noise affecting nearby residents
- (g) Dust control measures (Including mitigation measures set out in Appendix D of the Air Quality Assessment provided within the ES and IAQM Guidance dust from demolition and construction 2014.)
- (h) Access arrangements

GROUND

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

14 The development hereby permitted shall be completed in accordance with the Geo-Environmental Assessment Report received 23 October 2023.

GROUND

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

15 Prior to the first occupation of the development hereby approved details of the proposed ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority.

GROUND

To make a positive contribution to biodiversity, in accordance with policy SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

16 The development hereby permitted shall be completed in accordance with the recommendations of the protected and details contained in section 5 of the Lloydbore Ecological Impact Assessment report (September 2023) received 07 October 2023.

GROUND

In order to safeguard protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and advice as contained within the NPPF.

17 The development hereby permitted shall be completed in accordance with the submitted landscaping plan DPLC/CLE/LD001/B received 08 December 2023 and thereafter maintained.

GROUND

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

18 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

19 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 Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Thanet District 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.

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

No foul or contaminated drainage shall be discharged from the site into either groundwater or any surface waters, whether direct or via soakaways, shall be approved.

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

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.

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.

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.

SITE, LOCATION AND DESCRIPTION

The site is located to the rear of 161 To 213 Clements Road and currently comprises a car park, a hard surfaced clothes drying area and a grassed amenity area. The clothes drying area is enclosed by fencing and single storey storage buildings. The site is enclosed by three, three storey blocks of flats. One is positioned parallel to Clements Road and the other two are located perpendicular to the road. These existing blocks have openings in the front and rear elevations and the two blocks to the south have external access platforms facing onto the site.

On the south western side of Clements Road are rows of two storey pitched roofed terraced dwellings. The rear boundary of the site is shared with the green wedge and playing fields for the Royal Harbour academy.

The red line of the site includes two existing parking areas to the north and south of the area where the proposed flats would be located. These parking areas are accessed directly from Clements Road.

RELEVANT PLANNING HISTORY

There is no planning history for the site.

PROPOSED DEVELOPMENT

The proposed development is the erection of a building comprising nine self contained flats, (4 one bed and 5 two bed), following demolition of storage buildings. The building would have three storeys with three flats on each level and be constructed with a flat roof enclosed by a parapet wall.

The building would be constructed from buff brickwork and grey UPVC doors and windows. Solar panels would be located on the flat roof behind the parapet wall.

The existing access to the site would be used for the new development and the parking on the site would be rearranged. The existing concrete drying space, some of the grassed amenity area and 22 of the existing 30 stores would be removed. A new community garden would be formed in the centre of the site in front of the new building and the existing footpaths around the site would be altered to provide access to the existing and proposed dwellings. Additional parking spaces would be provided in the parking areas to the north and south of the site to serve both new and existing residents.

Nine electric vehicle charging points would be provided on the site and a new bin and bike store would be erected in the northern corner of the site.

DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing
SP13 - Housing Provision

SP14 - General Housing Policy
SP22 - Size and Type of Dwellings
SP23 - Affordable Housing
SP26 - Landscape Character Areas
SP27 - Green Infrastructure
SP29 - Strategic Access Management and Monitoring Plan
SP30 - Biodiversity and Geodiversity Assets
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds
SP35 - Quality Development
SP37 - Climate Change
SP41 - Community Infrastructure
SP43 - Safe and Sustainable Transport
SP44 - Accessible Locations
HO1 - Housing Development
HE01 - Archaeology
GI04 - Amenity Space/Equipped Play
GI06 - Landscaping and Green Infrastructure
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
SE04 - Groundwater Protection Zone
SE05 - Air Quality
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Three letters of objection have been received raising the following concerns:

Lack of clothes drying facilities
Loss of parking spaces
Increase in anti-social behaviour
Impact upon property value
Overlooking
Proximity to existing dwellings
Loss of storage buildings
Increase in litter and fly tipping
Highway safety
Development is for profit
Loss of trees
Need for flats
Increase in crime/anti social behaviour

CONSULTATIONS

Environment Agency - No comment

KCC Biodiversity - We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided. We do however note that it is a shame that the features of most ecological value (the trees to the north of the site) are to be removed as part of proposals.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise the conditions below are included.

Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

Ecological Mitigation

Suggested condition wording:

From commencement of works (including site clearance), all protected and priority species mitigation will be carried out in accordance with the details contained in section 5 of the Lloydbore Ecological Impact Assessment report (September 2023).

Ecological Enhancement

The submitted soft landscaping plan provides a measure of compensation for the vegetation lost as part of proposals. The submitted ecological impact assessment provides further recommendations for ecological enhancements at the site.

Suggested condition wording:

Within three months of commencement, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. Details will be based on the measures contained in section 6 of the Lloydbore Ecological Impact Assessment report (September 2023) and include integrated and/or wall-mounted bird, bat and hedgehog boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

Thanet and Canterbury SAMMP

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 Plan (SAMMP) 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. This would be in line with the Thanet District Council Appropriate Assessment for the site.

KCC Highways - The proposal seeks to provide 9 new affordable dwellings within an existing parking court, which results in a reconfiguration of the existing parking.

10 parking spaces are proposed for the 9 dwellings. To ascertain the car ownership 2011 Census data has been analysed to ascertain that affordable housing has a lower car ownership than outlined in IGN3 parking standards. This equates to approximately 1 car per dwelling.

The existing residential blocks at Clements Road contain seven small parking courtyards. The largest, indicated as court 'D' is where the proposed dwelling are to be located. Of the 17 available spaces in this location, the parking beat survey indicates that there were 5 spaces available.

The parking courts are generally occupied, with some availability in courts A-D. There are no parking restrictions along Clements Road, where it is evident that there is some on street parking available.

Tracking has been submitted for a refuse freighter which should measure 13 metres in length, in line with Thanet Waste and Recycling requirements.

Tracking for a fire tender has been submitted which is acceptable.

Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

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.

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 site
- (b) Parking and 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

KCC Public Rights of Way - No comment

Kent Fire and Rescue Service - Fire Service emergency access to the site appears satisfactory, however the flats will be subject to a full building regulations consultation on receipt of plans. Fire Service access and facility provisions under requirement B5 will form part of that consultation.

Kent Police - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend the applicant follows SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme;

1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site and the any parking areas/ courts to the rear of the. These areas must be well lit and covered by natural surveillance from neighbouring properties.
2. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line. I note on the plan that side access gates are shown, is it essential only residents can gain access to this space.
3. We generally advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting - the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
4. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
5. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided."

6. Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
7. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2021 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
8. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2021 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
9. Bedroom windows on the ground floor require a defensive treatment, such as prickly planting/ knee railings, to deflect loitering, especially second bedrooms often used by children.
10. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
11. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.
12. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats. We advise on the use of ground/ wall SBD or solid secure anchors within the cycle storage area and sheds of dwellings.
13. Mail delivery to meet SBD TS009 is strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. For the houses, we recommend SBD TS008. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.
14. CCTV is advised for all communal entry points and to cover the mail delivery area.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

TDC Arboricultural Consultant - A tree survey submitted with the application describes trees on and immediately adjacent to the site but as far as I can see there is no formal Arb Implication Assessment, no plan showing proposed development in relation to root protection areas (rpa's) and no list of proposed tree removals.

Comparing the tree survey and proposed site plan, it appears at least six individual trees or groups of trees would be lost to the proposed development. The proposed site and

landscaping plans suggest three trees may be retained, but as there are no keys on the plans re. tree symbols, and the trees shown are not numbered, I cannot tell exactly what is to be retained or felled.

Of those to be removed, T1 appears to be a significant individual loss (to parking, plus stores likely within rpa) and I suggest seeking adjustments to the layout to allow for retention. The others likely to be removed may not be individually significant but collectively contribute to the setting of the site. Although not prominent in the street scene from the public realm, they are visible from Clements Road and are important boundary features for the many residents of the adjacent flats. They are an important landscape and boundary feature in views from the Royal Harbour Academy and its access road, and are part of an extensive and continuous linear group of trees and shrubs around the Academy's playing fields. There is value in its continuity, both visually and as a likely wildlife corridor.

With respect to the proposed new planting shown on the Landscape Detail plan, the species mix for the new native hedgerow along the boundary is perfectly acceptable, as are the species of replacement trees. In time, if successfully established, they could replace the landscape and other benefits lost through the removal of existing trees, but it will take time. The judgement is whether that temporary loss (perhaps 10-15 years before new planting is of a size to visually fill the gap) is acceptable.

TDC Environmental Health - Thank you for consulting Environmental Health on this application for which we offer the following comment in relation to: air quality and contaminated land.

Air Quality

The application has been supported by an air quality assessment which has been reviewed. The report has used appropriate methodology and baseline monitoring to consider operational and construction related air quality impacts. Operational Impacts associated with the development are negligible and construction impacts will require mitigation measures as specified in Appendix D of the report. The proposal includes installation of 2 EV charge points. The following conditions are recommended:

Condition: EV Charging

Prior to the occupation of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The active electric vehicle charging points shall be provided prior to the first occupation of the respective units that they serve and thereafter maintained.

Condition - Construction Environmental Management Plan

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the mitigation measures set out in Appendix D of the Air Quality Assessment provided within the ES and IAQM Guidance dust from demolition and construction 2014.

Contaminated Land

The application has been supported by Phase 2 land Contamination Assessment which includes intrusive investigation and soil sampling across the development site, the assessment methodology and conclusions are accepted.

Condition - Unsuspected Contamination

If, during development, significant contamination is suspected or found to be present at the site, then 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.

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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.

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.

COMMENTS

This application is brought before members as the application has been made by Thanet District Council.

Principle

Policy SP01 for the Thanet Local Plan states that; "The primary focus for new housing development in Thanet is the urban area."

Policy HO1 of the Thanet Local Plan states permission for new housing development will be granted on non-allocated sites within the confines of the urban area subject to meeting other relevant Local Plan policies.

The principle of development is therefore considered to be acceptable and the benefits of providing new housing to the district will be weighed against the impacts of the development.

Housing Mix

Policy SP22 states that proposals for housing development will be expected to provide an appropriate mix of sizes having regard to the Strategic Housing Market Assessment (SHMA) recommendations as may be reviewed or superseded.

The Council will encourage proposals for residential development to incorporate a higher ratio of houses to flats (as recommended in the SHMA as may be reviewed or superseded). Proposals for developments incorporating a higher proportion of flats will need specific justification.

Policy SP23 states that "Residential development schemes for more than 10 dwelling units, including mixed use developments incorporating residential and developments with a combined gross floor Thanet Local Plan Adopted July 2020 60 area of more than 1,000 square metres shall be required to provide 30% of the dwellings as affordable housing.

The affordable housing shall be provided in proportions set out in the Strategic Housing Market Assessment or successive documents.

The above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable."

Policy QD05 states that 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 dwellings;

The above requirements will only be reduced if it would make the proposed development unviable or site specific factors prevent their inclusion.

Eight of the dwellings on the site would be M4(2) accessible and adaptable dwellings and the other would be M4(3) wheelchair user dwelling. This development would, therefore, comply with the aims of this policy.

This development comprises nine flats split into four 1 bedroom units and five 2 bedroom units. All of the dwellings would be affordable housing and contribute to the Council's housing need register. This indicates that the greatest need is for one and two bedroom units. The SHMA indicates that the greatest need for affordable housing is for one and two bedroom properties, however these should be provided as a greater proportion of houses than flats due to previous completions incorporating a higher number of flats. This proposal would therefore not comply with the mix of housing set out within the SHMA as it is wholly for flats, however this must be balanced against the benefits of this development, the general need for housing in the district, the required properties identified on the housing need register and that this scheme would provide nine affordable dwellings.

Character and Appearance

The NPPF states that planning 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 and appropriate landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; and provide a high standard of amenity for existing and future users (Paragraph 130).

Policy QD02 of the Thanet Local Plan provides general principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. In this regard development must relate to the surrounding development, form and layout and strengthen links to the adjacent areas.

Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design.

The existing blocks of flats surrounding the site are three storeys in height with pitched roofs. The submitted plans indicate that the parapet wall enclosing the flat roof of the proposed flats would extend above the ridge of the existing flat blocks by between 0.6m and 1m.

The existing blocks of flats are constructed from red and yellow brick with brown concrete roof tiles, UPVC doors, windows and panels, sections of tile hanging and concrete external access platforms with black metal railings. The building would be constructed in buff brickwork with recessed panels, soldier courses, stretcher bonds and projecting headers. The doors and windows around the building would be floor length in design with panelled sections. The proposed materials would share some similarities with the existing buildings, including the use of floor length windows, panelled sections and the brickwork is considered to be appropriate for the mix of brickwork visible in the area.

The solar panels proposed on the roof would be set at a low angle and would, therefore, have limited visibility from the public realm.

Surfacing around the site would include black asphalt to the main access road, buff and grey coloured asphalt to the parking and turning areas, footpaths and bin stores and buff concrete flag paving to the communal garden. Given the existing grey concrete and tarmac, these materials would be considered appropriate for the area.

The initial submission proposed that four trees and the existing soft landscaping at the rear of the site would be removed. The submitted arboricultural report indicates that T1, a Sycamore located opposite the entrance to the site is category B and the other trees on the site are category C. The Council's Arboricultural Consultant considers that T1 would represent a significant individual loss and the other trees may not be individually significant, but contribute collectively to the setting of the site. Following concerns raised by Officer's the applicant has confirmed that given the existing hard standing close to T1 and the proposed arrangement this tree could be retained subject to a 30% crown reduction and that an additional small tree would also be retained adjacent to the access to Newlands Bungalow. Given the visibility of T1 and the existing character of the site the retention of these trees is considered to be an improvement to the scheme.

The proposed block of flats would have a different appearance to the existing flat blocks on the site and would exceed them in height, however given the set back from the boundary with Clements Road, the variation in properties in the immediate vicinity, and that there are no highly prominent views from public space across the open countryside, they are not considered to result in significant harm to the character and appearance of the area. The proposed landscaping is considered to provide an acceptable arrangement and the retention of the most prominent tree (T1) is considered to be an improvement to the original submission. It is therefore considered that the amended development would comply with policy QD02 of the Thanet Local Plan and the National Planning Policy Framework in terms of the impact upon the character and appearance of the area.

Living Conditions

In terms of the living conditions of adjacent neighbours, Policy QD03 requires all new development to be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions through overlooking, overshadowing, loss of natural light or a sense of enclosure. In terms of the living conditions for the future occupiers of the proposed residential units, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04. Paragraph 130 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users.

At the closest point there would be a separation of 8.8m to the closest existing block to the west, 18.7m to the block to the south west and 17m to the block to the south. Given the orientation of the windows in the block to the west, facing south east and the separation to the other blocks, this development is not considered to result in any significant loss of light or sense of enclosure to the neighbouring properties.

The doors and windows in the front and south eastern side elevations would face directly towards two of the existing blocks. These existing blocks have external access platforms, doors, high level bathroom windows and kitchen windows facing towards the site. Given the separation distances outlined above the the arrangement of the neighbouring openings, the proposed development is not considered to result in a significant increase in overlooking to these neighbouring properties.

The existing block to the north west of the site has living room and bedroom windows in the elevation facing the site, however due to the position of the proposed block, at the rear of the site, the proposed windows would not face directly towards this existing building. Windows in the north western side elevation would face towards the side elevation and along the external access platform of the block containing numbers 239-261 Clements Road, however as these are communal spaces, these windows are not considered to result in any significant overlooking.

The proposed rear windows and doors would face towards the playing fields at the rear of the site and are not considered to result in any significant overlooking.

Noise and disturbance during construction is considered to be temporary in nature and would be covered by other legislation. Whilst there would be an increase in the number of

dwellings on the site, given the existing number of dwellings in the area, the use of the building as flats is not considered to result in any significant increase in noise and disturbance to the neighbouring properties.

The proposed flats would all meet the floor space standards set out within policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light, outlook and ventilation.

A communal garden would be provided at the front of the proposed flats for use by the existing and proposed residents and some grassed areas would remain adjacent to the existing blocks of flats. This proposal would result in a reduction in the amenity space and clothes drying areas.

Given the arrangement and location of the proposed building it is not considered to result in any significant harm to the living conditions of the existing residents in terms of light, outlook, overlooking and noise and disturbance and the development would provide an acceptable standard of accommodation for the future occupants. There would be a reduction in amenity space, clothes drying areas and areas of soft landscaping on the site, however it is considered that sufficient amenity space and areas for clothes drying would remain around the site. The impact of the development upon existing and future residents in terms of living conditions is considered to be acceptable and comply with the aims of policies GI04, QD02 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

The current plans indicate that there are a total of 33 parking spaces within the red line, 17 parking spaces in the area immediately surrounding the proposed block of flats and 8 spaces in each of the parking areas to the north and south of the site. A total of 15 spaces would be provided in the area immediately surrounding the proposed flats following the proposed development and four additional spaces would be provided in each of the parking areas to the north and south of the site. This would give a total of 39 spaces within the red line and an overall increase of 6 spaces on the site.

12 secure bike storage spaces would be provided in the northern corner of the site on an area of existing hardstanding.

Kent Fire and Rescue have raised no objection to the access arrangements proposed. KCC Highways have reviewed the application and given the information that has been submitted indicating that affordable housing generally has a lower level of car ownership than in the adopted parking standards, have raised no objection, subject to conditions requiring the permanent retention of the car and cycle parking spaces and the submission of a construction management plan.

The proposed development would not provide the number of parking spaces set out within KCC guidance, however given the evidence submitted regarding parking demand, the proposed parking and the capacity in the area, this development is not considered to result in any significant harm to highway safety.

Biodiversity

The site primarily comprises areas of hardstanding and managed grass. Some trees are located at the rear of the site. Whilst the rear boundary is shared with an area designated as green wedge and open countryside, this area forms managed playing fields for the nearby school.

An ecological impact assessment has been submitted with this application and has identified that foraging bats, nesting birds and hedgehogs were identified on the site.

KCC Biodiversity have reviewed the application and have indicated that sufficient ecological information has been provided with the application. Roosting bats were not identified on the site. KCC have requested that details of ecological enhancements for the site are secured by condition.

Given the existing arrangement of the site and subject to the recommended conditions, this development is not considered to result in any significant harm to biodiversity in the area.

Flooding, Drainage and Contamination

The site is located within Flood Zone 1 and is therefore at a low risk of flooding. The site is located within the Groundwater Protection Zone as defined by policy SE04 of the Thanet Local Plan. This policy states; "Proposals for development within the Groundwater Source Protection Zones identified on the Policies Map will only be permitted if there is no risk of contamination to groundwater sources. If a risk is identified, development will only be permitted if adequate mitigation measures can be implemented. Proposals which involve the use of piled foundations on contaminated sites must demonstrate that they will not cause disturbance of any ground so as to cause turbidity in water supply and/or create pathways enabling contaminated materials to reach the groundwater.

Proposals for Sustainable Drainage systems involving infiltration must be assessed and discussed with the Environment Agency to determine their suitability in terms of the impact of any drainage into the groundwater aquifer."

The submitted documents indicate that foul drainage would be discharged to existing sewers and soakaways would be used for surface water.

The site has been in residential use since 1955 and before this was recorded as open land. These previous uses are unlikely to result in any significant contamination of the site. The applicant has taken a precautionary approach in terms of assessing contamination of the site and submitted a Phase 2 Land Contamination Assessment which includes intrusive investigation and soil sampling across the development site. This report concludes that there is a low risk of contamination on the site. This report has been reviewed by the Council's Environmental Health Department who accept the conclusions of the report and raise no objection subject to a condition requiring any unsuspected contamination of the site to be suitably remediated.

Given the proposed drainage arrangements, the use of the site and subject to the required condition, this development is not considered to represent any significant risk of flooding or harm to protected groundwater and human health.

Financial Contributions

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 Manage the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA)ment and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The applicant has agreed to provide the required £2408 SAMM contribution. As the applicant is the Council, a unilateral undertaking to secure this contribution cannot be submitted, but the contribution can be transferred to the planning department from the housing department prior to the issuing of any planning permission. Subject to this financial contribution being secured, the impact upon the Special Protection Area will have been appropriately mitigated, with the application complying with the habitat regulations. An appropriate assessment has been carried out on this basis.

Other Matters

The proposed development would be conditioned to ensure that the new dwelling meets the water and energy efficiency standards set out within policies QD01 and QD04 of the Thanet Local Plan.

The use of the property for residential development is not considered to result in any significant increase in anti-social behaviour in the area.

Kent Police have provided comments giving a number of suggestions to design out crime in the development. This development would provide additional surveillance to the amenity spaces and communal parking area. Defensible space and planting is proposed around the building and the applicant has indicated that they have considered secure by design principles in the layout of the site. An informative would be added advising the applicant to consider the use of doors, windows, gates, postboxes and entry systems that meet secure by design standards. Full details of the landscaping and any proposed lighting for the site would be secured by condition.

Kent Fire and Rescue have confirmed that fire safety would be considered through the building regulations application.

The impact of the development upon property values is not a material planning consideration.

Bin storage would be provided on the site for the existing and proposed dwellings and the use of the building as residential accommodation is not considered to result in a significant increase in litter and fly tipping.

Concern has been raised regarding the need for the development and that it is only for profit. As set out above this is an application by Thanet Council for dwellings that would all be allocated to people on the Council's housing register. There is a general need for housing in the district and the housing register sets provides evidence of the size of the dwellings required. Developers profit is not a material planning consideration, however as also set out above funding is available for the proposed dwellings only.

Concern has been raised regarding the loss of the existing clothes drying areas and storage buildings on the site. These existing features could be removed without the need for planning permission. Communal amenity space would remain around the site that could be utilised for clothes drying and eight stores would be retained as part of the proposed plan.

Conclusion

The Council cannot currently demonstrate a five year housing land supply. In the absence of a five year housing land supply paragraph 11 of the Framework is triggered and there is a presumption in favour of sustainable development. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

The proposed flats would be different in character to the existing flats and this proposal would result in the loss of three existing trees on the site along with some existing soft landscaping and a reduction in the existing amenity areas. However the proposed arrangement is considered to provide adequate amenity areas and parking for both the existing and proposed residents and it has been confirmed that the largest and most prominent tree on the site would be retained.

This development would result in a net increase of 9 dwellings in a sustainable location and all of these dwellings would contribute to the district's affordable housing supply. Therefore given the limited harm to the character and appearance of the area, the living conditions of the existing neighbouring property occupiers and highway safety, any adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits of the proposed development when assessed against the Thanet Local Plan and the National Planning Policy Framework.

It is therefore recommended that members defer and delegate the application for approval subject to the transfer of the financial contributions as set out above to the Planning Department and safeguarding conditions.

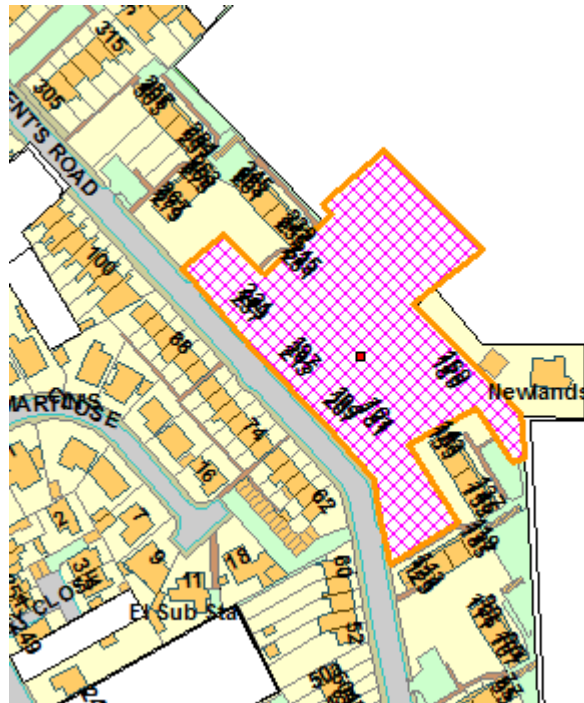
Case Officer
Duncan Fitt

TITLE:

F/TH/23/1341

Project

Garage Block Rear Of 161 To 213 Clements Road RAMSGATE Kent



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D03	F/TH/23/1339
PROPOSAL:	Erection of 4-storey building accommodating 7No 1-bed and 6No 2-bed self-contained flats, and erection of 4No 2-storey 3-bed semi detached dwellings, together with associated access, parking, and landscaping
LOCATION:	Site Of Former Dane Valley Arms Dane Valley Road MARGATE Kent CT9 3RZ
WARD:	Dane Valley
AGENT:	Reece Lemon
APPLICANT:	Thanet District Council SHP
RECOMMENDATION:	Defer & Delegate

Subject to 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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 1025 Rev P08 and 1026 Rev P15, received 05 December 2023; 1107 Rev P09, 3023 Rev P06, 3024 Rev P07, and S4 Rev P02, received 04 December 2023; 1105 Rev P05, 1106 Rev P05, 1108 Rev P07, 1109 Rev P07, 1110 Rev P06, 1111 Rev P07, 1112 Rev P05, 1113 Rev P05, 2025 Rev P03, 2026 Rev P03, 3020 Rev P05, 3021 Rev P05, 3022 Rev P04, 3025 Rev P04, 3026 Rev P05, and 3027 Rev P05, received 06 October 2023.

GROUND:

To secure the proper development of the area.

- 3 Development shall not begin in any phase 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 upon the Civil Drainage Design Strategy dated 15th August 2023 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 risk 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, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

- 4 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for that phase, 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 operation and maintenance manual for the sustainable drainage scheme as constructed.

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, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

- 5 To assess and mitigate the impacts of development on significant archaeological remains:
 - A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
 - B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
 - C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
 - D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
 - a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
 - c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

GROUND:

To ensure that features of archaeological interest are properly examined and recorded in accordance with Local Plan policies and the National Planning Policy Framework.

- 6 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 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

GROUND

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

- 7 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

GROUND

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

- 8 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 Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

- 9 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

GROUND

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

- 10 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

- 11 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and 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) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements

GROUND

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

- 12 Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto Dane Valley Road, as shown on the approved plan numbered 1029 Rev P01. should be completed and made operational.

GROUND:

In the interests of highway safety, in accordance with the advice contained within the NPPF

- 13 Prior to the first occupation of the development hereby approved, pedestrian visibility splays of 2m x 2m shall be provided to the driveway accesses onto Arlington Gardens and Dane Valley Road, and the vehicular access onto Dane Valley Road, as shown on the approved plan no. 1029 Rev P01, with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

GROUND

In the interest of highway safety in accordance with the advice contained within the NPPF.

- 14 Prior to the first occupation of the development hereby approved, visibility splays of 2.4m x 43m behind the footway on both sides of the vehicular access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained, as shown on the approved plan numbered 1029 Rev P01.

GROUND

In the interest of highway safety in accordance with the advice contained within the NPPF

- 15 The area shown on the approved plan numbered 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 of the dwelling hereby permitted.

GROUND

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

- 16 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1026 Rev P15 and 1107 Rev P09 shall be provided and thereafter maintained.

GROUND

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

- 17 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered 1026 Rev P15 shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

GROUND

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and the advice as contained within the NPPF

- 18 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted,

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway,

- o walls, fences, other means of enclosure proposed,

- o ecological enhancements to be provided within the site

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

- 19 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out

prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

- 20 Prior to the construction of the external surfaces of the development hereby approved samples the materials to be used in the construction of the building(s) shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

GROUND

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

- 21 All new window and door openings shall be set within a reveal of not less than 100mm

GROUND

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

- 22 The lower half of the upper level windows in the northern and eastern elevations of the flat block hereby permitted, as indicated on plans numbered 3024 Rev P07, and 3023 Rev P06, 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 the flats hereby permitted and permanently retained thereafter.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

- 23 The refuse storage facilities as specified upon the approved drawings numbered 1029 Rev P01 and 1107 Rev P09, shall be provided prior to the first occupation of the flats hereby approved, and shall be kept available for that use at all times.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

- 24 The boundary wall along the eastern boundary of the site shall be erected to a height of 2m, as shown on the approved plan numbered S4-P02.

GROUND:

In the interests of neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan.

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

GROUND

In the interests of highway safety, in accordance with the advice contained within the NPPF.

- 26 All dwellings hereby approved shall only be occupied to individuals or families who have been nominated by the Council, in accordance with its published allocations policy at the time.

GROUND:

To meet the exception criteria that omits the need to provide 25% first homes on development sites exclusively for affordable housing, in accordance with the Council's First Homes Interim Policy Statement (April 2022), Policy SP23 of the Thanet Local Plan, and the NPPF.

- 27 All dwellings hereby permitted shall be provided with the ability for connection to Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity.

GROUND:

To serve the future occupants of the development in accordance with Thanet Local Plan Policy SP14 and the guidance within the National Planning Policy Framework.

- 28 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes unless otherwise agreed in writing with the Local Planning Authority.

GROUND:

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

- 29 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND:

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Thanet District 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.

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

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

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.

There is a street lighting column close to Plot 1, which will need to be relocated, as it will need to be no closer than 0.5m to the proposed driveway for Plot 1. The applicant should consult with the Streetlighting team at KCC to confirm a suitable re-location position for this street lighting column. The relocation of the telecoms pole may also be necessary.

SITE, LOCATION AND DESCRIPTION

The site is located within the urban confines, on land that formerly occupied Dane Valley Arms Public House, on the corner of Dane Valley Road and Arlington Gardens. The site lies opposite open recreational space that lies outside of the urban confines boundary and within the green wedge, and is close to Sure Start children's centre. The site itself is previously developed land, but there is no evidence of the former building on site, which was demolished following fire damage a number of years ago. Since then the site has been boarded up. The site is hard surfaced, with an existing vehicular access onto Dane Valley Road and a wide lowered kerb to Arlington Gardens. Existing residential properties lie adjacent to the northern and eastern boundaries of the site. The existing neighbouring properties in Arlington Gardens are 3-storey semi-detached properties, and the neighbouring properties in Dane Valley Road are 2-storey terraced properties.

RELEVANT PLANNING HISTORY

F/TH/17/1407 - Redevelopment of site for the erection of two, three and four storey buildings containing 5no. 1-bed flats, 5no. 2-bed flats, 5no. 3-bed houses, 2no. 4-bed houses with associated parking, bin and cycle storage, together with micro pub on the ground floor following demolition of existing buildings - Granted - 11th September 2019

F/TH/16/1265 - Erection of 3 and 4 storey building comprising of 23no. self contained flats - Withdrawn - 21st December 2016

F/TH/11/0177 - Erection of 9no. houses and a four-storey building containing 1no. three-bed flat and 3no. two-bed flats and public house at ground floor, following demolition of existing building - Granted - 16th June 2011

PROPOSED DEVELOPMENT

The application is for the erection of a part 4-storey, part 3-storey building containing 13no. self-contained flats, consisting of 7no. 1-bed and 6no. 2-bed; and the erection of 4no. 2-storey 3-bed semi-detached dwellings. An access is proposed onto Dane Valley Road, which will serve 6no. parking spaces located to the rear of the site. Each of the dwellings are provided with a single parking space to the front of the property, and a further 8no. Parking spaces are proposed to the front of the flat block fronting Arlington Gardens. A soft landscaping area is proposed to the front of the flat block onto Dane Valley Road, and a small landscaped area is proposed to the northern side of the building. Each dwelling is provided with a rear garden. Refuse storage and cycle storage for the flats are provided internally within the building, and accessed from the rear. All of the units are being provided as affordable housing.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP02 - Implementation
SP13 - Housing Provision
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP23 - Affordable Housing
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP41 - Community Infrastructure
SP43 - Safe and Sustainable Travel
SP45 - Transport Infrastructure
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
CC02 - Surface Water Management
CC04 - Renewable Energy
SE04 - Groundwater Protection
SE05 - Air Quality
SE06 - Noise Pollution
CM02 - Protection of Existing Community Facilities

TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Neighbouring occupiers have been noticed and a site notice posted. One letter of objection and one letter of support has been received.

The main concerns raised are:

- Block of flats is not in keeping with the houses in the surrounding area,
- Increased number of units will add strain to local amenities,
- Potential security issues,
- Wooden fence on boundary, which is likely to be damaged from adjacent proposed carpark, needs to be replaced with a brick wall.

The letter of support confirms support for the application and suggests it should be a delegated decision.

CONSULTATIONS

KCC Highways and Transportation -

(Final Comment)

Further to my previous comments, revised plans have been submitted which address all my earlier concerns.

The street lighting column on Arlington Gardens, outside proposed Plot 1, will need to be relocated at the applicants expense. This will form part of the works for the construction of the vehicle crossovers, and will be dealt with as part of the vehicle crossover application that will need to be made to Kent County Council, should the LPA be minded to approve this application.

The telecom's pole will also need to be moved, this is for the applicant to discuss with the asset owner.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.

(Initial Comment)

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

This site has been subject to a previous application (F/TH/17/1407), which had been granted permission by the local planning authority. The current proposals are for 13 flats and four houses, which are all to be promoted as affordable housing.

A Transport Statement has been submitted and having reviewed this and other documents that have been submitted I have the following comments to make:

I would concur with the trip generation figures, and these are robust as they are based on privately owned dwellings as opposed to affordable housing. These show there would be 2

arrivals and 8 departures in the morning peak and 6 arrivals and 2 departures in the evening peak. This would not be classed as having a severe impact on the local highway network and as such is not a reason to object to this application.

Parking allocation - I note the justification for a reduced parking allocation for the site, which demonstrates that the average car ownership for affordable housing is less than for private dwellings, and I am content to accept this. Only one visitor space is being provided, and parking standards for a suburban area would require a minimum of 3 visitor parking spaces to serve the site. However, given that Census 2011 data shows that car ownership for a flat is 0.4 cars per dwelling, I am satisfied that additional spaces may be available within the site, and to object to a development on a shortfall of two visitor parking spaces would be unreasonable.

There are no scale bars on the plans demonstrating the tracking for a fire tender or a car. I would point out that the plans for the fire tender need to demonstrate it can turn around within the parking area to the rear. No tracking has been submitted for a refuse vehicle, however I would expect this to collect from the roadside, and would not need to enter the parking area to the rear of the plot.

No plans have been submitted demonstrating visibility splays. Based on the 30mph speed limit here splays of 2.4m x 43m are required in both directions, with no obstruction over 0.6m within the splays. In addition pedestrian visibility splays of 2m x 2m are required either side of any access.

I have concerns with the boundary wall adjacent to Plots 1 and 17 - there is no annotation to demonstrate the height of this and this will impede on visibility for drivers exiting from the parking spaces adjacent to these walls. The boundary feature here should be no higher than 0.6m for a setback of 2m from the back of the footway.

In addition the hedge and fence fronting the site on Dane Valley Road and Arlington Gardens will need to be kept to below a height of 0.6m to ensure it does not obstruct visibility, especially adjacent to parking space No 10.

There is a street lighting column close to Plot 1 that has not been demonstrated on the proposed site plans. I suspect this will need to be relocated, as it will need to be no closer than 0.5m to the proposed driveway for Plot 1. I would advise the applicant to consult with the Streetlighting team here at KCC to confirm a suitable re-location position for this street lighting column.

There is also a telecom's pole that has not been demonstrated on the proposed site plan - is this being relocated? Please can the applicant provide some commentary on this. I note an Electric Vehicle Charging point is proposed for each parking space, which is acceptable.

Bicycle storage for the flats - there are no details on the type of storage system to be used internally within the space demonstrated. I do need to see these details to ensure the proposed storage system will fit and provide adequate space for storage as well as the removal of bikes. One space per flat is the minimum requirement.

It would appear a footway is proposed to the rear of Plots 16 & 17, adjacent to the gates that provide access to the rear gardens. I do not feel this is necessary, and its removal would provide additional turning space with the rear parking court here.

I look forward to further information being submitted to assist me in determining this application. from a highway perspective.

Kent Fires and Rescue Service - I can confirm that on this occasion it is my opinion that the emergency access requirements for the Fire and Rescue Service under the above Act appear to have been met.

Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority.

As the development involves flats it will be subject to a full BR consultation should planning be granted where access will again be examined under B5. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

KCC PROW - No comments

KCC Archaeology - Thank you for consulting on the above development proposal. The site lies in an area that is rich in archaeology with numerous crop mark sites known from the Dane Valley, evidence of rich buried landscapes dating from prehistoric times. Close to the application site are evidence of Bronze Age ring ditches to the south, a probable Iron Age enclosure and trackway close to the east and north and early medieval burials, enclosures and prehistoric ring ditches found to the north east. Prehistoric flints were found at Bolscombe Crescent adjacent to the site.

The site itself has been previously developed with the public house but there are areas that may not have been heavily affected and where archaeological remains could survive. Given the rich potential of the area and the potential for impact on archaeological remains I would recommend that provision in any forthcoming consent is made for a staged programme of archaeological works through condition.

KCC Biodiversity -

(Final Comment)

We have reviewed the ecological information and we advise that sufficient information has been provided to determine the planning application.

We are satisfied with the conclusion that (with the exception of breeding birds) the site has limited potential to support protected/notable species. We have taken this view as the vegetation on site has only established in the last 3-4 years and the site is largely isolated due to it being in an urban area and surrounded by fencing/walls.

(Initial Comment)

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

The satellite photos demonstrate that the site is partially vegetated and has some limited connectivity to the surrounding residential gardens therefore there is a need to consider the likelihood of protected/notable species to be present.

To establish the potential for protected species presence, that must be taken account of in the planning decision, in the first instance, high quality, labelled, photographs of the site and the construction zone should be requested. These can then be reviewed by Kent County Council Ecological Advice Service (KCC EAS). These photographs may satisfy

KCC EAS that no ecological surveys are necessary at the site. However, where photographs are inconclusive, or indicate possible features suitable for protected species, a simple Ecological Impact Assessment (EclA) may need to be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines. Any EclA would need to include the following:

- o Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any additional surveys undertaken;
- o Details of any appropriate and achievable ecological mitigation measures;
- o Identification of any residual ecological effects after avoidance and mitigation measures have been considered, and any compensation measures required to offset residual effects;
- o Details of ecological enhancement measures; and
- o Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

The above is in line with paragraph 99 of ODPM 06/2005 which states "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".

KCC SUDs - Kent County Council as Lead Local Flood Authority have the following comments:

We have reviewed submitted information and understand it is proposed to drain the site via 4 soakaways across the site to 0.024m/hr in the 1 in 100 year +45% event. While we have no objection to the proposals, at the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019); the FSR dataset should not be used:

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. 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.

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.

Environment Agency - We have reviewed the below information and have the following comments to make:

- o Geo-Environmental Assessment Report produced by Ecologia Ltd (Ref: EES 23.023.1, dated 24th August 2023)
- o Civil Drainage Design Strategy produced by Pick Everard (Ref: 221510-PEV-ZZ-ZZRP-C-0104, dated 15th August 2023)

Environment Agency position

We have no objection to the proposed development, subject to the following conditions being included on any permission granted. Without these conditions we would object in line with Paragraph 174 of the National Planning Policy Framework (NPPF).

TDC Waste and Recycling -

(Final Comment)

We are happy with the amended plans.

(Initial Comment)

Access to the bin store needs to be direct from either Dane Valley Road or Arlington Gardens not via a footpath to the side of the development

TDC Environmental Health -

Air Quality

The application has been supported by an air quality assessment which has been reviewed. The report has used appropriate methodology and baseline monitoring to consider operational and construction related air quality impacts. Operational Impacts associated with the development are negligible and construction impacts will require mitigation measures as specified in Appendix D of the report. The proposal includes 20 parking spaces all fitted with EVCP

Contaminated Land

The application has been supported by Phase 2 land Contamination Assessment which includes intrusive investigation and soil sampling across the development site. The assessment indicates there is a moderate risk for end users exposed to copper and zinc and therefore remediation measures are required and the following condition recommended:

Kent Police - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as local Designing out Crime Officers to address CPTED.

We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

Incorporating the below points would show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998, thus meeting any crime prevention condition which the local authority may request at a later date as the application progresses.

1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site and the any parking areas/ courts to the rear of the. These areas must be well lit and covered by natural surveillance from neighbouring properties.
2. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways/ side entrances must have secure side gates, which are lockable from both sides, located flush to the front building line. I note on the plan that side access gates are shown,

is it essential only residents can gain access to this space.

3. We generally advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting - the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.

4. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.

5. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

6. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2021 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

7. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2021 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

8. Bedroom windows on the ground floor require a defensive treatment, such as prickly planting/ knee railings, to deflect loitering, especially second bedrooms often used by children.

9. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

10. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

11. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats. We advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area and sheds of dwellings.

12. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. For the houses, we recommend SBD TS008. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

13. CCTV is advised for all communal entry points and to cover the mail delivery area.

COMMENTS

The application is brought before Members as Thanet District Council is the land owner and applicant.

Principle

The site is brownfield land within the urban confines, and is allocated for housing under Policy HO1 of the Thanet Local Plan for a notional 13no. units. Planning permission has previously been granted for the redevelopment of the site for the erection of two, three and four storey buildings containing 5no. 1-bed flats, 5no. 2-bed flats, 5no. 3-bed houses, 2no. 4-bed houses with associated parking, bin and cycle storage, together with micro pub on the ground floor. This permission expired on the 11th September 2022.

This application is for a similar proposal, but removes the micropub, whilst maintaining the same 17no. residential units. The proposal is also for 100% affordable housing across the site, with Thanet District Council (TDC) being the applicant, with the intention being to construct the development and fill the units with people on the Council's housing register.

- *Proposed housing*

Policy HO1 of the Thanet Local Plan states that permission for new housing development will be granted on sites allocated for this purpose. The site is listed within the policy as an allocated site, and as such the principle of housing development on the site is acceptable and in accordance with policy. This policy is to be considered in conjunction with other relevant policies in the Local Plan.

The policy further requires that all development proposals comply with the relevant requirements of Policy SP14, whilst also demonstrating that adequate infrastructure will be in place to serve each unit.

- *Loss of Community Facility*

The site is currently vacant, but was previously occupied by a public house that served the community. The building was substantially damaged in 2016 as a result of a fire; however, street view images on google show that the building was boarded up in 2012, and therefore presumably closed between 2009 (when the google images show it open) and 2012. The functional use of the site as a community facility has therefore been lost for a period of at least 10 years, which is a material consideration; although at the same time the definition of a community facility within the Thanet Local Plan includes vacant land that was last lawfully used as a community facility or previously occupied by a building whose last lawful use was for a community facility, and therefore the site still needs to be considered under the community facility policy.

Policy CM02 of the Thanet Local Plan states that 'proposals which would result in the loss of a community facility will not be permitted unless it can be demonstrated: there is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs; or every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities; or alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community'.

Further information is provided within the preamble of the policy that advises of the details needed to be included within the justification document submitted with any future planning application. It includes marketing evidence that demonstrates attempts have been made to secure the future viability of a community use on the site.

No marketing evidence has been submitted with the application, but following the 2019 consent for the residential development and micropub the site was marketed, with a number

of enquiries made to the Council by different interested parties. There has been no success in the development of the site under the previous consent, and eventually the Council purchased the site. Since the site has been purchased by the Council no marketing of the site has taken place, and therefore it cannot be argued that every reasonable attempt has been made to secure an alternative community use on the site, so the proposal cannot be argued under point 2 of the policy.

The public house use has not been replaced on an alternative site, and the micropub is no longer proposed on this site, so the development is not justified under the third point of the policy as the community facility has not been replaced.

Point one of the policy considers the impact of the loss of the community facility on the community, with it being necessary to prove that the loss of the facility will not undermine the ability of the community to meet its day to day needs. As mentioned above, the functional use of the site as a community facility was lost at least 10 years ago when the public house was closed. This is a substantial period of time, and therefore the community is no longer relying upon this site to provide a community facility that is in demand. Evidence submitted with the application looks at the proximity of the nearest public houses to the site. The nearest three establishments are within 1.1 miles/ 1.85 km of the site - between 13 and 20 minutes' walk - and include: The Wheatsheaf, family pub chain; The Tap Room, bar; and Banks Ale and Wine House, bar. Of these three, the Wheatsheaf is an easy walking distance of the application site and a well used family facility that offers both food and drink, and which serves the same catchment as the former public house on the application site would have served.

A public consultation was also carried out with existing residents prior to the submission of the application, and no record of a demand for a public house or alternative community facility was raised by local residents. Opposite the site is Sure Start, which provides a childrens nursery and children's centre with community hall space, and is an important community facility that serves the community, showing the presence of existing community facilities within the immediately surrounding area, which may be the reason why no demand for a continued community use on this site has been made by residents. It is also useful to note that within the 2017 application a neighbouring comment objected to the micropub use, claiming there is no need for the facility.

It seems reasonable to conclude that given the site is within walking distance of three existing public house uses, that the community use on the site has been lost for a period of at least ten years, and that there appears to be no local demand for a continued community use on the site, that the loss of the community facility would not undermine the ability of the community to meet its day to day needs, and there is alternative local provision which is accessible to the local community. Furthermore, the site is allocated for housing under Policy H01, and the provision of 100% affordable housing is a significant social benefit that needs to be weighed against the social harm resulting from the loss of a potential community use on the site, for which there appears to be no demand.

On balance, the proposal is considered to comply with Policy CF1 of the Thanet Local Plan, and given the support provided through Policy HO1, the principle of the development is considered to be acceptable.

Character and Appearance

Policy QD02 of the Local Plan outlines that the primary planning 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.

An application was previously approved for the development of the site for 7no. 2-storey houses and a 4-storey flat block with micropub. The decision expired in September 2022, so is no longer extant, however, the previous decision shows the scale of development and number of units on the site that has previously been considered acceptable.

The proposed development follows a similar format to the previously approved scheme. In terms of the scale of development the proposal is again for 2-storey houses and a 4-storey flat block. In terms of the layout a similar approach has been taken, with the houses located to the north and east of the site, adjacent to existing 2-storey residential properties in the street, and the flat block on the corner of Arlington Gardens and Dane Valley Road, providing a larger prominent landmark building on the corner of the site on the lowest ground level. The proposed houses follow a similar pattern of development to that previously approved, and visible in the streetscene, with the houses fronting Dane Valley Road of staggered front building lines, and the houses in Arlington Gardens following the front and rear building lines of the adjacent existing dwellings. The proposed houses are semi-detached, which is characteristic of the majority of dwellings in the area.

The access has changed location and is now served from Dane Valley Road, but the parking court remains located to the rear of the site to provide additional parking to serve the scheme. Spacing exists between the houses and the flat block, with 5.4m to the northern houses and 6m to the eastern houses (when measured from the flat block), allowing for some spaciousness around the building. Overall the layout of the units, access and parking areas are considered to be acceptable, and in keeping with the surrounding pattern of development, and the previous consent.

A landscaping scheme has been submitted with the application showing that whilst parking spaces will be located to the front of the flats and houses, varying colours of asphalt will be used, which will help to break up the extent of hard surfacing. Soft landscaping is proposed to the front of the flat block onto Dane valley Road, with the block plan suggesting that tree and hedge planting will take place along the frontage, along with a low black metal railings. Gardens are provided to each dwelling, along with a shared community space to serve the flats within the gap between the dwellings and the flats. Whilst this space would ideally be larger and located to the rear, as it was within the previous approval, the previous approval did not meet the nationally described space standards as it was approved prior to this legislation, and therefore the affordable units now proposed require a large footprint, which restricts the external space. Overall the landscaping proposed is considered to be acceptable, enabling some softening of the development from the street that will help improve the impact upon the locality.

In terms of the design, the proposed development has a traditional design, with the houses featuring pitched roofs and double height front bay windows. The buildings are constructed from brick, with the windows set within reveals. The dwellings have similar eaves height to the neighbouring properties, and as the land level drops, the ridge height of the units also reduces, which is characteristic of properties in the road. The windows are large in proportion, with brick detailing above. Whilst the units are not of the same design as neighbouring properties, there is not a need to mimic the neighbouring property design, with the site large enough to accommodate its own character. There is an opportunity for a high quality development design on this site that can enhance the appearance of the area. The proposed dwellings would sit comfortably within the streetscene, with the proportions, reveals, bay and detailing enhancing what is otherwise a simple building design. The design of the dwellings is therefore supported.

The flat block is a large building, but its dominance and scale has been reduced through its design, which splits the building into three elements. These three elements are clear from Dane Valley Road, where the three gable ends are visible. The elevations again stagger, following the same pattern of development as the adjacent houses, which helps to break up the main elevation onto Dane Valley Road. On Arlington Gardens the elevation is broken up through the setback of the central section. The building is entirely brick, but it has been broken up with a brown brick to ground floor level, and a red brick above, which has helped to break up the building vertically. Large windows are again proposed, which help to lighten the appearance of the building, and on the solid wall a number of recessed brick panels have been used to add depth to the building, and again create interest through this simple detailing. The main block fronting Arlington Gardens appears 3-storey, but the 4-storey height is clear within the third block that fronts Dane Valley Road, with a window in the gable at third floor level, and further windows that are partially in the roofspace on the side elevation fronting the internal access. The window projections, along with the windows below, create an interesting elevation that will be visible in long views along Dane Valley Road. Overall the proposed flat is considered to be a good design that achieves an active frontage to each of the three main elevations. Whilst the building is quite dominant in views from Dane Valley Road, there are examples of larger buildings of 3-storey in height close to the site, and the original public house building on the site was a tall 3-storey building with a steep pitched roof, so a building of the scale proposed is not considered to appear significantly out of keeping with the area, especially bearing in mind the previously approval on the site that allowed a 4-storey development. On balance, the design and scale of the proposed flat block is considered to be acceptable, and to represent a suitable enhancement of the site.

The proposal is therefore considered to provide a good quality housing development that appears in keeping with the surrounding pattern of development, and will enhance the character and appearance of the area through the redevelopment of this disused brownfield site. The proposal is therefore considered to be in accordance with Policy QD02 of the Thanet Local Plan, and the NPPF.

Living Conditions

Policy QD03 of the Thanet Local Plan states that 'all new development should 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; be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04; include the provision of private or shared external amenity space/play space, where possible; 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'.

The main neighbouring properties affected by the development are those to the east of the site in Dane Valley Road, those to the north of the site in Arlington Gardens (including no.105 to the rear), and those to the north east of the site in Balcomb Mews.

No.182 Dane Valley Road is located next to the proposed semi-detached units fronting Dane Valley Road. The nearest proposed dwelling is located 2.2m from no.182. The proposed dwelling is staggered, so the front elevation projects forward of the front building line of no.182 by 4m. This projection is characteristic of the pattern of development in this part of the road. When taking the 45 degree line from the centre of the neighbouring properties front window, the proposed development appears to fall exactly on the 45 degree line. In terms of light, there may be some impact later in the day when the sun moves to the west, but in the morning there will be limited impact. To the rear the proposed development does not extend beyond the neighbour's rear elevation, so there will be no impact to windows. On balance, given the

distance and that the 45 degree line is not affected, the impact upon light to and outlook from no. 182 is considered to be acceptable.

No.103 Arlington Gardens is located uphill on a higher ground level. There is an access road between the neighbouring properties and the nearest proposed dwelling, and the proposed dwellings follow the front and rear building lines of the neighbouring property. As such, the impact upon light to and outlook from no.103 is considered to be acceptable.

No.105 Arlington Gardens and no.2 Balcomb Mews are too far from the development to be affected by light or outlook, with the nearest of these dwellings being at least 18m away.

In terms of overlooking, there's a distance of 24m between the nearest direct facing window of proposed block A to the neighbour at no.182 Dane Valley Road, which is considered to be an acceptable distance. From Block B the windows will face the side elevation of the neighbouring property and not the rear amenity space.

There is a distance of 22m to the side elevation of no.105 Arlington Gardens from Block C, which is considered acceptable.

There is a distance of 21m between the side facing windows of Block B to no. 103 Arlington Gardens. This distance is only just considered to be acceptable. Following concerns raised, the lower half of the windows facing the neighbour have been obscure glazed. Therefore this restriction, along with the ground level change with the site on a lower ground level than no.103, along with the distance, the impact upon privacy is considered to be, on balance, acceptable.

The parking court is proposed to the rear of the site, which could cause some noise impact to neighbouring properties; however, the parking court is again on a lower ground level to neighbouring plots, and an existing fence exists to the northern boundary. The existing wall on the eastern boundary appears unstable, and therefore the proposal was to demolish part of the wall and erect a new wall with trellis above. The neighbouring occupiers at no.182 Dane Valley Road has raised concerns with the proposed boundary wall, which includes fencing, and would prefer to see a wall as it is existing. Amended plans have been submitted showing the eastern boundary annotated with a new replacement wall up to 1.8m in height, which should allay the concerns of the neighbouring occupier and reduce noise impact from the parking area. Given these works and the low level of vehicular movements anticipated within the parking area, the impact of the parking area is considered to be acceptable to neighbouring occupiers.

In terms of the impact upon future occupiers, all of the houses are provided with doorstep play space, and a side garden that's enclosed by 1.2m high black railings has been provided to serve the flats. Whilst small in size, there are no minimum size requirements for doorstep play space, and given the large open recreational space opposite the site, this doorstep play area is considered to be acceptable. The proposal is therefore considered to comply with Policies GI04 and QD03 of the Thanet Local Plan.

All units meet the nationally described space standards as set out within Policy QD04 of the Thanet Local Plan.

The refuse storage area is located to the front of the houses, and internally within the flat block. The refuse was originally accessed from the side elevation of the flat block, with a refuse vehicle expecting to stop on Arlington Gardens. TDC Waste and Recycling raised concerns with the access, and requested that it be relocated to the rear elevation, so that it is easily accessible from the new internal access road. Amended plans showing this change have been submitted, with the refuse store located within 10m of where the waste collection vehicle will

pass. Waste provision is therefore considered to comply with Policy QD03 of the Thanet Local Plan.

The proposed development is considered to result in an acceptable impact upon amenity for both neighbouring and future occupiers. The proposal is therefore considered to comply with Policies QD03 and QD04 of the Thanet Local Plan.

Transportation

The proposal provides a single vehicular access into the site from Dane Valley Road, which will serve 6no. parking spaces. A single parking space is provided to the front of each of the houses, and a parking area to serve the flats is provided to the front of the flat block, adjacent to Arlington Gardens. This achieves 18no. spaces to serve the 17no. residential units, including 2no. disabled parking spaces. All of the spaces are provided with electric vehicle charging points.

A transport statement has been submitted with the application, The statement has considered the expected trip generation for the proposed dwellings, which consists of 10no. 2-way movements AM peak, and 8no. 2-way movements PM peak. Given these low numbers and taking into account the previous use of the site as a public house, this number of vehicle movements is expected to have no adverse impact on the highway network.

KCC Highways have been consulted, and confirmed they agree with the trip generation figures, which indicate worst case scenario as they're based upon privately owned dwellings rather than affordable dwellings (which are evidenced to provide less vehicle movements than private units). As such KCC considers the impact upon the highway network to be acceptable.

In terms of the parking, the number falls short of the minimum requirement as set out within Interim Guidance Note 3, which requires 1.5 spaces per 3-bed house, plus an additional 0.2 visitor parking spaces per unit. The transport statement provides data of the average car ownership for affordable units, which falls below the normal requirement, suggesting on average 2-bed flats use 0.4 parking spaces, and 3-bed houses 0.9 parking spaces. KCC has advised that they accept the reduced number of parking spaces on the basis of this evidence. All of the spaces for the flats will be unallocated, so it's likely that there could be the minimum 3no. visitor spaces achieved within this parking area if not all of the units use their parking space, which based upon the evidence is likely to be the case.

KCC have requested visibility splays be provided to the access of 2.4m x 43m in both directions, with no obstructions over 0.6m. In addition, pedestrian visibility splays of 2m x 2m have been requested to each driveway. Plans have been submitted showing that these visibility splays can be achieved.

Kent Fire and Rescue has confirmed that in their view the emergency access requirements for the Fire and Rescue Service appear to have been met.

KCC PROW have raised no objections to the proposed development.

Cycle parking has been provided in the form of one space per flat, within a communal cycle parking area; and one space per bedroom for houses within their designated garden area.

Electric vehicle charging has been provided to each space, which exceeds the requirement, as only one electric vehicle charging space would have been required per 10 unallocated spaces.

In terms of refuse, the refuse for the flats was originally accessed from the side elevation of the flat block, but TDC Waste and Recycling raised concerns with the access, and requested that it be relocated to the rear elevation, so that it is easily accessible from the new internal access road. KCC have requested tracking plans showing that a waste and recycling vehicle can reverse into the access on collection day. Tracking plans for a 10.5m long vehicle have been submitted showing that the necessary turning and reversibility is achievable. The Waste and Recycling team has advised that a 10.4m long vehicle would collect from communal bin stores, and therefore this is acceptable

TDC Waste and Recycling and KCC highways now raise no objections to the collection of waste.

The impact upon highway safety is therefore considered to be acceptable.

Affordable Housing and Mix

Policy SP23 of the Thanet Local Plan requires that for residential development of more than ten units, 30% affordable housing is provided.

The application provides details of the affordable housing need in Millmead, which consists of:

- 1 bed - 12 (all for medical reasons - Band A - Critical need of housing)
- 2 bed - 7 (2 are lacking bedrooms and 5 have a medical need to move)
- 3 bed - 43 (34 are lacking bedrooms and 9 have a medical need)

The proposal is for 100% affordable housing on the site, consisting of 7no. 1-bed and 6no. 2-bed flats, and 4no. 3-bed semi-detached dwellings. which will respond to the current need identified. The proposal will therefore comply with Policy SP23 of the Thanet Local Plan.

An Interim Policy Statement on First Homes provision was adopted by the Council in August 2022. The policy requires that of the affordable housing provision, 70% should be social/affordable rent, 5% should be intermediate housing, and 25% should be first time homes. The applicant is Thanet District Council, and therefore the proposal is for all units to be either social/affordable rent or intermediate, with no first time homes.

Within the Interim Policy Statement a list is provided for when first time homes are not required to be provided, which includes 'developments exclusively for affordable housing, entry-level exception sites, or rural exception sites'. As this site would be exclusively for affordable housing, there would not be a requirement for first time homes, however, there will need to be a condition that will secure the provision of the 100% affordable housing, as without this the application would not comply with the Interim Policy Statement. On the basis that this condition is applied, which is considered reasonable given that the Council will be providing the affordable housing using grant money that is solely allocated for this purpose, greater weight can be applied to the social benefits of the proposal from the provision of this increased level of affordable housing above the policy requirement.

In terms of the size and type of units, the submitted evidence shows that there is a local need for 1-bed, 2-bed and 3-bed units in the immediate area, and as such the proposal, which provides all of these units sizes, and a mix of flats and houses, is considered to comply with Policy SP22 of the Thanet Local Plan.

Ecology

The site is previously developed land, and is hard surfaced. The applicant has confirmed that the site is cleared regularly.

An ecological impact assessment has been submitted with the application. The assessment shows that there is some bramble scrub that could be suitable for nesting birds. No evidence of habitats was found on site. Ecological enhancements are recommended, including the provision of soft landscaping (to contain native species planting and a mixture of low growing grasses and forbs mixed with native shrub species or small trees); and habitat enhancements, including additional ecological features such as low maintenance green walls along with various bird boxes mounted or built into the new buildings to compensate for the loss of nesting potential on site.

KCC has advised that they've reviewed the ecological information and sufficient information has been provided to determine the planning application.

They are satisfied with the conclusion that (with the exception of breeding birds) the site has limited potential to support protected/notable species, and they've taken this view as the vegetation on site has only established in the last 3-4 years and the site is largely isolated due to it being in an urban area and surrounded by fencing/walls.

Subject to safeguarding conditions requiring ecological enhancement the impact upon ecology is considered to be acceptable, and in accordance with Policy SP30 of the Thanet Local Plan.

Drainage

A drainage design strategy has been submitted with the application. The site is a brownfield site, previously serving a public house building. No existing surface water drainage system has been found on site, but there is an existing foul water sewer extending through the site close to the rear boundary, and an existing foul sewer in Arlington Gardens.

The proposal is to provide soakways within the site to collect surface water runoff, which will then soak into chalk to facilitate downward drainage. The submitted plan shows the soakways to be located within the rear carpark area, and adjacent to the front boundary of the site on Dane Valley Road.

Foul drainage will drain via gravity into the existing foul sewer at the western edge of the development in Arlington Gardens.

The Environment Agency has confirmed that they have no comments to make.

Southern Water has raised no concerns with the proposed drainage strategy, but have recommended a safeguarding condition requiring details of the final drainage design. They've also commented that a sewer now deemed to be public could be crossing the development site, and that if any sewer is found during construction works, an investigation of the sewer will need to take place to ascertain its ownership before any further works commence on site.

KCC SUDs have commented that they have no objections to the provision of the 4no. soakaways across the site, however, they've advised that at the detailed design stage they would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software.

The impact upon flood risk is therefore considered to be acceptable, and in accordance with Policy CC02 of the Thanet Local Plan.

Special Protection Area Mitigation and Appropriate Assessment

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.

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. 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. This approach is set out in the Local Plan under Policy SP29 (Strategic Access Management and Monitoring Plan (SAMM)).

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £202 per 1-bed unit, £320 per 2-bed unit, and £424 per 3-bed units, resulting in a total of £5,030. The applicant has agreed to these contribution. As the applicant is the Council, a unilateral undertaking to secure this contribution cannot be submitted, but the contribution can be transferred to the planning department from the housing department prior to the issuing of any planning permission. Subject to this financial contribution being secured, the impact upon the Special Protection Area will have been appropriately mitigated, with the application complying with the habitat regulations. An appropriate assessment has been carried out on this basis.

Financial Contributions

KCC has requested the following financial contributions, which totals £52,971.80.

Community Learning and Skills £581.57
Integrated Children's Service £740.50
Libraries £1,064.71
Adult Social Care £3,074.96
Waste Disposal and Recycling £884
Adult Social Care £3,074.96
Special Educational Needs and Disabilities Provision £3,079.08
Secondary Education New Build £30,729.56
Secondary Education Land £12,817.42

Thanet District Council are the applicants for the site, with the sole purpose of providing affordable rent housing to meet the needs of residents who are currently on the housing register. The development is being funded by the Council through 55% borrowing, 40% capital receipts, and 5% brownfield grant. The development is not for profit, and will be provided at cost to the Local Authority, with no financial return for at least 21 years, which is the forecast breakeven year. Following this point any revenue generated will go back into the Housing Revenue Account to support future developments. The Council's Finance Manager has confirmed that the payment of any KCC contributions will result in additional borrowing being necessary, which would put pressure on the Housing Revenue Account revenue business plan, which is likely to either stall or require the scaling back of the housing proposed for delivery; however, upon further discussion the applicant has advised that it would be possible to commit to the smaller contribution amounts, which includes everything except the secondary education contribution for both building and land. The secondary education contribution totals £43,546.98, and the applicant has advised that payment of this contribution is likely to take the breakeven year close to 30 years, which is the point at which the scheme

becomes unviable due to the financial risk to the Council. The applicant has also advised that the scheme has not yet been out to tender, and there is the possibility that the development costs in reality exceed the provisional figures used, which could again impact upon the payback period.

Government advice is that, where a development does not comply with planning policy for reasons of non-viability, the local planning authority is entitled to take a view on whether there are benefits from the scheme that justify flexibility. Policy SP41 of the Thanet Local Plan requires the provision of contributions towards the provision of new, improved, upgraded or replacement infrastructure and facilities 'where appropriate'.

The site has been vacant since approximately 2009-2012 when the public house closed, and in 2016 the existing building was demolished, with the site boarded up since. Planning permissions for the site have been granted, but the redevelopment of the site has not come forward, which could be linked to reasons of viability. Local residents and Councillors are keen to see the site regenerated, and the proposal will provide 100% affordable housing, for which there is a significant need, and which is set out as a priority within the Council's Corporate Objectives. The applicant has committed to all of the financial contributions other than the secondary school construction, which would make this not for profit development scheme unviable for the Council. Furthermore, the housing will be delivered within a short timescale, with the delivery expected by October 2025.

On balance, given the benefits of the scheme, and the viability justification provided, the financial contributions offered are considered to be acceptable and in accordance with Policy SP41 of the Thanet Local Plan.

Other Issues

Air Quality

An air quality assessment has been submitted with the application, which concludes that the risk of dust soiling was 'medium risk', risks associated with human health were deemed as 'low risk', with the recommended mitigation for construction dust considered to be adequate to mitigate any harm. TDC Environmental Health advises that the report has used appropriate methodology and baseline monitoring to consider operational and construction related air quality impacts. Operational Impacts associated with the development are negligible and construction impacts will require mitigation measures as specified in Appendix D of the report. The proposal includes 20 parking spaces all fitted with EVCP.

The impact upon air quality is considered to be acceptable and in accordance with Policy SE05 of the Thanet Local Plan.

Contamination

The application has been supported by a Phase 2 land Contamination Assessment which includes intrusive investigation and soil sampling across the development site. The assessment indicates there is a moderate risk for end users exposed to copper and zinc and therefore remediation measures are required. Subject to a condition requiring these remediation measures to be carried out, the proposal is considered to comply with Policy SE03 of the Thanet Local Plan.

Archaeology

KCC Archaeology has advised that the site lies in an area that is rich in archaeology with numerous crop mark sites known from the Dane Valley, evidence of rich buried landscapes

dating from prehistoric times. Close to the application site are evidence of Bronze Age ring ditches to the south, a probable Iron Age enclosure and trackway close to the east and north and early medieval burials, enclosures and prehistoric ring ditches found to the north east. Prehistoric flints were found at Bolscombe Crescent adjacent to the site.

The site itself has been previously developed with the public house but there are areas that may not have been heavily affected and where archaeological remains could survive. A safeguarding condition for a programme of archaeological field evaluation is therefore recommended. Subject to this safeguarding condition the impact upon archaeology is considered to be acceptable and in accordance with Policy HE01 of the Thanet Local Plan.

Conclusion

The site is brownfield land within the urban confines, and is an allocated housing site. The applicant can bring forward housing delivery with 100% affordable housing, which provides significant social and economic benefits.

The proposal will result in the loss of a site that was previously used for community use, however, the site has been vacant for more than ten years, there are existing community facilities within the catchment of the site, there is an existing public house within walking distance of the site, and the development of the site with the previously approved micro pub use has not come forward. As such it is considered that the loss of the site for a continued community use will not impact on the communities ability to meet their day to day needs, in accordance with Policy CF1 of the Thanet Local Plan.

A good quality design is proposed which will appear in keeping with the surrounding pattern of development, whilst enhancing the character and appearance of the area. The impact to highway safety and neighbouring living conditions is considered to be acceptable.

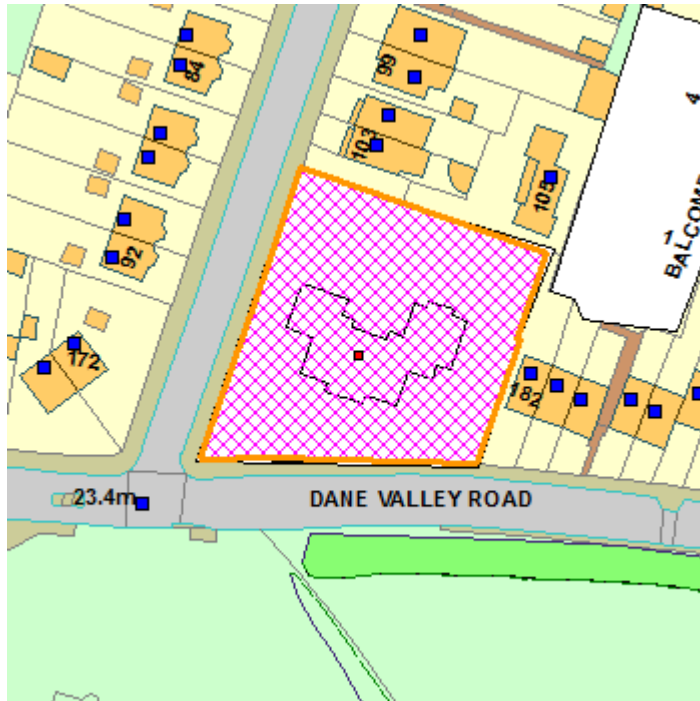
The proposal is therefore considered to result in a sustainable form of development on an allocated housing site, with significant weight applied to the social, economic and environmental benefits of the proposal, including the provision of 100% affordable housing, which are considered to outweigh the limited social harm in this instance resulting from the loss of the community facility. The proposal is therefore considered to comply with the Thanet Local Plan and the NPPF, and it is recommended that members defer and delegate the application for approval subject to the transfer of the financial contributions as set out above to the Planning Department and safeguarding conditions.

Case Officer

Emma Fibbens

TITLE: F/TH/23/1339

Project Site Of Former Dane Valley Arms Dane Valley Road MARGATE Kent CT9 3RZ



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A04 **F/TH/23/0850**

PROPOSAL: Change of use of land from agricultural to the keeping of horses; formation of access routes for horses and agricultural vehicles, sand school, lunge, vehicle parking area and bunds.

LOCATION: Little Cliffsend Farm Chalk Hill RAMSGATE Kent CT12 5HP

WARD: Cliffsend And Pegwell

AGENT: Mr. John Elvidge

APPLICANT: Mr. I P A Smith

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 23/626/JG/PL02 received 23/06/2023, 23/626/JG/PL01 Rev C and, 23/626/JG/PL03 Rev E received 22/09/2023, and the site location plan received 12/07/2023.

GROUND;

To secure the proper development of the area.

2 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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 from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

3 The sand school and lunge hereby approved shall only be available for use Monday-Sunday between the hours of 7am-9pm

GROUND:

In the interests of the amenity of the area, in accordance with Policies QD02 and QD03 of the Thanet Local Plan.

4 Prior to the installation of any external lighting a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Show how and where external lighting will be installed
- b) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the lighting plan and these shall be maintained thereafter in accordance with the strategy.

GROUND:

To protect the landscape character area, the characteristics of this countryside location, and wider amenity, in accordance with the aims of policies SP24, SP26, QD02 and SE08 of the Thanet Local Plan and the advice as contained within the NPPF.

5 Within 12 weeks of the date of this approval a landscaping plan shall be submitted to the Local Planning Authority for its written approval. The plan shall demonstrate that the approved earth bunds will be planted with a species rich grassland mix, and shall provide details of how the grassland within the bunds will be established (including timeframes for doing so), managed, and maintained. The plan shall be implemented as approved.

GROUND:

To ensure biodiversity net gain, in accordance with the aims of Policy SP30 of the Thanet Local Plan and paragraphs 174 and 180 of the NPPF.

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Guidance from the Environment Agency sets out that manure stored within Source Protection Zone 1 (which covers roughly 1/3 of the red line boundary) must be done so with an impermeable base and sealed drainage. There can be no temporary storage of manure in these areas. The applicant has indicated they have enough land to store manure 'without the need to store waste in the source protection zone'. To clarify, the whole of the farm site is covered by a source protection zone. The applicant may store manure in temporary heaps in source protection zones 2 and 3, but not zone 1. If further clarification is required the applicant is advised to contact the Environment Agency directly.

SITE, LOCATION AND DESCRIPTION

The Chalk Hill area comprises mainly agricultural land, with open fields to the north and south, paddocks to the southeast, and a farm complex to the southwest. Beyond this are the salt marshes and coastal areas. The site sits within the identified Wantsum North Slopes Landscape Character Area.

The proposal relates to land adjacent to the existing farm complex. The site area is around 7.5 hectares and runs north and then east towards Royal Harbour Approach. The land here forms part of the agricultural holding for Little Cliffsend Farm and sits above an area of existing paddocks, formerly approved under application F/TH/20/0876.

RELEVANT PLANNING HISTORY

F/TH/23/0235 - Change of use of the land to the siting and storage of containers, materials, plant and machinery and for the parking of vehicles (Retrospective). Granted 03/05/2023.

CON/TH/21/1574 - Application for approval of conditions 2 (Drainage) and 4 (Ecological Enhancements) of planning permission F/TH/20/0876 for the retrospective application for the change of use of agricultural land to land for the keeping of horses. Granted 01/12/2021.

F/TH/20/0876 - Retrospective application for the change of use of agricultural land to land for the keeping of horses. Granted 21/06/2021.

F/TH/16/1417 - Erection of 2 new Industrial Units for B8 use for Storage and Distribution, together with creation of new access route and ground profiling to provide landscape shielding of access way and development. Granted 20/06/2017.

F/TH/00/0213 - Change of use of surplus farm buildings to light industrial (use class b1) together with the provision of associated vehicle parking. Granted 28/09/2000.

PROPOSED DEVELOPMENT

This application seeks part-retrospective permission for the change of use of land from agriculture to the keeping of horses, the formation of access routes for horses and agricultural vehicles, a sand school and lunge, a vehicle parking area, and earth bunds.

The change of use has already taken place and the area is currently occupied by horses contained within paddocks divided by post and rail fencing (this does not form part of the application). The access track is already in place and is stated to be for horses only, not vehicles, to allow them to move safely. The other tracks proposed are also already in place. Earth bunds have been formed, however at the time that Officers last visited, the sand school and lunge area were still under construction, along with the vehicle parking area and some of the southern bunds. Horses were being exercised in the field adjacent which appeared open (to the north).

The applicant's agent has provided information setting out that the intended number of horses to be kept on the site will be around 40, that these will be in connection with the farm holding, but that the horses will be owned and maintained by private individuals coming and going. All horses across the site (including those in the adjacent fields to the south), would have access to the lunge and sand school. There are no proposed physical elements to the lunge, however a 1.5m post and rail enclosure is intended. It is stated that the horses are being rehoused from Crumps Farm owing to closure. The access track formed is for the use and safe movement of horses and not vehicles, and parking will be provided for up to 60 cars (20 with horse boxes).

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP24 - Development in the Countryside

SP26 - Landscape Character Areas

SP28 - Protection of International and European Designated Sites

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

E16 - Best and Most Versatile Agricultural Land

HE01 - Archaeology

HE03 - Heritage Assets

QD01 - Sustainable Development

QD02 - General Design Principles

QD03 - Living Conditions

TP06 - Car Parking

SE04 - Groundwater Protection Zones

NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice posted close to the site and an advert was posted in the local paper. No representations have been received.

Ramsgate Town Council: Ramsgate Town Council cannot make a comment on this application and seeks further clarification of detail i.e. how many horses will be accommodated on the site.

Cliffsend Parish Council: Raised concerns about the information contained in the application form and made the following comments:

- The works that have already been undertaken should be in a separate application (formation of access routes)
- There is hazardous and dangerous material being stored that is not in the application
- Unlimited number of horses
- Environmental impacts and impact on water sources from manure
- Highway safety and cycle safety

- Slow moving vehicles could represent a risk using the main turn onto Chalk Hill
- Hours of use and movement could represent a risk in the dark and should be conditioned
- Unclear whether the car park would be a separate use
- No materials for hard surfaces have been provided
- The height, length and provision of trees grown on the bunds needs to be limited
- Development should comply with Policy SP26 of the Thanet Local Plan
- The location for storing manure is not appropriate or lawful

CONSULTATIONS

Environment Agency: “We object to the application as submitted because the location and type of development proposed is likely to result in a significant risk to groundwater resources from which supplies of potable water are obtained. We recommend that planning permission should be refused on this basis.

The site is located within a Source Protection Zone 1 area where we carefully monitor development proposals of all types. Source Protection Zones are designated by us to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. Source Protection Zone 1 areas are designated closest to the source of potable water supplies and indicate the area of highest risk to abstracted water quality.

In this instance the proposed development would threaten potable water supplies from potential effluent runoff / leachate from manure heaps stored on site for the following reasons:

- Equestrian developments have the potential to produce large quantities of environmentally damaging effluent from stable washings contaminated with foulings, water which has been used for hay soaking and leachate from manure heaps.
- Controlled waters are sensitive in this location as the proposed development is located within a Source Protection Zone 1, upon a Principal aquifer.
- No clear detail has been provided within the application as to the volume of manure expected to be produced, or how the manure is to be stored, or how leachate runoff is to be managed.
- The site is situated within a Nitrate Vulnerable Zone and A Drinking Water Groundwater Safeguard Zone.

Under the storage of silage, slurry and agricultural fuel oil guidance (Storing silage, slurry and agricultural fuel oil - GOV.UK (www.gov.uk)), you must inform the us if you intend to construct new storage facilities and ensure that the surrounding environment, including controlled waters such as groundwater, are not polluted as a result of the activity. As the site is located in a Nitrate Vulnerable Zone there are additional rules, including for the storage of solid manures. Storage should either be in a container, on a waterproof base where runoff can be collected, or in a roofed building.”

Following amendments and reconsultation the Environment Agency made the following comments:

“We have reviewed the submitted documents and consider that it satisfactorily addresses our earlier concerns.

Subject to the condition below, we therefore withdraw our previous objection, KT/2023/130865/01-L01, dated 03 August 2023.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason

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 from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

Informative

Since our previous response we understand the applicant has received manure storage guidance from us. This guidance clearly states that manures stored within Source Protection Zone 1 (which covers roughly 1/3 of the red line boundary) must be done so with an impermeable base and sealed drainage. There can be no temporary storage of manure in these areas.

The applicant has indicated they have enough land to store manure 'without the need to store waste in the source protection zone'. To clarify, the whole of the farm site is covered by a source protection zone. The applicant may store manure in temporary heaps in source protection zones 2 and 3, but not zone 1.

The current 'Proposed area for storing manure' documents on the planning portal (uploaded 05/09/23) indicate the manure will be stored in source protection zone 1. Provided these plans are no longer applicable, and the applicant adheres to the guidance provided on manure storage, we do not object to this application subject to the aforementioned condition.”

TDC Environmental Health: “Environmental Health are concerned that no detail has been provided regarding storage and removal of manure. Burning manure is not an acceptable method of disposal as it is controlled waste and can harm the environment and cause smoke nuisance. If consent is granted the following condition is recommended:

STABLE – MANURE STORAGE/BURNING

Prior to the commencement of the development, details of where and how manure is to be stored and ultimately disposed of shall be submitted to and approved in writing by the Local

Planning Authority. Once the use commences, this shall be carried out in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.”

Following amendments and reconsultation Environmental Health made the following comments:

If the Environment Agency do not object we are satisfied.

TDC Conservation Officer: “Following a review of the proposed application I would consider there to be minimal implication to the nearby listed gun placements, as such I do not object to the proposed.”

KCC Highways: “The proposal seeks to provide an area for horses, formation of an access route, sand school, lunge and vehicle parking. An access route is proposed adjacent to an existing access off Chalk Hill.

Vehicle tracking is required at the junction with Chalk Hill to illustrate that vehicles with horse boxes can enter and exit the site without obstructing or damaging the existing public highway.

I shall be grateful for the submission of further details to enable additional comments to be provided.”

KCC Public Rights of Way: “No comment”.

KCC Biodiversity and Ecology: “No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts. We have taken this view as the site is an intensively managed grassland field limiting the potential for protected/notable species to be present As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2021, biodiversity should be maintained and enhanced through the planning system.

The proposal includes the creation of bunds. We recommend that the bunds are planted with a species rich grassland mix and managed to enable the grasses and plants to flower and set seed. If the bunds are planted with a species rich grassland mix and it is actively managed it’s likely that that the proposal can achieve a net gain.

If planning permission is granted we recommend that landscaping plan is submitted as a condition of planning permission demonstrating that the proposed bunds will be designed to benefit biodiversity and in particular planted with a species rich grassland mix. We recommend the following condition:

Prior to works commencing within the site a landscaping plan must be submitted to the LPA for written approval. It must demonstrate that the bunds will be planted with a species rich grassland mix and provide details of how the grassland within the bunds will be established and managed. The plan must be implemented as approved.”

Following amendments and reconsultation KCC made the following comments:

“We have reviewed the updated information and we advise that the following advise provided in August 2023 is still valid.

NO INFORMATION – NO FURTHER INFORMATION REQUIRED

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts. We have taken this view as the site is an intensively managed grassland field limiting the potential for protected/notable species to be present. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2021, biodiversity should be maintained and enhanced through the planning system.

The proposal includes the creation of bunds. We recommend that the bunds are planted with a species rich grassland mix and managed to enable the grasses and plants to flower and set seed. If the bunds are planted with a species rich grassland mix and it is actively managed it's likely that that the proposal can achieve a net gain. We understand that the applicant has concerns with the management of the bund if it is planted with a grassland meadow mix. But we highlight that a flowering lawn mix can be planted and that will enable a grassland with a reduced sward height mix to be established on site and therefore can be cut more regularly but still benefit biodiversity.

Information has been provided confirming that native species hedgerows will be planted within the site.

If planning permission is granted we recommend that landscaping plan is submitted as a condition of planning permission demonstrating that the proposed bunds will be designed to benefit biodiversity and in particular planted with a species rich grassland mix. We recommend the following condition:

Prior to works commencing within the site a landscaping plan must be submitted to the LPA for written approval. It must demonstrate that the bunds will be planted with a species rich grassland mix and provide details of how the grassland within the bunds will be established and managed. The plan must be implemented as approved.”

KCC Archaeology: No response.

COMMENTS

This application is reported to Planning Committee at the request of Cllr Davis in order for Members to consider whether any harm is caused to the environment, specifically contamination to groundwater, as raised by the Environment Agency, as a result of the works.

Principle

This application is part-retrospective and seeks consent for the change of use of agricultural land to the keeping of horses, along with associated access routes, sand school, lunge, vehicle parking and bunds. The site is located outside the urban confines and is therefore within the countryside. Policy SP24 of the Thanet Local Plan sets out that development on non-allocated sites in the countryside will be permitted for either:

- 1) the growth and expansion of an existing rural business;
- 2) the development and diversification of agricultural and other land based rural businesses;
- 3) rural tourism and leisure development;
- 4) the retention and/or development of accessible local services and community facilities; or
- 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings.

All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The keeping of horses is considered to be a use that is compatible with a land based rural business, and the growth and expansion of businesses is supported by paragraph 84 of the National Planning Policy Framework (NPPF). It is also noted that this has been found to be an acceptable use of land in this location, with planning permission given for the keeping of horses to the southern fields extending eastwards (application F/TH/20/0876 refers).

No specific policies exist for equestrian uses in the 2020 Local Plan. Policy SR16 of the former 2006 Local Plan generally supported equestrian uses in the countryside subject to certain criteria being met. This included the nature and scale of the equestrian use, and the impact of any built development on the character of the countryside, the cumulative effect of similar uses in the countryside, whether suitable arrangements have been made for disposal of waste, drainage provision, whether a suitable vehicular access can be provided, the impact upon traffic levels, among other considerations. There was no in-principle objection to the keeping of horses.

Policy E16 of the current Local Plan sets out that for major development planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land, save for where the following apply:

- 1) the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land,
- 2) there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and
- 3) the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.

The proposal would see a change to an equestrian rather than agricultural use, however this would not be likely to interfere with the aims of the above policy. Whilst the land appears to constitute best and most versatile agricultural land from the Natural England provisional agricultural land classification GIS mapping, the proposed works would not result in an

irreversible loss, as it would be possible to return it to an agricultural use again by removing the horses.

The proposed development is, therefore, considered to be acceptable in principle, subject to the assessment of all other material planning considerations, including the impact on the character and appearance of the surrounding area, the living conditions of neighbouring occupiers, archaeology, ecology and biodiversity, highway safety, and other matters.

Character and Appearance

Paragraph 130 of the National Planning Policy Framework (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. Paragraphs 174-175 set out that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. It goes on to say that plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in the Framework.

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. Policy SP24 sets out that proposals for development in the countryside should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The proposed change of use would see the further expansion of fields for the keeping of horses. Of itself this would not be likely to materially alter the character of the wider area, with the adjacent fields already in use for this purpose, and notable field shelters and structures, along with boundary treatments separating paddocks.

In terms of the appearance of the area, the site sits within the identified Wantsum North Slopes Landscape Character Area as designated under Policy SP26 of the Thanet Local Plan. Both policies SP24 and SP26 of the Thanet Local Plan seek to protect special landscapes and the rural character of the countryside by requiring development proposals to be of a form, scale, and size which is compatible with, and respects the character of, the

local area, and seeks to avoid skyline intrusion that would harm the openness of the landscape or prevent wide and long views across the the Wantsum Channel.

The Landscape Character Assessment identifies the Wantsum North Slopes in the following way:

This landscape is characterised by sloping topography, which forms fairly steep south facing slopes rising above and forming the North Shore of the Wantsum Channel. It comprises regular arable fields and the settlements of former 'port' villages.

A regular, rectilinear field pattern, with few defining boundary features between the fields creates a large scale, open landscape. Large fields of asparagus on the eastern slopes create a distinctive seasonal landscape. Localised areas of trees occur around isolated farm buildings and roadside dwellings, and some hedgerows run along the straight roads that connect the villages.

The document goes on to identify key qualities and sensitivities within the area, including long uninterrupted views from the south facing slopes across the flat landscape of the adjacent marshes and over Pegwell Bay and the sea, the sparsely settled landscape (outside the villages) with trees situated around villages and farmsteads which provides a rural agricultural backdrop to the marshes, and the role it has in providing a rural backdrop and largely undeveloped ridgeline and slopes to the adjacent marshes.

Despite some associated structures, a sense of openness would be retained here. Animal movement and the absence of other physical built form, along with the need to graze and the continued presence of green pastures, would retain an element of openness across the landscape. The use is considered to be compatible with the agricultural operations of the wider farm complex and countryside location, and therefore there is not considered to be any harm to the character and appearance of the area.

It is noted that a number of earth bunds have been formed to the southwestern part of the site. These comprise, and when finished are proposed to form, one long bund running eastwards towards a new access track that would sit adjacent to a 'U-shaped' bund facing north, east, and south. Another bund would sit between the car parking area and lunge. Finally a long bund would run across the southern part of the site covering the area for vehicle parking, the lunge, and the sand school. The following dimensions are given as maximum measurements for each:

- Single western bund north of car park - 77.3m long x 19.5m wide and up to 3m high
- Top of U-shaped bund north of sand school - 69.6m long x 20.8m wide and up to 3m high
- Middle of U-shaped bund east of sand school - 25m long x 19.5m wide and up to 3m high
- Bottom of U-shaped bund south of sand school - 62.3m long x 9.5m wide and up to 2m
- Southern bund along the bottom - 155m long x up to 11m wide and up to 2m high
- Additional bund added - 38.6m long x 18m wide and up to 3m high

The proposed sand school and lunge area would be open internally, though screened by the bunds. These features may create a more formalised appearance when compared with the adjacent paddocks, however views into the area would be likely to be limited from public vantage points owing to the height and length of the earth bunds and it is not considered uncommon to find facilities like these in countryside locations. Horses from the adjacent lower fields would be able to use and access these facilities and areas. It is stated by the applicant that the bunds are required to provide seclusion and separate movements between horses using this area and those in the adjacent areas, including vehicle movements. It is stated that the horses are sensitive to their surroundings, movement, and noise.

The bunded areas here would sit in line with an existing embankment lined with trees along the northern perimeter of the farm complex, where there is significant drop in land levels to one side. This existing embankment, given the additional tree coverage over it, blocks views across the coastal edge, and out to sea. The proposed bunds do not extend any further than this line, and the current planting scheme agreed by the applicant with KCC would be for a species rich grassland mix to be managed and is a recommended condition by KCC. Views from the entrance track off of Chalk Hill indicate sporadic tree coverage along the cliff top, and some structures. The bunds therefore do not appear to materially alter or harmfully intrude upon the skyline or openness of this area. They have been grassed/become self-seeded and blend with the landscape to a degree. The works would be reversible and the bunds could be levelled if no longer required later. Therefore, on balance, they are not considered to be significantly harmful or to conflict with the overall aims of policies SP24, SP26, or QD02 of the Thanet Local Plan or the aims of the NPPF.

Although it is not considered necessary or reasonable to condition the hours of use given the keeping of live animals and animal welfare considerations, there could be an impact from the use of the sand school and lunge in terms of lighting and darker days or evening activity which could have a landscape impact. As a result it is considered appropriate to require a lighting design condition in connection with the aims of policies SP26, QD02 and QD03.

The proposed new tracks create a more formalised arrangement and cut into otherwise open fields. Given the otherwise green space retained, along with the need to access paddocks and move horses, the principle of the tracks are considered to be acceptable. It was raised with the applicant that the existing access track that has been formed appears wider than may be necessary and justification for this was sought. The applicant's agent has set out that large vehicles associated with the farm holding use the existing access tracks, and that there is a level of movement associated with the businesses within the farm courtyard and distribution units there. It is set out that at times vehicles take up a larger amount of the track width and the proposed new track has been designed to allow for a larger space to avoid conflict between horses and commercial or agricultural vehicles. Whilst the currently proposed access track appears to be larger than required, it is not considered significantly harmful enough as to refuse the application. This track, along with the others proposed, could be removed if no longer needed later, and is viewed in the context of the intended land use.

Finally a parking area is proposed to the southwestern corner of the site. This will be comprised of Type 1 material and hold up to 60 vehicles. It is likely that the use will be

intermittent and not at full capacity the majority of the time, with individual horse owners attending at varying times. Formalised parking at this level would create a change in the overall appearance of the site, and could lead to a change in character, however given that the resulting change of use and other development have been considered to be acceptable, parking would be expected here. The majority of the parking would be obscured from Chalk Hill and surrounding public access paths by the northwest bund, and on balance, the works are not considered significantly harmful enough as to refuse the application.

To the south of the site there are two Grade II listed WW2 Gun Emplacements. Paragraphs 199 and 202 of the National Planning Policy Framework (NPPF) advise that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation. In determining applications great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Policy SP36 sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development. Policy HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF. In this case the Council's Conservation Officer has reviewed the scheme and raised no objections to the impact of the works on the listed assets.

Given the site's location, change in land levels, previous planning history, and the above, the proposed works are not considered to result in any significant harm.

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. Paragraph 130 states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure.

The change of use of land would be likely to create a more active and perceivable use in this location. However, the site area is set away from neighbouring property occupiers and is therefore unlikely to result in any perceivable harm. To the south east with Coastguard Cottages, the site would be some 250m north of residential properties in this location. Although there could be more comings and goings and associated noise from increased numbers of horses across the wider area, the separation distances concerned, along with the access from Chalk Hill to the northwest point of the site, are likely to mean that no new

harm would occur. Although there are properties to the northwest along Sandwich Road, these are over 260m away and located south of the access point on to Chalk Hill. As a result there is not likely to be any harm to occupiers in this location. The proposal would see an intensification of the wider area for the keeping of horses and this may generate more overall noise and movement, as identified above. Within the farm complex there are some residential buildings. These are set within the envelope of an existing agricultural business and associated rural activities, like the keeping of horses, would not be uncommon or unexpected in such a location and therefore given the surrounding environment and location, the works are not considered likely to result in harm.

In terms of the impact on the commercial farm operations, the keeping of horses is an already established practice here. There are mixed uses on the wider farm site already, including storage and distribution, and separate parking arrangements / access points have been provided.

The Environment Agency initially raised an objection to the proposal, setting out that the site lies within a Source 1 Protection Zone and the potential effluent run-off / leachate from manure heaps stored on site are likely to result in a significant risk to ground water resources from which supplies of potable water are obtained (high quality water supplies usable for human consumption). They identified that:

“Equestrian developments have the potential to produce large quantities of environmentally damaging effluent from stable washings contaminated with foulings, water which has been used for hay soaking and leachate from manure heaps.

Controlled waters are sensitive in this location as the proposed development is located within a Source Protection Zone 1, upon a Principal aquifer.

No clear detail has been provided within the application as to the volume of manure expected to be produced, or how the manure is to be stored, or how leachate runoff is to be managed. The site is situated within a Nitrate Vulnerable Zone and A Drinking Water Groundwater Safeguard Zone.”

The Thanet Local Plan provides some useful background information in relation to groundwater protection in the district and states that:

“Thanet's groundwater is of poor quality and is vulnerable to contamination due to Thanet's thin soils and cracks in the chalk rock, which means pollution would soak through quickly to the groundwater (para 16.12)

..... Once the chalk and groundwater is contaminated at a site by a substance it can take decades to clean-up. The Council and the Environment Agency have worked hard to prevent contamination by consistently applying Groundwater Protection policies to any proposed land use changes in Thanet to reduce potential future impact. (para 16.14)

Under the Water Framework Directive (WFD), the 'Kent Isle of Thanet Groundwater Body' has been classified as poor status for the groundwater quality and quantity. The groundwater is impacted by nitrates, pesticides, solvents and hydrocarbons at levels that are of concern. Thanet's groundwater is currently a candidate Water Protection Zone (WPZ). These zones

are used in areas identified as being at high risk as a 'last resort' when other mechanisms have failed or are unlikely to prevent failure of WFD objectives..... (para 16.15)

..... The poor groundwater quality cannot be attributed to just one source. In Thanet there are considerable risks to the groundwater from both urban and rural activities. These risks are intensified by the compact nature of the district.” (para 16.16)

Policy SE04 of the Thanet Local Plan seeks to address these concerns and sets out that proposals for development within Groundwater Source Protection Zones will only be permitted if there is no risk of contamination to groundwater sources. If a risk is identified, development will only be permitted if adequate mitigation measures can be implemented.

The applicant’s agent has set out that manure has been stored within the agricultural holding for two decades. Previously planning permission was given in respect of the same development to the south of the site, and a manure storage area was agreed between land at the A299 and Sandwich Road. The manure is stated to be stored and then spread on the farmland and the applicant therefore submits that no licences are required from the EA and states:

“This situation remains unchanged, and there is more than adequate capacity to accommodate the additional waste generated by the proposed change of use, a significant degree of which has already been implemented due to the desperate need to meet the unmet demand for horse grazing generated by the closure of Crumps Farm but without resulting in any adverse environmental conditions.”

The EA responded by setting out that no permit had been applied for because there was not formerly a proposal for storing manure within the Source Protection Zone (1). Subject to manure being stored outside of the Source Protection Zone, the EA confirmed that there would be no objection.

The applicant shared with the Council information and maps that had previously been discussed by them with the EA directly in relation to the whole farm holding and areas across it that fell outside of Zone 1. The EA were asked separately by the Council to comment further on the potential for storing manure within the wider holding but outside of Zone 1 and they confirmed that two thirds of the holding fall outside of Zone 1 and could be used to store manure. As the lead authority for this matter the EA have not required the LPA to condition the location for storage but have asked that an informative be added to any potential approval to remind the applicant of the suitable areas in which to store manure. The Council’s Environmental Health Team have reviewed the application and raise no further objections following discussions with the EA.

The EA have requested an unsuspected contamination condition. The Parish Council have raised concerns about how such a condition would be discharged and dealt with. If contamination is found on site, the applicant would be able to make the relevant application to the Council who would consult with the EA and the Council's own Contamination Officer within the Environmental Health Team. An agreed upon approach would then be found.

Given the above, the proposal is, therefore, considered to comply with the aims of policies QD02, QD03 and SE04 of the Thanet Local Plan and the guidance of the NPPF.

Archaeology

Thanet is an area rich in archeology, with a long history of trade, settlers and invasion and defence given its former island status and proximity to Europe. Paragraph 190 of the NPPF sets out that LPAs should avoid or minimise any conflict between a heritage asset's conservation and any aspect of a proposal. Policy SP36 of the Thanet Local Plan sets out that the Council will support, value and have regard to the archaeological significance of heritage assets by protecting the historic environment from inappropriate development. Policy HE01 sets out that the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features and that development proposals adversely affecting the integrity or setting of Scheduled Monuments or other heritage assets will normally be refused. Where development would be likely to affect a site of archaeological importance, preservation in situ will be sought. If this is not possible or justified appropriate investigation and recording will be required.

Having regard to Kent County Council's (KCC) environment map for this area, there is the potential for significant finds. Records include pillboxes, neolithic pits, crop marks, the recording of an anti-invasion defence site, iron age coins, and the possible location of a Grubenhaus (timber building from 5th-8th centuries based around a sunken hollow). The same records seem to indicate that most of these had gone by the 1960s.

KCC have not responded to requests for comments on this application, however the proposal does not involve any below ground works of significance, with excavations stated to be a maximum of 0.6m below ground, and therefore no mitigation is currently considered necessary.

Ecology and Biodiversity

Paragraph 174 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by:

- a) 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);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) 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, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Policy SP30 of the Thanet Local Plan sets out that development proposals will 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 through the restoration / enhancement of existing habitats, the creation of wildlife habitats, the creation of linkages between sites to create local and regional ecological networks, the enhancement of significant features of nature conservation value, the protection and enhancement of valued soils, and by providing mitigating against the loss of farmland bird habitats. It goes on to set out that 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.

KCC have reviewed the application and site history and state that no ecological information or mitigation is required based on the limited potential for protected/notable species to be present on the site. However they have requested that the proposed earth bunds be planted with a species rich grassland mix and to ensure this is appropriately managed to help achieve a net gain. A condition is recommended to achieve appropriate landscaping.

The suggested condition wording by KCC would be a prior to commencement condition, however given that the works are part-retrospective this would not be appropriate. The applicant's agent has requested that consideration be given to a minimum period of 12 weeks to prepare the necessary information to comply with the condition owing to the pending Christmas period and difficulty obtaining the services of qualified ecologists in the wake of the formal introduction of biodiversity net gain requirements expected from January. Given the current circumstances a 12 week period is considered to be acceptable by Officers.

Highways

Paragraph 104 of the NPPF requires that transport issues be considered at the earliest stages of plan-making and development proposals. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations.

There is a public right of way immediately north of the site, running along Chalk Hill. Kent County Council (KCC)'s Public Rights of Way Team have raised no objections in relation to the proposal.

Parking is proposed for up to 60 vehicles and 20 horse boxes. There is an existing access track to allow movement to the proposed parking area, and unmarked space for ad hoc parking. In terms of vehicle and pedestrian movements to and from the site, KCC Highways have requested additional information in relation to vehicle tracking at the junction from Chalk Hill. The applicant has responded to this by setting out that the track is for horses only, to separate out their movements and vehicles, and that vehicle movements are intermittent, and not all owners will attend the site at the same time. They state that "*The existing paddocks and stables have operated, without any incident on Chalk Hill or at the junction with Sandwich Road, for more than two decades, and there is no reason to assume that any such incidents would now arise. Indeed, Kent Highways have raised no objection, only seeking to clarify turning arrangements at the Chalk Hill junction, but, as has been pointed out in previous correspondence, this junction has operated successfully for over 20 years and there is clearly no need to demonstrate that adequate room is available for the turning of vehicles, whether or not horse boxes are being towed.*"

The applicant went on to set out that:

"In addition to the points previously made, not only has the junction of Chalk Hill with Sandwich Road been used by cars towing horse boxes and transporters for the past 20 years, it has also been used by commercial vehicles for more than 20 years in connection with lawful B1 and B8 purposes, and for far longer by very substantial agricultural vehicles. In fact, planning consent was granted under F/TH/16/1417, without being considered as 'non protocol', for 2,170 sq m of B8 floorspace, giving rise to unlimited and uncontrolled movement of HGV's at this junction, and to which no objections were raised and no swept path analysis was required to demonstrate that such movements could be accommodated. The requirement for such analysis in connection with the additional movement of exactly the same type of horse use related vehicles which have operated for two decades is therefore entirely without any foundation, when the vehicles involved are smaller than those associated with the commercial units, and there is absolutely no evidence of any problems with the use of the junction in question by articulated vehicles.

With regard to vehicle parking, the proposed area has been clearly identified on the submitted plan. The spaces have not been shown as being marked out, simply because they will not be marked out on the ground, as the surface is a Type 1 material. However, there is no question that an area measuring around 30m x 40m can accommodate at least 40 vehicles. In this respect, experience has shown that not all horses are tended at the same time, and even at peak times, the area identified will be of sufficient size. This has been confirmed by the use of the previously approved parking area, relative to the extent of the area approved under 20/0876 for paddocks and grazing, and, proportionally, the parking area now proposed far exceeds that previously approved. In addition, horse boxes that are towed and horse transporters are only used when horses are moved to and from the paddocks, which is far less frequently than the single cars which visit in order for owners to care for their animals on a regular basis."

KCC were asked for further comments but none have been received. In the absence of any further representations and on the basis of the existing relationship with farm and commercial vehicles, along with the slower anticipated movements of horse boxes, there is no considered to be sufficient justification as to refuse the application on highway grounds.

Concerns have been raised that slow moving vehicles joining or exiting the main highway network could result in harm to highway users, and that damage has been caused to the fabric road surfaces. Given the agricultural use of the site there is an expectation that larger or slower moving vehicles would be using the access track and the highway network and, therefore, there would not be considered to be any increased adverse impact on highway safety in the surrounding area.

Other Matters

In addition to the above considerations, concerns have been raised by Cliffsend Parish Council regarding the sufficiency and accuracy of information presented, whether retrospective works should form a separate application, the storage of hazardous materials that aren't in the current submission, hours of use, and whether the car park would form an independent use.

The Council has sought further information and clarification on a number of areas concerned and is satisfied that there is sufficient information between this and a site visit to be able to consider the application.

There is no requirement to separate out retrospective and prospective works into separate applications.

Matters outside of the application can be directed to the Council's Planning Enforcement Team or Environmental Health Team which cause concern.

The applicant has confirmed that they have not proposed any specific restricted times for the use of the site in the event of a medical emergency or one of the horses requiring care and attention. It would be unreasonable to impose a condition that horses could not be kept on the land at certain times or that they could not be tended to. Given the countryside location and distance from neighbouring dwellings, it is not considered necessary to impose a condition restricting hours of use and is unlikely to be enforceable.

The proposed car park is stated to be in connection with the change of use of the site. If this was used independently of the site then enforcement action could be considered.

Conclusion

The proposed change of use would assimilate with the agricultural use of the land, without causing harm to the best and most versatile agricultural land, or the aims of Policy SP26 of the Thanet Local Plan or Policy QD02. Although initial concerns were raised about the impact of storing manure on the site in relation to public health and the source protection zone, the EA and the applicant have agreed that there are areas across the wider farm

holding where manure can be safely stored and all objections surrounding this matter have been withdrawn. The proposal includes measures to provide biodiversity net gain and no objections have been received in relation to any highway impacts sufficient as to refuse the application. Therefore, on balance, the application is recommended for approval. Enter Text here

Case Officer

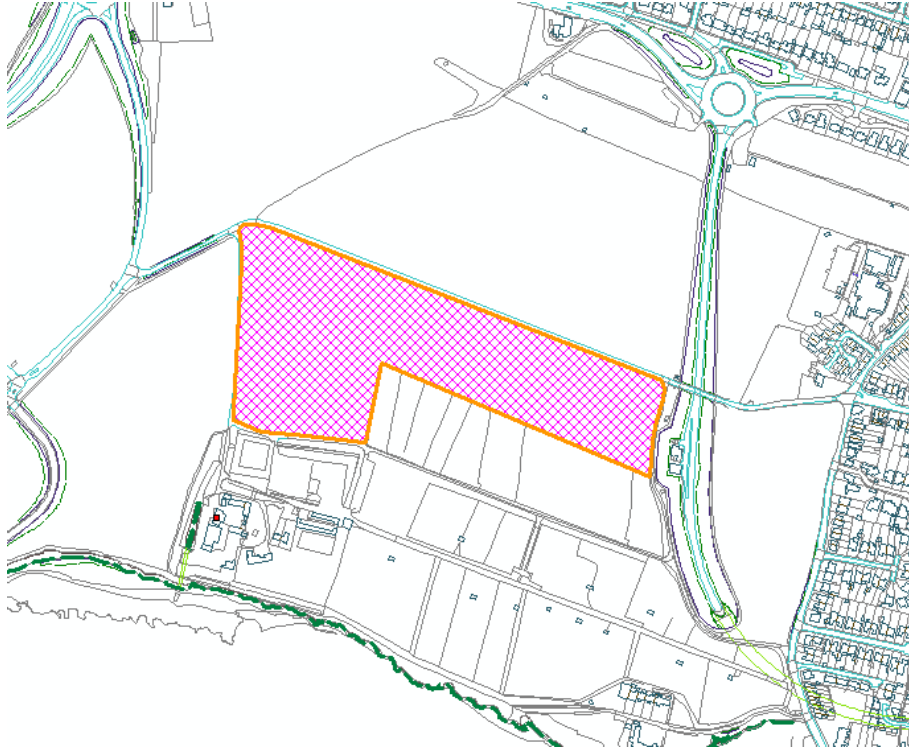
Vicky Kendell-Bryant

TITLE:

F/TH/23/0850

Project

Little Cliffsend Farm Chalk Hill RAMSGATE Kent CT12 5HP



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