

**D07**

**OL/TH/21/0761**

PROPOSAL: Outline planning application for residential development of up to 49 dwellings including access

LOCATION: Land Rear Of 92 To 102 Monkton Street Monkton Kent

WARD: Thanet Villages

AGENT: Mr Ian Coward

APPLICANT: Mr Jacob Taylor

RECOMMENDATION: Defer & Delegate

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

1 Approval of the details of the layout, scale and appearance of any buildings to be erected and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

**GROUND;**

As no such details have been submitted in respect of these matters as the application is in outline. In accordance with Section 92 of the Town and Country Planning Act 1990.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

**GROUND;**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

**GROUND;**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

**GROUND;**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

5 Any reserved matters applications submitted pursuant to this outline application shall accord with the principles and parameter of the following Parameter Plans received by the Local Planning Authority on the 13th May 2021 (including any text set out on those Plans to illustrate the development principles):-

PP001 Rev D - Land Use;  
PP02 Rev D - Movement and Access; and  
PP03 Rev D - Building heights

**GROUND;**

To ensure that any development is in accordance with and within the parameters of that assessed by the Local Planning Authority and in the interest of achieving sustainable development, in accordance with Thanet Local Plan Policies QD02 and QD03 and the principles with the National Planning Policy Framework.

6 Prior to the occupation of any part of the development hereby approved a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority for all landscaped areas which shall include long term design objectives, details of who it to have ongoing management responsibilities for the area and how those arrangements will be secured in perpetuity and annual maintenance schedules for all landscaped areas.

The approved Landscape Management Plan shall be implemented and adhered to as approved subject to any minor revisions thereto as may be approved in writing by the Local Planning Authority. The public open spaces in that phase shall be permanently retained and maintained thereafter in accordance with the approved Landscape Management Plan for that phase and used for and made available as public open space for public amenity 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, SP27 and GI06 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

7 The approved Landscape Management Plan shall be implemented and adhered to as approved subject to any minor revisions thereto as may be approved in writing by the Local Planning Authority. The public open spaces in that phase shall be permanently retained and maintained thereafter in accordance with the approved Landscape Management Plan for that phase and used for and made available as public open space for public amenity 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, SP27 and GI06 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

8 No less than 70% of the total number of dwellings constructed pursuant to this planning permission shall be dwellings of two or more bedrooms.

**GROUND;**

To ensure the provision of a mix of house sizes and types to meet a range of community needs in accordance with policy SP22 of the Local Plan.

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

**GROUND;**

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

10 No development shall take place until details of the means of foul water disposal have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

**GROUND;**

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

11 No development shall commence until a detailed sustainable 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 principles contained within the Flood Risk Assessment by Intermodal Transportation (March 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate changed adjusted critical 100 year storm) can be accommodated and disposed 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 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 Policies CC02 and SE04 of the Local Plan and the advice contained within the National Planning Policy Framework.

12 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 and ensure compliance with Policy SE04 of the Local Plan and the guidance of the National Planning Policy Framework.

13 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

**GROUND;**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with policies CC02 and SE04 of the Local Plan and the guidance of the National Planning Policy Framework.

14 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND;**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11), Policy SE03 of the Local Plan and the guidance of the National Planning Policy Framework.

15 Prior to the first installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site and demonstrating the areas to be lit will not disturb bat activity. The development shall be implemented in accordance with the approved scheme and thereafter maintained as agreed.

**GROUND;**

In the interests of minimising light pollution, impact on protected species and to safeguard the amenities of the locality in accordance with policies SP30, QD02 and SE08 of the Local Plan and paragraphs 130 and 180 of the National Planning Policy Framework

16 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal Report and Reptile Survey (Skilled Ecology July 2019) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to occupation of any part of the development.

**GROUND;**

To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified to preserve ecology in accordance with Policy SP30 of the Local Plan and paragraph 175 of the National Planning Policy Framework.

17 Prior to the construction of any external surfaces of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. These shall include the measures within Section 5.2 of the Preliminary Ecological Appraisal submitted, including the installation of bat and bird nesting boxes along with the installation of generous native planting where possible. The approved details shall be provided prior to the first occupation of the development hereby permitted and thereafter permanently retained.

**GROUND;**

To enhance biodiversity in accordance with policy SP30 and paragraph 175 of the National Planning Policy Framework.

18 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide details of:

- i) the parking of vehicles for site operatives and visitors;
- ii) construction vehicle loading/unloading, tuning facilities and access routes/arrangements;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel washing facilities and their use;
- vi) measures to control the emission of dust and dirt during construction including a scheme for recycling/disposing of waste resulting from construction works

vii) a construction environmental management plan, including details of operation construction times, enclosures for noise emitting equipment, dust and waste management policy and construction site noise management including siting of stationary noisy or vibrating plant equipment.

**GROUND;**

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.

19 Prior to the first occupation of the development hereby permitted, a statement that provides details of how the air quality damage costs of £27,438 as calculated within the Emissions Mitigation Assessment Lustre 3030/MG/2-2019 dated February 2019, are to be used to achieve air quality improvements listed in section 6.2 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 ensuring appropriate air quality in accordance with SE05 of the Thanet Local Plan and paragraph 186 of the NPPF.

20 Details pursuant to condition 1, shall identify the provision of 1 Electric Vehicle Charging point per residential property with dedicated parking and 1 in 10 of all non allocated parking, which shall be installed to the specification within Thanet Air Quality Technical Planning Guidance 2016. The charging points shall be installed and maintained in accordance with the approved details prior to the occupation of the respective dwelling to which it serves.

**GROUND;**

In the interest of air quality and amenity in accordance with SE05 of the Thanet Local Plan and paragraph 186 of the NPPF.

21 Details pursuant to condition 1, shall identify a minimum of 10% of housing to be built in compliance with building regulations part M4(2) .

**GROUND;**

To ensure that the type of housing complies with Policy QD05 of the Thanet Local Plan.

22 Details pursuant to condition 1 shall include an explanation of how the proposed layout would accord with Secured by Design principles, in accordance with advice received from Kent Police.

**GROUND;**

To promote public safety and security in accordance with Policies QD02 and QD03 of the Thanet Local Plan and the guidance of the National Planning Policy Framework.

23 Details pursuant to condition 1, shall include details of any proposed roads (and identify which roads are to be offered for adoption), including provision of communal on street parking (to include anticipated school pick up and drop off activity), footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, accesses, carriageway gradients, driveway gradients and street furniture in that phase. The development shall be laid out and constructed in accordance with those details as submitted to, and approved by, the Local Planning Authority prior to occupation of any part of the development and thereafter retained.

**GROUND;**

In the interests of highway safety and to ensure the proper development of the site without prejudice to the amenities of the occupants.

24 Details pursuant to condition 1, shall include details of the areas reserved for vehicle loading and unloading, vehicular parking spaces and/or garages, electric vehicle charging points, and manoeuvring and turning facilities which shall be provided in accordance with standards to be agreed with the Local Planning Authority. Such facilities as approved shall be constructed and made available for use prior to the occupation of the unit for which they are provided to meet relevant parking and layout standards, and thereafter shall be retained for their approved purpose.

**GROUND;**

In the interests of highway safety and traffic flow, in accordance with the guidance of the National Planning Policy Framework.

25 Details pursuant to condition 1, shall include the provision of adequate secure covered cycle parking facilities, in accordance with standards outlined in Appendix C of the Thanet Local Plan 2020. Such facilities as approved shall be made available for use prior to the occupation of the unit for which they are provided to meet relevant parking and layout standards, and thereafter shall be retained for their approved purpose.

Ground:

In the interests of highway safety and to facilitate the use of alternative means of transport, in accordance with Thanet Local Plan Policies TP01 and TP03 and the guidance of the National Planning Policy Framework.

26 Details pursuant to condition 1, shall include the vehicular and pedestrian sightlines for all new junctions and accesses in accordance with details and standards to be agreed with the Local Planning Authority. No dwelling shall be occupied until all relevant junctions and access roads serving that dwelling or floorspace (and linking it to the adopted highway) including the approved sightlines have been provided in accordance with the approved details. They shall thereafter be retained free from obstruction.

**GROUND;**

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

27 Details pursuant to condition 1 above shall include the provision of means and routes of access for pedestrians and cyclists within the development to and from the surrounding footway and cycleway network. No dwelling shall be occupied until all such routes and means of access serving that dwelling are constructed and ready for use and thereafter shall be retained for their approved purpose.

**GROUND;**

In the interests of highway safety and to facilitate the use of alternative means of transport, in accordance with Thanet Local Plan Policies QD02, QD03, TP01, TP02 and TP03 and the guidance of the National Planning Policy Framework. .

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

**GROUND;**

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

29 Prior to the first occupation of any of the units hereby approved the following works between a dwelling and the adopted highway shall be completed:

footways and/or footpath, with the exception of wearing course;  
carriageway, 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.

In accordance with details to be submitted to and approved, in writing, by the Local Planning Authority.

**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.

30 No development shall take place until completion of the highway alterations shown on drawing number IT1860/TS/02 Rev. K submitted on 24th August 2021 or amended as agreed with the Local Planning Authority, has been carried out and are fully operational.

**GROUND;**

In the interests of highway safety in accordance with the advice contained within the National Planning Policy Framework.

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

**GROUND;**

In the interests of highway safety in accordance with the advice contained within the National Planning Policy Framework.

32 Prior to the first occupation of the development hereby approved driver visibility splays at accesses and junctions within the site shall be provided with no obstructions over 1 metre above carriageway level within the splays, in accordance with details to be submitted to and approved by the Local Planning Authority. These splays shall thereafter be maintained.

**GROUND;**

In the interests of highway safety in accordance with the advice contained within the National Planning Policy Framework.

33 Prior to the first occupation of the development hereby approved pedestrian visibility splays within the site shall be provided with no obstructions over 0.6 metres above carriageway level within the splays, in accordance with details to be submitted to and approved by the Local Planning Authority. These splays shall thereafter be maintained.

**GROUND;**

In the interests of highway safety in accordance with the advice contained within the National Planning Policy Framework.

34 Details pursuant to condition 1 above shall include a 2.5m high acoustic fence along the length of the proposed public parking spaces within the application site.

**GROUND;**

In the interests of highway safety and traffic flow, in accordance with Thanet Local Plan Policy SE06.

35 Details pursuant to condition 1 above shall include the provision of 10 car parking spaces for public use within the site access.

**GROUND;**

In the interest of parking amenity of existing residents and highway safety, in accordance with guidance within the National Planning Policy Framework.

36 Prior to the first occupation of any dwelling hereby approved, the vehicular and pedestrian access to Monkton Street shall be completed in accordance with the approved plan IT1860/TS/02 Rev K and available for use.

**GROUND;**

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

**INFORMATIVES**

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

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

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the properties being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website.

No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of the construction works.

All existing infrastructure, including protective coatings and cathodic protection should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 6m, 5m and 4m of existing 18 inch, 15 inch and 3 inch water

distribution main respectively without written consent from Southern Water.

If the applicant/developer proposes to offer a new on site foul sewerage pumping station for adoption as part of the public foul sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd.

The applicant/developer will need to enter into a S278 agreement with KCC Highways to agree the scope and timing of the off site highway works proposed

### SITE, LOCATION AND DESCRIPTION

The application site is irregular in shape and measures some 2.64 hectares. It is an agriculture field although currently fallow. It is essentially flat, but is slightly lower to the south east. There are no environmental or heritage designations on the site. The site is currently accessed directly from Monkton Street on its northern boundary with the remainder of its northern boundary defined by the backs of houses fronting Monkton Street. To its east the site lies adjacent to Foxhunter Caravan Park with its western boundary adjoining a builders yard (which is allocated in the council's draft local plan for residential development of 20 units). To the south of the site is Monkton Recreation area.

### RELEVANT PLANNING HISTORY

OL/TH/19/0409 - Outline planning application for residential development of up to 49 dwellings including access. Refused on 27 January 2020 on the following grounds:

The proposal, by virtue of its location, would result in the loss of countryside and best and most versatile farm land, outside of the identified urban confines in the current and emerging Thanet local plan, where the need for development does not outweigh the need to protect the countryside, and the harm resulting from the loss is not sufficiently outweighed by economic, social or environmental benefits, contrary to Policy CC1 of the Thanet Local Plan 2006, Policy SP21 of the Draft Local Plan and paragraph 170 of the National Planning Policy Framework

The applicant has failed to enter into a legal agreement to secure affordable housing, and the delivery of the necessary planning obligations required in order to mitigate the impacts of the proposed development on the local infrastructure and make the development acceptable in all other respects. The application is therefore contrary to Policies CF2, H14 and SR5 of the Thanet Local Plan and the National Planning Policy Framework.

The proposed development will result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraph 177 of the NPPF and the Habitats Directive.

A planning appeal was submitted to the Planning Inspector and subsequently dismissed on the 18th December 2020. The appeal decision is found at Annex 1 to this report.

## PROPOSED DEVELOPMENT

The application is outline with access points at site boundaries to be considered at this stage with all other matters (appearance, landscaping, layout and scale) reserved for future consideration. It is for the erection of up to 49 dwellings.

Although the application is in outline form, an indicative masterplan has been submitted to demonstrate how the 49 residential units could be accommodated within the site. A series of parameter plans has also been submitted. These plans show areas of open space/landscaping throughout the development including areas of landscaping to the edges of the site. The parameter plans also show various building heights throughout the site with taller residential units (2.5 storeys) shown to the centre of the site closer to the access with Monkton Street and smaller (2 storey) units adjacent to the boundaries of the site. With 49 units the density of development on the site would be 18.6 units per hectare over the whole site.

The proposal also includes highway works to Monkton Street and access arrangements from the existing highway network to the proposed development site. These will be considered in more detail in the Highway section of the report.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

- SP01 - Spatial Strategy - Housing
- 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
- SP27 - Green Infrastructure
- SP28 - Protection of the International and European Designated Sites
- SP29 - Strategic Access Management and Monitoring Plan (SAMM)
- SP30 - Biodiversity and Geodiversity Assets
- SP31 - Biodiversity Opportunity Areas
- SP35 - Quality Development
- SP36 - Conservation and Enhancement of Thanet's Historic Environment
- SP37 - Climate Change
- SP41 - Community Infrastructure
- SP43 - Safe and Sustainable Travel
- SP44 - Accessible Locations
- E02 - Home Working
- E03 - Digital Infrastructure
- E16 - Best and Most Versatile Agricultural Land

HO1 - Housing Development  
HO16 - Rural Housing Need and Exception Sites  
GI01 - Protection of Nationally Designated sites (SSSI) and Marine Conservation Zones (MCZ)  
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  
HE02 - Development in the Conservation Area  
HE03 - Local Heritage Assets  
CC01 - Fluvial and Tidal Flooding  
CC02 - Surface Water Management  
CC04 - Renewable Energy  
SE03 - Land Affected by Contamination  
SE04 - Groundwater Protection  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
TP01 - Transport Assessments and Travel Plans  
TP02 - Walking  
TP03 - Cycling  
TP04 - Public Transport  
TP06 - Car Parking

## NOTIFICATIONS

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

5 representations have been received in support of the application. Their comments are summarised below.

- Provision of good quality starter homes;
- Creation of a choice of housing stock for different family sizes;
- Monkton has an aging population and these new homes would encourage younger families into the village;
- Good that children will be able to walk to school;
- Good road access and access to local facilities;
- Would allow for a better work/life balance;
- Development is low density given the size of the site;
- Development will help the aims of the local plan;
- The school, churches and local businesses will benefit from this development; and

- The development will bring new people into the area and new business might start up in the village as a result.

147 representations have been received objecting to the application with a number of people making more than one representation. Their comments are summarised below.

- Affect local ecology;
- Close to adjoining properties;
- Conflict with local Plan;
- General dislike of the proposal;
- Inadequate access;
- Inadequate parking provision;
- Inadequate public transport provision;
- Increase danger of flooding;
- Increase in traffic;
- Increase in pollution;
- Loss of privacy;
- Noise nuisance;
- Out of keeping with the character of the area;
- Over development;
- Strain on existing community facilities;
- The tilted balance is not just a reason to give permission and build anywhere for any reason;
- Site is still not allocated in the local plan;
- Site is a managed agricultural landscape;
- The council has a 5 year housing supply and the required buffer;
- The tilted balance has already been considered by the inspector dismissing the appeal against the refusal of the previous application;
- Covid will have lead to the fewer houses being delivered;
- Already large numbers of houses being developed in the village and surrounding area;
- Development too high;
- Monkton is one of a dwindling number of beautiful villages that have not yet been turned in a thanet suburb;
- The proposed access to the estate is too small with limited visibility;
- No mention of upgrading of broadband for the village in this application;
- Loss of light;
- Same application as that previously refused and dismissed at appeal; This needs to be viewed with the application on the adjoining Coles Yard site for 40 dwellings;
- Loss of agricultural land;
- There will be no open spaces left soon;
- Loss of parking;
- Residential amenity;
- Interruption of countryside views;
- Many horse riders use Monkton Street. The road changes will place them in danger;
- Vehicles would, with the road changes, pass directly in front of my gate;

- Issues for some properties for deliveries and maintenance;
- Many people attending the chapel are elderly and need to be dropped off right outside the building;
- The development is too large for the village;
- Strain on drainage and sewers;
- Site is greenfield;
- No shops in the village, so people will have to travel to the nearest facilities probably by private car;
- Loss of village gap;
- No benefit to Monkton as the properties will be beyond most young people's purses;
- Children will have to walk further to the school with no pavement;
- Village should be kept safe and enjoyable for its current residents;
- Overlooking from proposed development;
- The proposal will not add anything economically, sustainably or socially to Monkton;
- There has been no direct consultation by the developer with Monkton residents or organisations;
- Impact on listed/historic buildings;
- The eastern boundary of the site abuts a permanent single storey residential area within the Foxhunter Park;
- All local schools are full;
- No evidence that recent arrivals to the village have contributed to supporting community life in the village;
- Still was producing crops 2 years ago with no apparent issues;
- Developers cannot predict that local trades/businesses would gain employment on the proposed development;
- Allowing the development will set a dangerous precedent;
- People supporting the application are not from this area;
- Lives will be at stake if emergency vehicles cannot get through;
- The safety audit was only undertaken for 1 hour on 1 day;
- There are already frequent traffic jams on Monkton street, especially at school drop off and pick up times;
- Large vehicles need to use Monkton Street and this is already a struggle;
- Vehicles would wait outside the school with their engines running under the proposed road changes;
- Traffic is often diverted to Monkton Street when main roads need to be closed;
- Applications should fit in with an area not completely change it;
- Only the developers will benefit from this application;
- Road changes will lead to illegal parking;
- Potentially contaminated land;
- People come to Monkton to get away from busy areas;
- Development will bring both short and long term issues and disturbance for the whole village;
- Residents should be able to park outside their homes;
- Development will be visually intrusive;
- Light pollution from the proposed development and vehicles entering/existing the access at night; information missing from plans;

- No amendments will make this scheme acceptable;
- Sense of enclosure;
- There is no longer parking for residents who have lost their parking within the scheme - this is just now designated as visitor parking.

**Minster Parish Council:** Object to the application for the following reason.

NPPF paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or residual cumulative impact on the road network would be severe. Monkton road is a narrow road already used as a cut through, most of it is unlit with limited footpaths and subject to speeding. There are a number of other applications for residential development in the area which either have planning consent or are currently under consideration. This means this application would be contrary to the provisions of paragraph 109 of the NPPF.

**Monkton Parish Council:** Strongly object to the application on the following grounds:

This is a resubmission of planning application OL/TH/19/0409 without any alterations. This is rejecting the Planning Inspector's decision on the previous application, which should be done through the High Court and not the local council;

- The Council's Local Plan has now been submitted and demonstrates the required housing supply;
- Policy HO16 does allow for affordable housing adjacent to rural settlements, this outweighed by the Inspector identifying that the previous scheme was contrary to policies SP01, SP24 and SP26;
- There is a current application under consideration by the Council for adjoining site Coles Yard. If this is approved, it may have implications for the proposed road alterations;
- The Council's Planning Policy Team raised concerns about the previous planning application;
- Monkton has already delivered an adequate supply of housing for the village within the last few years;
- The idea that the development would support the facilities in the neighbouring village of Minster is arguable. Plans have been approved for some 200 houses there, overwhelmingly the road and parking facilities in the village. Monkton residents will have to look elsewhere for facilities;
- The CCG are concerned that the doctor's surgery is not currently adequate to cope with the increased volume of patients;
- Fundamentally the site is not identified for development in the local plan;
- The safety audit was carried out over a 1 hour period in July. This does not reflect the diverging traffic conditions during the day, especially during school drop off and pick up times;
- The school and school crossing site are within the area where highway works are proposed. Children are unpredictable in their behaviour and have a limited understanding of highway safety;
- There will be a loss of on street parking which is essential in Monkton. Many households have 2 or 3 cars with many lacking off road parking and, apart from the

few spaces offered as a means of compensation on the development site, there is nowhere for cars to be parked elsewhere in the village;

- Concerns about the ability of large vehicles (such as tractors, combine harvesters, delivery of static caravans) to be accommodated in the proposed highway scheme;
- The occupiers of certain properties near the pinch point such as 108, 115, 119 and 121 located in the proposed pinch point will experience issues with maintenance, deliveries and general access;
- The proposed highway works are being imposed on the village with no direct consultation from the developer and do not provide any advantages to it;
- The Road Safety Audit indicates that potential for accidents to increase;
- Although the scheme allocates 10 parking spaces for the residents who will lose their on street parking there is no guarantee that these spaces will be available to them without some kind of enforcement;
- The benefit of providing a footway from the site to the schools is dubious given the nature of traffic that passes through the pinch point. Parents may think it is safe to send their children to school on their own as there is a footway, whereas judgement will be required to assess whether it is safe to use the footway when a large farm vehicle is approaching.

**Monkton Residents Associations:** Object very strongly to the application.

This is a resubmission of the previous application which was refused by the council and dismissed at appeal. If the developer wants to challenge this decision it should be at the high Court;

- Site is still not allocating within the local Plan;
- The adjacent site - Coles Yard - is a designated site in the local plan, within the village confines and has a more appropriate mix of dwellings proposed and does not require any highway alterations;
- The road scheme is not requested or wanted by the village, but designed by an outside body to facilitate equally unwanted development;
- The road scheme does not meet the environmental objective of sustainable development. It will cause air pollution at busy time which is against policies to lessen pollution;
- How will refuse be collected?
- Will emergency vehicles be able to gain access?
- The prospect of both these developments going ahead is unthinkable in terms of the impact on the village and all road users;
- Monkton has already had residential development and this would be more than the limited development set out in policy SP01 of the Local Plan;
- The proposal does not contain starter homes, affordable homes or homes for rent;
- The site is outside the village in the countryside and agree with the inspectors decision on the previous application that it has an undeveloped and rural feel that should be preserved;
- The site will not bring any economic, social or environmental benefits nor indeed have any other recent developments;
- The site has limited access to public facilities and poor public transport links. It is not a sustainable location offering a choice of travel options for new residents;

- The argument has been made that the council's housing delivery has fallen below that expected, but there are many reasons why this might be so, including a pandemic. Question the validity of using this as an excuse to develop grade 1 agricultural land;
- Agricultural land should not be lost and as a country we may realise this too late;
- Housing allocations should take into account a districts features and constraints when being determined;
- No village organisations were directly consulted about the proposed highway works;
- Monkton is a linear village with limited areas for parking and with limited facilities so residents are reliant on their private vehicles;
- Traffic movements have increased given the number of new development approved in the village and surrounding area;
- Many properties do not have off street parking and the removal of these spaces will make life difficult for many residents especially now when people are relying more and more on deliveries;
- Large vehicles already have trouble negotiating the narrowest part of the road;
- The sort of highway scheme being proposed would normally be found at the entrance to a village to slow traffic down not in the middle of a village; and
- No objection is made to the children's play area being removed from the attenuation feature - but this was a strange place to put it in the first place;

**Monkton School:** I wanted to make you aware that the school has still not been consulted with regards to the changes to the traffic rights of way directly outside the entrances to the school, if this application is accepted.

Having due regard to the Stage 1 Road Safety Audit Designers Response and the Highways and Transportation letter we still believe that the changes to the road will have detrimental effects on all those who use the school during term time at the beginning and the end of the school day. The times of our official start are 8:50am and finish 15:10pm. However, we run Breakfast Clubs, Sports Clubs meaning that the school exits and entrances are in constant use from 7:45am to approximately 9:00 am at the beginning of the day and between 15:10 and 16:45 at the end of the school day during term time. These timings can lead to a greater build-up of through traffic than that mentioned in any of your reports.

Please see our concerns below:

1. The planned "Give Way" is directly outside the school's offices will ensure that traffic waiting for the road to clear will emit fumes, which will impact on all users of the school offices, staff room and kitchen at the front of the building as it will not be possible to open the school's windows during warm weather as the fumes will enter the building.

2. The planned "Give Way and Build-out" will increase the volumes of traffic waiting to depart the general area, thus impeding the working of the Road Crossing Patrol. Despite the Stage 1 Road Safety Audit Designers Response and the Highways and Transportation assurances in their reports that this will not be the case, we believe that they are being exceptionally optimistic on the number of vehicles exiting in either direction outside school at any one time. We think the proposed change to the road directly outside the pedestrian entrance used by children and parents entering the school site from the east of the school car park, may lead to children and parent pedestrian moving out into the road to avoid the "Build-out" thus hindering the movement of cars from the "Give Way" thus slowing down traffic.

I cannot find a reference or any mitigations appertaining to the movements of the younger community using the school. Small children are notoriously reckless and it should be borne in mind that the age of the children accessing our premises are between the ages of 0-11 years. The preschool age group of children are often walking with parents but have been known to suddenly break free and dart into the road. Currently we are able to control the traffic and generally slow it to standstill or walking pace when the Road Crossing Patrol is in action. We are worried that the planned "Give Way" will encourage drivers to be looking for a chance to get through the "pinch point" and take their eyes off the youngest members of the community (who are often smaller than the end of a car bonnet). The fact that we have not been consulted in such a major change to outside of the school and considering it is the school who is ultimately responsible for the health and safety of all of its pupils, staff and parent/carers and visitors is totally inappropriate and quite reckless in its disregard for the health and safety of the school community.

The school is accessible between 7:45am and 9:00 am and 15:10 and 16:45pm during term time.

**Margate Civic Society:** Raise concerns about the application.

Despite promises made at the Local Plan enquiry, have yet to see an appraisal of outstanding and prospective brownfield sites which are meant to be prioritised over greenfield invasion.

Bolt on developments often alienate communities.

The Housing Minister is realigning his algorithms which take into account the unlikelihood of Powerhouse Thanet.

As the full consequences of covid, and brexit are felt, the requirements for housing type and location will need to be changed.

**CPRE Kent:** Object to the application on the following grounds:

This is not plan led development. The weight to be afforded to development plan policies along with all other material considerations mean the proposal should be regardless of the fact that the presumption in favour of development now applies in Thanet.

It is clear from policy SP01 that the primary focus for new housing is Thanet's urban areas and that limited development is allocated for Monkton. This is backed up the appeal decision on the previous application.

The proposal is contrary to policy SP24 of the local plan - also backed up in the previous appeal decision.

Proposal is contrary to policy SP26 - Landscape Character Areas. Whilst the inspector, in dismissing the previous application, did conclude that there was conflict with the local Plan policy SP26, it is considered that the extent of landscape harm was understated in the decision.

The proposal is contrary to policy E16 which protects against the loss of best and most versatile agricultural land. The NPPF requires that 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.

## CONSULTATIONS

**Natural England:** Designated Sites [European] - No Objection Subject To Securing Appropriate Mitigation

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.

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

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

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

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

**Environment Agency:** We have assessed this application as having a low environmental risk. We therefore have no comments to make.

Non planning consents

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

**The River Stour (Kent) Internal Drainage Board:** With regard to the above referenced planning application, it should be noted that the proposal lies partly within the River Stour IDB's district and has the potential to affect IDB interests (in particular downstream drainage and flood risk). The applicant should be reminded that the IDB's prior written consent will be required for any works affecting any watercourse on or immediately adjacent to this site, in accordance with the Land Drainage Act 1991 and the IDB's byelaws.

We note that surface water runoff is proposed to be controlled by a balancing pond; this is likely to be considered reasonable provided the details of the on-site SuDS are designed and agreed in direct consultation with ourselves and the KCC's SuDS team.

Land Drainage Consent will be required for any works affecting any watercourse on site, and this should be sought from us and obtained in good time prior to commencement of any such works. The applicant should consider the condition and capacity of the downstream receiving network as part of their designs, including any on-line structures (such as culverts), and should also consider the practicalities of future channel maintenance as well as the SuDS. We are also aware that some local residents have experienced flooding of their basements during periods of heavy rainfall; a situation which must not be worsened by this development.

Should an alternative off-site discharge arrangement be pursued, it is requested that the IDB is consulted further. It will be essential to ensure that runoff is designed to replicate Greenfield conditions as much as possible, in terms of flow rates and routes, and volumes must also be considered.

**Southern Water:** Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required).
- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied:

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS 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.

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

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.

Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

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.

The proposed development would lie in very close proximity to a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy.

**Kent Police:** The applicant/agent should consult local Designing Out Crime Officers to help design out the opportunity for crime, fear of crime, anti-social behaviour, nuisance and conflict.

**KCC Ecology:** We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided.

#### Reptiles

The 2019 reptile survey found a small population of common lizards on-site. As all reptile species are protected from harm and disturbance under the Wildlife and Countryside Act 1981 (as amended), there is a need to implement mitigation measures for both the construction and operational phase of the proposed development.

The reptile survey report has recommended the following measures to be implemented during the construction phase of the development:

- Reptile fencing to be erected on-site (excluding area 4 as labelled on the masterplan);
- Enhancement of receptor site (area 4) prior to trapping/relocation;
- Relocation exercise, undertaken by a suitably qualified ecologist, after enhancement of receptor site.

The following recommendations were made for reptiles (within area 4) regarding the operational phase of the development:

- Creation of a varied sward length and prevention of scrub creation;
- Maintenance of log-piles;
- Monitoring of the reptile population for at least five years prior to completion of the development.

It is our view that if the measures recommended within the reptile survey report are strictly adhered to, the status of reptiles on-site can be retained. Therefore, we advise that these measures are secured via an attached condition if planning permission is granted. Suggested wording:

From the commencement of works (including site clearance), all mitigation measures and associated management for reptiles will be carried out in accordance with the details contained in the Reptile Survey Report (Skilled Ecology July 2019).

#### Bats

As highlighted in the report, it is likely that bats (all species of which are protected) will forage and commute over and around the development site. Lighting can be detrimental to commuting and foraging bats so we advise that the external lighting of the development should be designed in a way that negates the impact on bat activity.

To mitigate against potential adverse effects on bats, 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' be 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:

Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

#### Designated Sites

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

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

#### Ecological Enhancements

Under section 40 of the NERC Act (2006), and paragraph 175 of the NPPF (2019), biodiversity must be maintained and enhanced through the planning system. Additionally, in

alignment with paragraph 175 of the NPPF 2019, the implementation of enhancements for biodiversity should be encouraged.

The report recommends a native planting scheme only and provision of bird/bat boxes. We advise that an ecological enhancement plan is secured via an attached condition with any granted planning permission. Suggested wording:

Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. This will include recommendations within section 5.2 of the Preliminary Ecological Appraisal (Skilled Ecology February 2019). The approved details will be implemented and thereafter retained.

**KCC Archaeology** Thank you for consulting on the above application for forty nine dwellings in the village of Monkton. I note that I provided advice on the previous application that was refused on appeal. That application was supported by an archaeology desk based assessment that provided a good summary of the known potential of the area at that time. I noted that the site lies in an archaeologically sensitive area on an elevated spur overlooking the former Wantsum Sea Channel which has been a focus for settlement and activities from early times. The fields north of the village are known to be rich in buried archaeological landscapes as seen from aerial photographs while finds of Iron Age, Roman and Saxon date have been made to the west of the present site. Since the previous application there has been a considerable amount of archaeological investigation within and surrounding Monkton. In particular and relevant to the present site, investigations in advance of housing at the former White Stag just to the east has identified there the remains of medieval activity and a substantial prehistoric monument. This illustrates the potential of a similar topographic location.

Given the latest understanding, while I remain satisfied that archaeological matters can be addressed through a condition on any forthcoming consent, provision should be made for early evaluation in advance of and to inform any detailed application of this site and secure where possible and appropriate measures to preserve in situ any significant archaeological remains. The following clause would be appropriate

AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

**KCC Flood and Water Management:** Kent County Council as Lead Local Flood Authority have reviewed the submitted documents and have the following comments to provide:

It is noted that The Flood Risk Assessment (FRA) by Intermodal Transportation was provided for the previous planning application and has been resubmitted for this submission. The report details proposals for managing surface water through a combination of swales and attenuation basin, prior to a restricted discharge to an existing watercourse on the southern boundary. The LLFA have no objections to these proposals but do highlight the following:

• As mentioned above, an attenuation basin is proposed on the southern boundary of the site to hold and treat surface water prior to offsite discharge. The Illustrative Masterplan drawing (IMP002 - Revision H, 24/09/19) appears to show a 'natural play area' within the basin itself. We do not have or are aware of the play features proposed within the basin however, it would be the case that surface water could be present within the feature for extensive durations (basin up to 1.3m deep) or have boggy soil conditions that are deemed unsuitable for use as a play feature. It would be our recommendation that the LPA considers this advice and seeks further information on the proposed play feature arrangement.

• A topographic survey of the site has been provided within the FRA that shows the land levels falling south towards the ditch. It is noted that the basin proposed would have an invert level (base) of 2 metres above ordnance datum (AOD) and micro drainage calculations showing an outfall invert from the basin to the ditch of 1.948m. The topographic survey only covered part of the ditch (left corner) however, would appear to show the top of bank at 2.770 m aod. It is essential that sufficient fall is provided within the drainage system and outfall to the ditch. It would be required at a future planning stage to undertake a further analysis of the ditch to confirm its depth for the final design of the basin and headwall outfall.

Should the LPA grant planning permission for the proposed development, the LLFA would advise the following conditions are attached:

Condition:

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 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 to the adjacent watercourse 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.

Reason:

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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was 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.

Reason:

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

**KCC Highways:** Initially considered that the proposals were identical to that proposed on the previous application (OL/TH/19/0409) on which they considered acceptable in highway terms. They raised no objection in terms of the likely trip generation of the proposals themselves or in combination with residual trips likely to be generated by the current proposals at the adjacent Coles Yard site (OL/TH/20/0335). They, however, raised detailed concerns about the proposed highway improvements, did not take account of the current access proposals for the Coles Yard application and placed a holding objection on the application pending the receipt of additional/revised information.

Following several amendments to the details of the proposed access arrangements, KCC Highways have now removed their objection to the application and made the following comments.

"I refer to the amended plans and additional information submitted for the above on 24 August and confirm the proposals are now acceptable.

The proposals are likely to generate around 23 two-way trips during each peak hour, split approximately 14 to/from the west and 9 to/from the east. This level of additional traffic is unlikely to have a severe impact on the capacity of the wider highway network, including when considered in conjunction with the current development proposals at 116 Monkton Street under OL/TH/20/0335

The proposed site access has acceptable visibility and can suitably accommodate a refuse/delivery vehicle entering/leaving the site.

There is currently no footway between the site and the primary school and bus stops to the west of the site. Such a facility is required to provide a safe route both for existing pedestrian movements and those additional ones generated by the site, as well as to encourage residents to walk to the school and the existing bus stops. The proposals now include a new footway along the southern side of Monkton Street between the site and the existing footway

which currently terminates near the school. The proposals also include an informal crossing point from the existing footway opposite the site to the new footway on the southern side, making the new footway accessible to existing residents.

The provision of the footway means that single-way working is required in a section of Monkton Street between the eastern end of the school and nos. 113/111 Monkton Street. Eastbound vehicles will give way to westbound vehicles, however there is unlikely to be any significant queuing or delay due to the low traffic flows. Vehicle tracking has been checked through the narrowed section of the road for agricultural vehicles and wide loads related to delivery of static caravans, as well as residents using existing accesses, and shown to be achievable.

The provision of the section of new footway means that minor carriageway widening is also required for a short length outside nos. 109/107 Monkton Street to allow buses/HGVs to pass each other.

The provision of the footway and associated works, including parking restrictions, require the removal of 10 existing on-street parking spaces in Monkton Street, however these are being replaced within the site near the access and can be secured by condition.

All the proposed highway alterations have been subject to an independent safety audit and the full cost of the works will be borne by the developer.

The proposed highway alterations and the proposed access to the site at 116 Monkton Street can both be suitably accommodated as shown on the submitted plans.

The internal site layout and associated parking are not for consideration at this time under this outline application.

Management of HGV movements and other construction-related matters can be dealt with by condition through the requirement for a Construction Management Plan.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway network and will provide safe access, in accordance with the NPPF. As such I would not recommend refusal on highway grounds, subject to the following being secured by Condition:

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

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries (these are likely to be restricted to outside school drop-off and pick-up times)
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Access arrangements

Provision of measures to prevent the discharge of surface water onto the highway.

Provision and permanent retention of vehicle 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.

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.

Use of a bound surface for the first 5 metres of each private access from the edge of the highway.

Completion of the access shown on drawing number IT1860/TS/02 Rev. K submitted on 24th August or amended as agreed with the Local Planning Authority, prior to the use of the site commencing.

Completion of the highway alterations shown on drawing number IT1860/TS/02 Rev. K submitted on 24th August or amended as agreed with the Local Planning Authority, prior to the use of the site commencing.

The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

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

Provision and maintenance of the access visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.

Provision and maintenance of driver visibility splays at accesses and junctions within the site with no obstructions over 1 metre above carriageway level within the splays, in accordance with details to be submitted to and approved by the Local Planning Authority.

Provision and maintenance of pedestrian visibility splays within the site with no obstructions over 0.6m above footway level, in accordance with details to be submitted to and approved by the Local Planning Authority.

Provision and maintenance for public use of the car parking spaces shown within the site access on the submitted plans.

## INFORMATIVES:

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site."

**KCC Public Rights of Way:** No comment

**KCC Economic Development:** Primary Education - £6,800 per applicable house. Towards Phase 1 of Manston Green Primary school

Secondary Education - £5,176.00 per applicable house. Towards the new Thanet Secondary school, Park Crescent.

Secondary Land - £1,511.11 per applicable house. Towards land acquisition costs of the new Thanet Secondary School, Park Crescent.

Community Learning - £16.42 per dwelling. Towards resources and equipment for adult education services delivered locally and at Broadstairs Adult Education Centre.

Youth Service - £65.50 per dwelling towards additional resources for the youth service in Thanet.

Libraries - £55.45 per dwelling. Towards additional bookstock a Minster Library to mitigate the impact of the new borrowers from this development.

Social Care - £146.88 per dwelling. Towards specialist care accommodation within the district. All homes built as wheelchair accessible and adaptable dwellings in accordance with building Regs Part M 4(2).

Waste - £54.47 per dwelling. Towards Improvements at Thanet District Household Waste and Recycling Centre to increase capacity.

High speed Fibre Optic Broadband - all developers should work with a telecommunications partner to make sure that Next Generation Broadband is a fundamental part of the project.

**Thanet Clinical Commissioning Group:** NHS Kent and Medway Group (CCG) has delegated co-commissioning responsibility for general practice services in East Kent and is the body that reviews planning applications to assess the direct impact on general practice.

I refer to the above outline planning application which concerns the proposed residential development comprising up to 49 new dwellings.

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.

£42,336 towards refurbishment, reconfiguration and/or extension of the existing Birchington Medical Practice and Minster Surgery.

**TDC Environmental Health:** An Air Quality Mitigation Assessment has been submitted with the application and we offer the following comments.

The assessment has been carried out in accordance with Thanet's AQ & Planning Technical Guidance. It confirms that the baseline pollution levels are well below air quality objectives and seeks to offset operational and construction emissions. The applicant will be required to submit further details showing where EV points will be fitted as specification. Developer Electric Vehicle Guidance can be found at <https://www.thanet.gov.uk/info-pages/air-quality/>

#### Standard Air Quality Mitigation

Prior to the erection of the building(s) hereby approved, written and illustrative details of the number, type and location of Electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority before any of the units are first brought into use. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

#### Emissions Statement

Prior to the first use of the development hereby permitted, a statement that provides details of how the air quality damage costs of £27,438, as calculated within the Emission Mitigation Assessment reference [Lustre 3030/MG/2- 2019] dated [February 2019], are to be used to

achieve air quality improvements listed in [Section 6.2], 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.

#### 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 dust mitigation measures set out in Table 7 of the Air Quality Emissions Mitigation Assessment [ Lustre 3030/MG/2-2019 ] dated [ February 2019 ], and amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; lighting control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

#### Noise

The Environmental Noise Impact Assessment concludes that a 2.5 metre acoustic fence along the entrance passage would reduce the noise impact of road traffic noise. Since the assessment was completed the plans have been altered to include 10 parking spaces adjacent to 102 Monkton Street. If the barrier runs along all 10 parking spaces it does not need to continue beyond Monkton Street. Would wish to be conditioned to protect the nearest noise sensitive premises.

**TDC Contaminated Land Officer:** There are no known contamative features overlying this site, other than made ground strengthening of the access road. Believe that a contaminated land watching brief condition should be added to any grant of consent to safeguard this development.

**TDC Housing:** In the submitted Design & Access Statement created by Savills Urban Design for Heyhill Land, document version 10.9, dated February 2019, provides information on Page 31 on the Indicative Housing Mix, it states:

16 2 bed units, 19 3 bed units, 11 4 bed units and 3 5 bed units.

Within Thanet District Council's Local Plan (adopted July 2020), SP23 requires residential schemes of 10 or more units to provide 30% of the dwellings as affordable housing, including extra care facilities falling under the Use Class C3. To be policy compliant, a contribution of 30% affordable housing (AH) across the 49 units (whole site) is required. The 30% AH shall be split 70% Affordable Rent (AR) and 30% Shared Ownership (SO) which equates to 14.7no. AH units - split 10.29no. AR and 4.41no. SO. However, the exact tenure split can be confirmed during the course of the application process.

Upon review of page 28, of the Design and Access statement it mentions the following statement: Delivering affordable housing. The development will deliver 30% affordable housing for local people to ensure that a broad range of housing needs can be met in the local area.

To be policy compliant the indicative dwelling type and mix of private and affordable housing needs to be reflective of TDC's Local Plan (adopted July 2020) Policy SP23, along with TDC's SHMA findings and in alignment with SP22 of the Local Plan. However, the final unit type and mix can be confirmed during the course of the application process.

**TDC Conservation Officer:** "Following a review of the proposed scheme, the previously refused scheme and that of the dismissed appeal documentation I would be of the opinion that there is a reduced level of harm to the listed property present closest to the site proposed for development. Concerns however have been raised regarding other detailed points of contention throughout the site of which do not appear to have been addressed through the application now submitted.

For the above reasons I do not object from a heritage perspective."

**TDC Recycling and Waste Manager:** 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.

## COMMENTS

This application is called to committee by Cllr Pugh for Members to debate the impact of the proposed development on Monkton (particularly in relation to flooding, highways and local services). It is also a departure from policies SP01 and SP24 of the Thanet Local Plan.

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

### **Principle**

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

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

Policy SP01 sets out the spatial strategy for the district. It states that the primary focus for new housing is the district's urban area and limited development is allocated to Monkton.. 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.

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 inspector when considering the appeal against the previous application assessed the proposal against the policies set out above. He found that the "proposed development would not be in an appropriate location as it would be at odds with, and harmfully undermine, the integrity of the spatial strategy. " He went on to conclude on this matter that the development was "contrary to LP policies SP01 and SP24, which seek to locate housing predominantly within settlements and restrict development in the countryside".

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

### *Sustainability*

The NPPF details that there are three dimensions to sustainable development: economic (building a strong economy), social (providing the supply of housing required to meet the needs of the present and future generations, with accessible local services) and environmental (contributing to protecting and enhancing our natural, built and historic environment). The three roles of sustainable development are mutually dependent. Paragraphs 7 to 9 of the Framework indicate that 'sustainability' should not be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life.'

Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 84 of the NPPF promotes the retention and development of local services and community facilities in villages such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. The use of previously developed land and sites that are physically well related to existing settlements should be encouraged where suitable opportunities exist.

In this case the site is on the edge of the village of Monkton on an existing agricultural field. The site was not considered appropriate for allocation in the 2020 Local Plan on the basis that the Council identified a proportionate amount of housing in villages with services - including Monkton. Specific highways concerns about access were also raised.

The village of Monkton has some facilities including a primary school, village hall, places of worship and a public house, as well as a holiday complex which has modest facilities that are incidental to the needs of the complex. There are no other services or facilities within the village, for example a village shop or doctors. It is, however, acknowledged that the site is physically well located to existing residential development in the village. The village, in itself, is not considered to be unsustainable as its facilities could support some additional dwellings and their occupants. As such, some sites have been identified/allocated for residential development in the draft local plan - Builders yard south of 116 to 124 Monkton Street (Coles Yard) (20 dwellings) and Land at Walters Hall Farm, Monkton (18 dwellings). It is noted that the application site was submitted for consideration at the call for sites for the 2020 Local Plan but was not allocated at that time. It is clear, however, that the inhabitants of Monkton would be unlikely to access services and facilities, other than those located within the village by cycle or on foot.

In terms of public transport, bus numbers 9, 9X, 11, 48A, 940, 943 and 954 go through the village. The number of buses on these routes stopping at Monkton are, however, in some cases limited with some routes only having early morning and afternoon stops on school days. It is considered likely that the future occupiers of the proposed dwellings would be very likely to be reliant on the use of a car to access the full range of services and facilities reasonably likely to be required to meet their residential needs. They would, however, be utilising facilities and services within Minster and supporting those services/facilities in accordance with NPPF paragraph 79 albeit that they would be likely to access them using a private vehicle.

The proposal would, however, result in the development of 49 dwellings that would add to the local housing stock and contribute to meeting local housing needs. This would result in social and economic benefits which must be given moderate weight in the determination of the application. The development as proposed would also be very likely to result in some support for the existing services within the village after occupation.

#### *Loss of Agricultural land*

The application site is a field which has previously been in agricultural production. Paragraph 174 of the NPPF states 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". The NPPF also states that "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."

Policy E16 of the Local Plan relates to best and most versatile agricultural land and states "Except on sites allocated for development by virtue of other policies in this Plan, 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: 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."

Best and most versatile agricultural land (BMVL) is defined as Land in grades 1, 2 and 3a of the Department of Environment, Food and Rural Affairs agricultural land classification.

The application site is a mix of grade 1 and grade 2 agricultural land and, as such, would fall within the definition of best and most versatile agricultural land. Approving this application would see the loss of (2.6 hectares) of best and most versatile agricultural land. An Agricultural Land Appraisal has been submitted to support this application. It concludes that the site is part of a wider agricultural holding and has laid fallow since the harvest of 2016. It states that contractors have directly refused to crop the land in question given its small size and isolation from the remainder of the agricultural holding, that the site has suffered from urban encroachment historically, farming the land would have an adverse impact on surrounding occupiers and the amount of land that would be lost is small when considered against the large amount of best and most versatile agricultural land within the surrounding area and Thanet as a whole.

Notwithstanding the case made by the applicant, the site has been best and most versatile agricultural land for a number of years (including prior to 2016) and the proposed development would result in the loss of the application site for this use.

The Inspector considered the loss of agricultural land when determining the appeal on the previous application. He concluded that "the site is a discrete parcel of land and thus it is unlikely that its loss would directly lead to further losses of BMVL. Additionally, compelling evidence has not been provided which indicates that this proposal would result in the further loss of agricultural land or set any precedent. However, it is a matter of fact that the proposal would result in the loss of BMVL and there would nonetheless be harm arising from its loss."

Given the findings of the Inspector, officers consider that this loss is, therefore, given weight in the determination of this application.

### *Summary*

It is considered, therefore, that the application site could be considered as a site acceptable under paragraph 84 of the NPPF as it is adjacent to the village confines whilst provided

housing which would contribute to the Council's housing supply, incorporating measures to improve access pedestrian and cycling accessibility and potentially making the village more attractive to public transport providers such as bus operators by increasing the population of residents and employees in the area. However the site would be heavily reliant on private transport currently to travel to nearby services, and was not considered appropriate for allocation through the local plan process (which focused additional housing sites on the urban locations, supported by a sustainability appraisal).

A balancing exercise, therefore, needs to be undertaken as to whether the specific material considerations suggest that adverse impacts for the development would outweigh the benefits; meaning that the development would be considered sustainable. In this case weight needs to be attached to the fact that the council has not met the housing delivery test, the benefits that the proposal would bring in terms of additional residential units which would support the existing facilities within Monkton and nearby Minster which all add to the sustainability of the scheme as defined by the NPPF. Weight, however, is also attributed to the loss of 2.6 hectares of best and most versatile agricultural land.

All other material planning considerations will now be considered.

### **Character and Appearance**

Paragraph 175 of the NPPF stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.

The site is within the countryside and within the Stour Marshes as defined in Policy SP26 of the Local Plan - Landscape Character Areas. Key characteristics of the Stour marshes Landscape Character Area are the "low-lying and flat marshland landscape occupying the former Wantsum river channel" and "a vast, open landscape with huge skies, extensive views and a strong rural, even remote, character". The preamble to policy SP26 states that the former grazing land has been improved and managed as arable farmland, however, it still retains its network of ditches which provide biodiversity interest. It highlights that it is important to conserve the long distance views to the Thames Estuary to the north and Pegwell Bay to the south.

In this case, the application site is open land last in use as agricultural land. Land levels are relatively flat throughout the site, although it is slightly lower in the south east of the application site. The application has been supported by a Landscape and Visual Baseline Appraisal. The assessment highlights the location of the site bordered to the north by residential properties in Monkton Street, to the east and south east by the Foxhunter holiday complex, the current builders yard to the west which is allocated within the local plan for residential development and to the south by Monkton Recreation Ground. It states that landscape and visual mitigation is achieved by the proposed land use site arrangements, for example, restricted building heights and the integrated green infrastructure. The assessment

details that the proposed landscape infrastructure will assist in integrating the development into the landscape both on the perimeter of the site as partial screening and within the site.

It is appreciated that the site provides opportunity for landscape planting within the proposed development and to fill in gaps in existing boundary landscaping together with the provision of new soft landscaping. These will help assimilate the development into the countryside. The site is also currently screened in views from the recreation ground by existing trees along the southern boundary. Although it is appreciated that there would be some partial views of the site from the recreation area and from the existing vehicular access.

Furthermore, it is acknowledged that there would be an inevitable change in the land use of the application site as a result of the proposed comprehensive residential development being in place, with the removal of the current agricultural land use. This was considered by the Inspector when determining the appeal on the previous application for this site. He considered that the "site had an undeveloped and rural feel that contributes to the setting of Monkton and the landscape character of the countryside. While the development could be screened by planting at its boundaries, it would nonetheless affect the site's contribution to the undeveloped and rural character of the area." He then goes on to say that, however, compelling evidence has not been provided which indicates that the site forms part of a landscape in the terms of the Framework". He concludes on this point by saying "given the site's degree of containment and close relationship to the settlement, the landscape and visual impacts would be highly localised and the resulting harm would be minor. "

Officers accept the findings of the Inspector on this matter and consider that there would only be major visual effects in extreme close proximity to the site and from direct views when in front of the existing access onto Monkton Street. Generally, the development of the site would have minor and negligible visual effects on the local context and the development would not materially change the fundamental characteristics of the wider landscape or character of Monkton as it would appear as a logical expansion of the urban environment.

The proposed parameter plan of the site layout (discussed in more detail below) shows that the development has been designed to have regard to the potential visual impact on the wider countryside and to existing residents in the surrounding area. Built form is generally contained within the central area of the site leaving landscaped areas/buffers to the outskirts of the site, with a larger area of landscaping to its southern boundary where it borders open countryside to ensure the impact of the development is softened. The site layout provides opportunities for the western and southern boundaries to be kept open and softened with planting so that the impact of the development from longer views in this direction will be reduced. This would be able to be conditioned for any reserved matters to accord with the site layout parameter plan.

Overall given the above it is considered that the proposal will not give rise to unacceptable visual impact and subject to condition would comply with the requirements of Local Plan Policy SP26 and the guidance within the NPPF.

### *Parameter Plans*

The application is in outline with all matters reserved except for access. Consequently details of the proposed appearance, layout and scale of the residential development are not for consideration at this stage. An illustrative masterplan has been provided to demonstrate that the proposed numbers of dwellings, open space and accompanying infrastructure can fit within the site. The application has been supported by a number of parameter plans which show building heights, land uses and movement and access across the site.

The application site measures some 2.64 hectares with the developable area of the site given on the parameter plans as 1.67 hectares. The proposed development of 49 dwellings over the 1.67 hectares would give a density of 29 dwellings per hectare. This is considered an appropriate density for a village location and would be similar to other recent developments in Monkton and other villages within Thanet. It is considered, therefore, that the development would respond in terms of density to the context of the area, which would also assist in preserving the open and green character of the location.

### *Building Heights*

No details on house designs have been provided at this stage. However, the parameter plans and supporting information show that the proposed development would predominantly take the form of two storey buildings but would also include some two and a half storey dwellings in areas around the access road to the north of the site closest to existing built form.

Officers consider that this approach would not harm the character of the area, with no.96 Monkton Street (adjacent to the application) being a two and a half storey property. The detailed design of any two and a half storey properties would be subject to consideration at reserved matters stage to ensure that they did not appear obtrusive from Monkton Street. Building heights would be controlled through a condition to ensure that any reserved matters application accords with these design principles set out in the building heights parameter plan.

### *Proposed Land uses, Access and Movements*

The illustrative Masterplan and parameter plans indicate the line of the access road running north south from Monkton Street through the site, the position of the built development, open space and a network of local estate roads.

The disposition of uses within the site is considered appropriate with the main access road serving the development and houses spreading out around the site together with smaller domestic roads and areas of open space.

### **Impact upon Designated Heritage Assets**

There are no locally or statutory listed buildings within the site and it is not within a conservation area nor does it form part of a setting of a conservation area. There are some listed buildings within the vicinity of the site - Delce Cottages and The Old Post Office (nos 108 - 114 Monkton Street) which are all grade II listed. There are other listed buildings within Monkton (such as 76-84 Monkton Street to the east of the application site and Field

House, Field Cottages, Lantern Cottage and no. 153 Monkton Street to its west). These are, however, much further from the application site and are not considered to contribute to the setting of the application site, nor would the development impact on the setting of those properties

A Built Heritage Assessment was submitted to support the application. It concludes that Delce Cottages and The Old Post Office derive significance from their aesthetic value and are appreciated in their immediate setting and not their wider setting. Given the lack of any historic connection between the site and these assets, the existing landscape and topography and the limited intervisibility of the listed properties, the proposal is considered by the assessment to have a neutral effect on the setting of Delce Cottages and The Old Post Office.

Taking this assessment into account and given the outline nature of the application, it is considered that a form of development, likely to include a buffer area to its edges could be achieved which would ensure that any impact on the significance and setting of Delce Cottages and The Old Post Office is minimised. On this basis, this aspect is considered to be acceptable subject to the determination at the reserved matters stage.

The remaining listed buildings within the vicinity of the site would not be significantly harmed due to their location in relation to and distance from the site.

It is also noted that the Conservation Officer does not raise an objection to the principle of the development, but suggests that some matters will need to be assessed in detail at a later stage due to concerns raised through consultation. These would be assessed and consulted upon when a reserved matters application is submitted.

In principle the indicative site parameter layout plans shows that the number of dwellings can fit on the site alongside a significant degree of informal and formal open space which is in context and will help to assimilate the development into the countryside, with detailed plans to be submitted at the reserved matters stage.

## **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 ensure development creates, 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. Policy QD04 states that new dwellings must accord with the National Described Space Standards (March 2015). Policy GI04 states that new family dwellings (those with 2 or more bedrooms) will be expected to incorporate garden space in order to provide a safe "doorstep" play area for young children.

With doorstep playspace being defined as playspace for young children which is immediately adjacent to, closely visible and safely accessible from the dwellings served.

As the application is in outline with all matters reserved with the exception of access, appearance, layout, scale and landscaping would be considered at the reserved matters stage. Notwithstanding this, careful consideration would need to be given to privacy and separation distances between existing and proposed dwellings given the range of different heights of dwellings surrounding the site. This may ultimately affect the type of dwelling proposed in particular circumstances. However, it is considered that the applicant can develop a range of design solutions to protect the residential amenities of surrounding residents.

There is existing built form to the north of the site with dwellings fronting Monkton Street and within the Foxhunter holiday complex to the west and south. It is clear that the introduction of built form on the application site would alter the outlook from surrounding properties which is currently open agricultural land. There is, however, no right in planning terms to a particular outlook and views cannot be protected. It is considered, given the scale and nature of the application site, that a scheme could be developed at the reserved matters stage to minimise the impact on the residential amenities of surrounding occupiers. It is, however, noted that the Council's Environmental Health Team have requested that a 2.5m high acoustic fence along the length of the public/visitor car parking spaces within the proposed development to avoid excessive noise from their use to the occupiers of adjoining properties. It is recognised that this fence would be higher than the typical 2m high fence commonly found at the boundaries of properties, but given the location of the proposed fence it is not considered that it would be overly intrusive or result in a sense of enclosure to the occupiers of the adjoining properties. Details of the fence would be submitted at the reserved matters stage, so it be fully assessed at the reserved matters stage as to how it would look, but it is not considered at this stage to have an unacceptable impact on residential amenity of existing occupiers.

The residential amenities for future occupiers also falls to be assessed. As set out above, this is an outline application with only parameter plans submitted at this stage. It is, however, noted that the parameters for the development indicate a large amount of open space spread throughout the site as road and pedestrian links. A more detailed layout of the residential areas has not been provided at this stage so detailed comments regarding the design, appearance provision of private amenity spaces for gardens as well as the necessary parking, waste and recycling requirements of the proposed development cannot be made until the reserved matters stage. Given the scale and nature of the application site it is considered that a development could be secured at the reserved matters stage to provide a high standard of accommodation for its future occupiers.

It is noted that there would be some disruption to the residential amenities of existing residents in the surrounding area during construction works. These works would, however, be temporary and would be controlled by a construction management plan to minimise disturbance to residents.

## **Highways**

Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 112). These aims are reflected in the Council's Local Plan policies.

This application is an outline application to agree the principle of developing up to 49 residential units on the site together with access to the development utilising the existing access road to the site.

The applicants propose a number of new highway measures to facilitate the development of the site, including the provision of a new footway along the southern side of Monkton Street to link the application site to the existing footway which currently terminates near the Monkton Primary School, together with an informal crossing point from the existing footway opposite the site to the new footway on the southern side. The provision of the footway means that single-way traffic is required in a section of Monkton Street between the eastern end of the school and nos. 113/111 Monkton Street. Eastbound vehicles will give way to westbound vehicles with give way markers. The provision of the section of new footway means that minor carriageway widening is also required for a short length in front of nos. 109/107 Monkton Street, to allow buses/HGV's to pass each other. This widening of the carriageway has been facilitated by the inclusion of part of the front gardens of some residential properties outside of the application site. The proposal would also seek the loss of 10 existing on-street parking spaces from Monkton Street, with these re-provided within the application site close to the access with Monkton Street. The proposed works have all been tested through a safety audit.

KCC Highways were satisfied that the traffic generation from the scheme (some 23 two way trips during each peak hour) would be unlikely to have a significant impact on the wider highway network even when considered together with the likely vehicle movements likely to be generated by proposed residential development on the adjoining site, but whilst they raised no objection in principle to the highway works proposed by the applicant, in terms of the introduction of a new footpath and single way traffic along a short stretch of Monkton Street, they raised detailed concerns about the proposed highway improvements, that the scheme did not take account of the current access proposals for the Coles Yard application and, therefore, placed a holding objection on the application pending the receipt of additional/revised information.

Further work has been undertaken by the applicant to look at the detailing of the proposed highway works including the relationship with the current access proposals for Coles Yard.

KCC Highways have reviewed this additional information and have now removed their objection on the basis that the proposed highway alterations and the proposed access to the site at Coles Yard can both be suitably accommodated. They consider that the new footway and informal crossing will provide a new safe route along Monkton Street which currently has no footway. No objection is raised to the short area of single way traffic which would be introduced on the basis that there is unlikely to be significant delays or queuing when the traffic flows of the road are taken into consideration. Vehicle tracking has also been provided of the narrowed stretches of road to demonstrate that agricultural vehicles and wide loads (such as those delivering static caravans) and buses as well as existing residents accessing/existing their drives could still be achieved. They concluded that the proposed site access has acceptable visibility and can suitably accommodate a refuse/delivery vehicle entering/leaving the site.

KCC Highways have therefore recommended that a number of safeguarding conditions are attached to any permission, including details of a construction management plan to be submitted, completion of site access prior to occupation, the provision of vehicular and pedestrian visibility splays for accesses, bound surface material using in private accesses and safeguards to ensure all highway infrastructure servicing each property is complete before occupation of that respective property. A separate condition is also required to secure the availability of the car parking spaces within the site identified on the submitted plans for use by the public, as well as their provision within any reserved matters submission. Given that the proposed development relies on the changes outside the site not under the applicants control, provisions within a Section 106 agreement would require the work to the public highway to be completed prior to the commencement of the development, which the applicant has agreed to.

It is not considered that the traffic generated from the proposed development would have a significant adverse impact on the wider highway network and it is considered that the proposed access would allow for appropriate visibility splays to be provided. The creation of an additional footway and informal crossing would help provide a safe route from the application site to existing footpaths which would benefit not only the future residents of the application site, but also existing residents. Whilst there may be some queuing of traffic at peak times in the short area of single way traffic, this sort of arrangement is not uncommon on many roads in towns and villages and given the short area of Monkton Street that would be affected is not considered to result in an affect significant enough to warrant a recommendation of refusal. The widening of the carriageway has been tracked and it has been demonstrated that buses, agricultural and other large vehicles can be accommodated without restricting access of existing residents. It is appreciated that the proposed highways works would lead to the loss of 10 on street parking spaces these are not, however, allocated to any particularly properties and they would be re-provided within the application site close to the access. As the application is in outline form, no detailed information has been provided as to how parking would be provided for the individual dwellings and this would fall to be assessed at the reserved matters stage. It is, however, considered that given the scale of the site adequate parking could be provided within the site to avoid an adverse impact from parking from the proposed development on the surrounding area.

It is noted that concerns have been raised by the school and a number of local residents that the proposed road alterations and in particular the proposed give way in front of the school

would potentially cause issues with the safe movement of children moving to and from the school and its current crossing arrangements. It is considered that the give way sign would mean that vehicle movements would be slower in the area to the front of the school and this, combined with the provision of the new footway and informal crossing point, are considered likely to make the journey to and from school safer for children, parents and staff.

The Inspector in the decision on the previous application, which involved off-site highways works including a give-way junction, widening the highway and a southern footway, concluded that based on the evidence "there would be a moderate benefit to highway safety in Monkton, albeit it has not been clearly demonstrated that the current highway arrangement is dangerous".

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

### **Affordable Housing**

Affordable Housing is dealt with through Policy SP23 of the Thanet Local Plan setting out a requirement for 30% of the dwellings as affordable housing on all qualifying developments of more than 10 dwellings or sites of more than 0.5 hectares. Due to the number of dwellings proposed there is a requirement for affordable housing within the application.

The Housing Officer confirms that there is a housing need in the village of Monkton. The applicant has confirmed that they are willing to enter into a Legal Agreement to secure 30% on site affordable housing in line with current standards. The affordable units and their mix would be secured via the Section 106 agreement, which will also include a requirement for 100% of Affordable Rented Units to be let to individuals or families who have been nominated by the Council, in accordance with its published allocations policy. Therefore the proposal would be in accordance with Policy SP23.

### **Size and Type of Housing**

The application is in outline form and, therefore, the exact unit sizes or types are not being agreed at this stage.

Policy SP22 (Type and Size of Dwelling) 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. The Council will encourage proposals for residential development to incorporate a higher ratio of houses to flats. Given the application is at outline stage, the submission does not fix the detail of the mix and type of unit to be provided, and this would need to come forward as part of the reserved matters application. The illustrative mix and types of dwellings has been indicated in the Development Specification to accord with Thanet Strategic Housing Market Assessment 2016 produce for the local plan. Given the size of the application site, it is considered that the application would be able to meet the requirements of Policy SP22 in providing a mix of size and type of dwellings and a condition is proposed to secure this through any reserved matters submission.

Policy QD05 of the Local Plan sets out the Council's policy in regard to accessible and adaptable accommodation, with 10% of new build developments will be expected to be built in compliance with building regulation part M4(2) (accessible and adaptable) and within any affordable provision, 5% should be wheelchair accessible homes complying with building regulations part M4 (3) (wheelchair user). Applied to this application for 49 residential units, it is considered that 5 (4.9) units should meet Part M4(2) of the building regulations and of the 15 (14.7) proposed affordable units 1 unit should comply with building regulations part M4(3). Both of these requirements have been included as suggested planning conditions. It is noted that this provision of dwellings meeting building regulations part M4 (2) and (3) would not meet the request by KCC's Economic Development Team that all homes should be built as wheelchair accessible and adaptable dwellings in accordance with building Regs Part M 4(2). It is not, however, considered reasonable to insist that the developer meet the request which exceeds the requirements of the Local Plan policies.

### **Ecology and Biodiversity**

The NPPF states at paragraph 175 that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF then states at paragraph 180 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

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

A Preliminary Ecological Appraisal was submitted to support the application. It concluded that the risk of significant impact or foraging or commuting bats was low, works should be carried out outside of the main bird nesting season to avoid disturbing nesting birds, the risk to amphibians, hedgehogs and reptiles being significantly impacted by the development was low and that biodiversity enhancements could be secured through the development by virtue of measures such as native planting and bat and bird boxes. Additional information relating to on site habitats and a reptile survey were also provided. This work identified that a small population of common lizards (a protected species) were found on the site and mitigation measures proposed to provide a receptor site within the application site.

KCC Ecology have reviewed the submitted information and confirm that they have sufficient information to comment on the proposal. They advise that the measures set out in the reptile study would provide suitable mitigation against any adverse effect of the proposed development on the common lizard population requiring this mitigation to be secured via a

condition. They also agree with the findings of the Preliminary Ecological Appraisal that it is likely that bats (all species of which are protected) forage and commute over and around the application site. They suggest that a condition should be imposed requiring any proposals for lighting on the site to be submitted and agreed so that it can be designed to negate the impact on bat activity.

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". Policy SP30 of the Local Plan states that development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets through the following measures: 1) the restoration / enhancement of existing habitats, 2) the creation of wildlife habitats where appropriate, by including opportunities for increasing biodiversity in the design of new development 3) the creation of linkages between sites to create local and regional ecological networks, 4) the enhancement of significant features of nature conservation value on development sites, 5) protect and enhance valued soils, 6) mitigating against the loss of farmland bird habitats

The applicants have submitted some recommendations as to how this could be achieved on the application site - planting of native species and the inclusion of bird and bat boxes. KCC Ecology stated that the recommended enhancements were appropriate, but it is considered that there may be scope for different/additional enhancements to be secured once the detailed design and layout of the scheme has been finalised. It is, therefore, considered appropriate to condition the submission and approval of details of the proposed biodiversity enhancements.

Given the above, it is considered that the development of the site, with the appropriate safeguarding conditions, would not have an adverse effect on biodiversity and protected species. The amount of open space on the site also provides the opportunity for an enhancement of biodiversity through the introduction of native landscaping and other measures in accordance with Policy SP30 and paragraph 175 of the NPPF. This will be considered at reserved matters stage with the submission of landscaping details.

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

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified. Thanet District Council has produced 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. Policy SP29 of the Local Plan relates to SAMP and states that all proposals for new residential development will be required to comply with the Strategic Access Management and Monitoring Plan (SAMP) in order to mitigate against the in- combination effects of new development, through the pathway of recreational pressure on the Thanet Coast SPA and Ramsar site. A financial contribution based on the current tariff and any subsequent amendments, is required towards an in perpetuity access management scheme. This will be collected via a S106 payment.

The Council has carried out an appropriate assessment on the development in accordance with the Conservation of protected species and Habitat Regulations.

To enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreational activities) and to comply with the Habitat Regulations a financial contribution is required to contribute to the district wide mitigation strategy. It is considered that the request meets the tests for inclusion within a S106 agreement. The contribution required in this instance would be £350 per dwelling totalling £17,150 for the 49 units. The applicants have agreed to pay this contribution and this would be secured through the S106 agreement to accompany any permission.

## **Archaeology**

Paragraph 197 of the NPPF states that In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. It goes on (paragraph 199) to state that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." In paragraph 202 the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HE01 of the Local Plan relates to Archaeology and 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.

Thanet is rich in archaeology and KCC Archaeology advise that the site lies in an archaeologically sensitive area on an elevated spur overlooking the Former Wantsum Sea Channel which has been a focus for settlement and activities from early times. The fields north of the village are known to be rich in buried archaeological landscapes as seen from aerial photographs while finds of iron age, Roman and Saxon date have been made to the west of the present site. Current evaluation of land south of the village nearby to the east

has also revealed remains of medieval data associated with enclosures to the rear of the main village street.

An Archaeological Desktop Study was submitted to support this application. It concluded that there are no designated heritage assets within the site such as world heritage sites, scheduled monuments, registered battlefields or parks and gardens where there would be a presumption in favour of preservation in situ and against development within the application site. There is a single heritage asset of archaeological interest within the 1km study area and the proposed development would not have an adverse effect on its fabric, significance, setting or appreciation of its setting. There is a medium to high potential for encountering archaeological activity of prehistoric to medieval date and a high potential for encountering the remains of two mid 20th century buildings close to the road frontage which are considered to be of low local significance.

KCC's Archaeology have reviewed this submission and consider it provides a good assessment of the archaeological assessment of the application site and surrounding area. They advise that archaeological matters can be addressed through a condition on any forthcoming consent and recommend that a condition securing a programme of archaeological works is attached to any grant of planning consent.

Therefore officers consider that the suggested condition would meet the test for a condition and would safeguard the archaeology on the application site from any adverse effects from the proposed development in accordance with policy HE01 of the Local Plan and the guidance of the NPPF.

## **Air Quality**

The UK Air Quality Strategy Regulations 2010 is the method for implementation of the air quality limit values in the UK and provides a framework for improving air quality and protecting human health from the effects of pollution. There is also a requirement, under the Environment Act (1995), for local authorities to periodically review and assess air quality within their area of jurisdiction under the system of Local Air Quality Management (LAQM). This review and assessment of air quality involves an assessment of present and likely future air quality against the air quality objectives. If it is predicted that levels at the facade of buildings where members of the public are regularly present are likely to be exceeded, the local authority is required to declare an Air Quality Management Area (AQMA). For each AQMA the local authority is required to produce an Air Quality Action Plan (AQAP).

Policy SE05 of the Council's Local Plan relates to Air Quality. It 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. The Air Quality Assessment should address the cumulative effect of further emissions. The Emission

Mitigation Assessment should address any proposed mitigation measures through good design and offsetting measures that would prevent the National Air Quality Objectives being exceeded or reduce the extent of the air quality deterioration. These will be of particular importance within the urban AQMA, associated areas and areas of lower air quality. Proposals that fail to demonstrate these will not be permitted.

An Air Quality Assessment was submitted to support the application. This stated that following the adoption of mitigation measures, the development is not considered to be contrary to any of the national and local planning policies. In line with the requirement of TDC Air Quality Technical Planning Guidance a damage cost assessment was completed which gave a value of £27,438 required to be used to implement mitigation measures in the development.

Environmental Health have confirmed that they are satisfied with the assessment and recommend that conditions are imposed to secure the provision of electric vehicle charging points and the submission of an emissions strategy prior to the first occupation of the development to provide details of how the air quality damage costs are to be used to achieve air quality improvements through the development.

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

Concerns have been raised by the school and local residents that the planned give way sign would be located in front of the school and that vehicles waiting would emit fumes and contribute to air pollution. Given the small stretch of single traffic road involved, it is not considered that vehicles would wait long at the give way signs and, as such, it is not considered that the levels of pollution generated as a result of the give way sign in this location would be significant.

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

### **Flooding and Drainage**

Paragraph 159 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

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

The site lies in Flood Zone 1 as defined by the Environment Agency, thus is at a low risk of flooding. Given the size of the site, however, a site specific Flood Risk Assessment (FRA) is

required to be submitted. The FRA states that in relation to surface water drainage, the strategy is likely to focus on collection of surface water from the impermeable areas of the site, before attenuating them prior to discharge to the ditch at the southern end of the site. It states that with the field sloping towards this water course, this would mimic the existing greenfield conditions in an extreme storm event if the ground were inundated. The strategy would, therefore focus on the collection of water at or close to the surface and directing it to an attenuation basin at the lower south eastern corner of the site, after which a new conduit would direct the water at a controlled rate to the existing water course - ditch to the south of the site. It is noted that the FRA anticipates that the attenuation basin would be provided as one of the first activities on site and would, therefore, be available for attenuating surface water generation during construction works. In terms of foul drainage, the FRA advises that whilst the sewer under Monkton Street does not currently have capacity to accommodate the flow from the development, Southern Water had advised that on payment of the relevant infrastructure costs, the network can be strengthened to accommodate the proposed development. It is proposed that foul water within the site would be collected to gravitate to the lower southern point of the site before being pumped towards the public sewer to the north of the site in Monkton Street. This would require an on site pumping station, the location of which would come forward at the reserved matters stage. The submitted FRA concludes that there would be no risk of flooding affecting property or the welfare of residents (existing or future occupants) arising from the development on the site and surface water discharge from the development can be adequately managed to ensure no additional risk of flooding either on or off site, even under extreme weather conditions. They advise that details of proposed surface water drainage could be secured via a condition on any grant of planning permission.

Through separate legislation, Southern water has the ability to require network reinforcement to ensure network performance is not detrimentally affected.

The Environment Agency, Southern Water, KCC as the Lead Local Flood Authority and The River Stour (Kent) Drainage Board have reviewed the information and do not raise any objections to the proposal. It is however, noted that KCC did raise some concerns about the proposal as initially submitted firstly in the basis that the illustrative master plan appeared to show a play area with an attenuation basin and secondly that the detailed design of the attenuation basin may need to be refined in the detailed design stage. The play area has now been removed from the illustrative masterplan and the detailed design of the basin would be looked at in the reserved matters.

It is concluded by the relevant bodies that issues relating to flooding and drainage can be dealt with via the imposition of a conditions requiring details of the means of foul and surface water discharge from the proposed development to be submitted and agreed on any grant of planning permission.

Given the above, subject to the imposition of the recommended safeguarding condition it is not considered that the proposed development would have an adverse impact in terms of flooding or drainage.

## **Contamination**

Paragraph 174 e) of the NPPF states planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The site lies within a Ground Source Protection Zone for a public water supply borehole.

An Environmental Desktop Study and Preliminary Risk Assessment has been submitted in support of this application. It concluded that the application site appears to have only seen agricultural use and such activities (animal grazing, use of farm machinery and the possibility of some made ground) may have affected the land to some degree. It is considered that may also be a potential risk to underground services and groundwater. It recommends that a further assessment in terms of an intrusive site investigation be carried out.

The Environment Agency advise that they consider the application to have a low environmental risk, but it is noted that on the previous application they requested the imposition of conditions relating to unexpected contamination, infiltration of surface water drainage into the ground, foul drainage and fuel, oil and chemical storage are attached to any grant of planning permission.

TDC's Contamination Officer has reviewed the submitted information and advises that there are no known contamative features overlying this site, other than made ground strengthening of the access road. It has been requested that a condition to secure a contaminated land watching brief is attached to any grant of planning permission.

It is noted that neither the Environment Agency or the Council's Contaminated Land Officer has requested that a further intrusive site investigation is carried out and, as such officers do not consider that this is required.

With the imposition of the requested safeguarding conditions, it is considered that there would be no adverse effect from contamination on the surrounding area/existing residents nor for future occupants of the proposed development, in accordance with policy SE03 of the Local Plan and the guidance of the NPPF.

### **Open Space**

Policy GI04 of the Thanet Local Plan states that new family dwellings will be expected to incorporate garden space in order to provide a safe doorstep play area for young children. No details of the individual units are available at this time and this matter will be assessed at the reserved matters stage.

Policy GI04 also requires that applications for new residential development make provision for amenity green space and equipped play areas within the application site. It also states that In exceptional circumstances where it would be impractical to provide adequate and suitably located playspace as part of the development, then a financial contribution may

instead be acceptable to offset the costs resulting from the additional use and need for increased maintenance and play equipment at suitably located existing playspaces and amenity areas.

The illustrative masterplan submitted to support this application shows that there would be amenity areas within the application site, but in this instance it is not considered appropriate that an equipped play area should be provided on the application. This is on the basis that Monkton's Recreation Area adjoins the site to the south and is the closest play area to the application site. The additional children from the proposed development are likely to have an impact on this play area. It is, therefore, considered that in this instance a financial contribution would be appropriate.

The financial contribution required through the proposed development, which is based upon the calculation contained within the Council's Supplementary Planning Document for Planning Obligations is £42,875. This would be available for upgrades to the Monkton Recreation play area. The applicant has agreed to this contribution, which will be secured through a legal agreement. On this basis the proposed development is considered to comply with Policy GI04 of the Thanet Local Plan.

## **Crime and Disorder**

The NPPF requires that decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The application is in outline and at this stage raises no issues regarding crime and disorder. Secured by Design principles which will be addressed as part of the Reserved Matters application.

## **Planning Obligations**

### *Financial Contributions*

Policy SP41 states that development will only be permitted when provision is made to ensure delivery of relevant and sufficient community and utility infrastructure. Where appropriate, development will be expected to contribute to the provision of new, improved, upgraded or replacement infrastructure and facilities.

KCC have been consulted and have advised that there is a need for financial contributions towards primary and secondary education, secondary land, community learning, youth services, libraries, social care and waste. The primary education contribution would be in the form of £6,800 per applicable house (applicable houses exclude 1 bed flats of less than 56sqm) towards Phase 1 of Manston Green Primary school and the secondary contribution is £5,176 per applicable house towards the new Thanet secondary school. A contribution for secondary school land is also required of £1,511.11 per applicable house towards land acquisition costs of the new Thanet Secondary Free School. For community learning £16.42 per dwelling is sought towards resources and equipment for adult education services delivered locally and at Broadstairs Adult Education Centre. In relation to youth services £65.50 per dwelling is requested towards additional resources for the youth service in Thanet. £55.45 per dwelling is required for additional bookstock at Minster Library to

mitigate the impact of the new borrowers from this development. £146.88 per dwelling is also requested for social care towards specialist care accommodation within the district with a contribution to waste of £54.47 per dwelling towards Improvements at Thanet District Household Waste and Recycling Centre to increase capacity. The requested contributions are considered to be appropriate to mitigate the impact of the proposed development on local facilities and services and the applicants have agreed to pay these contributions.

Thanet's Clinical Commissioning Group (TCCG) have requested a contribution of £42,336 towards the refurbishment, reconfiguration and/or extension of Minster Surgery and Birchington Medical Practice. It is considered that this test meets the requirements for inclusion within a S106 agreement from the direct impact from the development on the provision of these services and the applicants have agreed to pay this contribution.

### *Other Requirements*

A request has been made by KCC that all homes be built as wheelchair accessible and adaptable dwellings in accordance with building Regs Part M 4(2).

As set out above, Policy QD05 of the Local Plan sets out the Council's policy in relation to the adaptable and accessible housing. Using this policy 5 dwellings would be required to be built in compliance with building regulations part M4(2) and 1 dwelling in accordance with part M4(3). The applicants have agreed to provide these.

### *Heads of Terms*

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

30% affordable housing);  
£6,800 per applicable house towards Phase 1 of Manston Green Primary school;  
£5,176 per applicable house towards the new Thanet secondary school;  
£1,511.11 per applicable house towards land acquisition costs of the new Thanet Secondary Free School;  
£16.42 per dwelling towards resources and equipment for adult education services delivered locally and at Broadstairs Adult Education Centre;  
£65.50 per dwelling towards additional resources for the youth service in Thanet;  
£55.45 per dwelling towards additional bookstock at Minster Library;  
£146.88 per dwelling. Towards specialist care accommodation within the district;  
£54.47 per dwelling towards Improvements at Thanet District Household Waste and Recycling Centre to increase capacity;  
£42,336 towards the refurbishment, reconfiguration and/or extension of Minster Surgery and Birchington Medical Practice;  
£17,150 towards the Special Protection Area;  
£42,875 towards an upgrade/additional equipment for the Monkton Recreation Ground;

### **Other matters**

Concerns have been raised by local residents that granting this application would set a precedent for development to come forward on other sites on the edge of villages. Any application for planning permission would be considered on their own merits and circumstances.

Whilst not raised in the representations on this application, it is noted that local residents expressed concerns on the previous application that they were not aware of the covenant which makes provision for the applicant to acquire land from their properties. This is a separate civil issue. Planning permission does not override civil matters such as land ownership and the proposed access and highway works will be secured via condition and the associated legal agreement. If the land ownership issues cannot be dealt with the applicants will be unable to occupy the development.

The Council's Waste and Recycling Manager has commented that they would need to be satisfied that waste can be collected from the proposed development. Tracking diagrams have been provided that demonstrate the refuse vehicles can access and exit the site, but the details of how the refuse collection would work would be dealt with at the reserved matters stage when the detailed layout of the development is known.

## **Conclusion**

The proposed development for housing in this location outside the settlement boundary is in principle contrary to the Local Plan. In addition Monkton village has a small range of facilities (primary school, village hall, church and public house) with limited employment opportunities and no shops. Future residents therefore would be largely reliant upon the private car for access to health, education and jobs. However the site is well-connected to Minster and the development would be likely to support the wider range of services and facilities available in that village.

Taking into account the fact that the council has not met its housing delivery test, the application needs to be determined on the basis of paragraph 11 of the NPPF which states planning permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In economic terms, the provision of housing would have short-term benefits to the local economy during the construction phase and associated spending and longer term economic benefits as a result of increased spending within the local economy, with a likelihood of increased support for existing services and facilities and those in surrounding villages such as Minster.

In terms of the social dimension of sustainable development, paragraph 60 of the NPPF refers to 'the Government's objective of significantly boosting the supply of homes'. The NPPF points out that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly' and that 'development in one village may support services in a village nearby'. The provision of 49 housing units to meet future needs in the existing village and beyond is a key element of

the social dimension of sustainable development. Affordable housing is also proposed through this scheme (providing 15 units on the basis of 49 units total) and highway works including the introduction of a footpath which would provide benefits for the wider village as well as residents of the proposed development. Moderate weight is therefore attached to the social benefits resulting from the development.

The development has also made provision for contributions to offset impacts on education and healthcare facilities from the development, whilst providing a contribution to the play area adjacent to the site, which provide social benefits from the development.

The expansion of the village onto undeveloped agricultural land would inevitably involve a change to the character of the countryside in environmental terms and result in the loss of approximately 2.6 hectares of best and most versatile agricultural land. Therefore there would be detrimental impact on the wider environment from the loss of countryside and best and most versatile agricultural land. However, the site is well related to the existing built form and, subject to the approval of appropriate details at the reserved matters stage, officers are satisfied that development at the site would not result in any significant harm to the character and appearance of the area or the Stour Marshes Landscape Character area. Parameter plans have shown that the site could be developed in a manner that would not give rise to material neighbour amenity or highway safety issues. Issues pertaining to character and appearance, ecology, archaeology, drainage can all be dealt with adequately through the imposition of conditions.

It is concluded, on balance, that there are specific material considerations that indicate that this application could be determined as an acceptable departure to the development plan on the basis that the benefits of approving this application demonstrably outweigh the departure from the Local Plan and the impact on the countryside and loss of agricultural land.

The Council has been liaising with the applicants on the contents and format of a legal agreement for this application and a signed agreement version of the agreed document has now been received by Officers. It has not, however, been signed and sealed by the Council at the time of this agenda being published and, as such, It is recommended that Members defer and delegate the application to officers for approval subject to the receipt of a satisfactory legal agreement to secure financial contributions, affordable housing and the highway works within 6 months of this resolution.

**Background papers:** Annex 1 Planning Inspectorate Decision OL/TH/19/0409

**Case Officer**

Annabel Hemmings

TITLE: OL/TH/21/0761

Project Land Rear Of 92 To 102 Monkton Street Monkton Kent

