

D06

F/TH/19/0323

PROPOSAL: Erection of 23no. 2 storey dwellings and a 3-storey building accommodating 15No. self-contained flats together with associated parking and landscaping

LOCATION: Land On The North Side Of Stirling Way RAMSGATE Kent

WARD: Northwood

AGENT: Hume Planning Consultancy Ltd

APPLICANT: Kentish Projects Ltd

RECOMMENDATION: Defer & Delegate for approval subject to safeguarding conditions and the submission of a signed legal agreement within 6 months

Subject to the following conditions:

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

GROUND:

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

- 2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawing numbered P01 Rev G, received 30 June 2020; and amended plans numbered P02 Rev C, P03 Rev E, P04 Rev E, P06 Rev H, and P08 Rev C, received 06 December 2019.

GROUND:

To secure the proper development of the area.

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

GROUND:

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

- 4 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details, including pollution prevention and maintenance measures.

GROUND:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilized contaminants in line with paragraph 170 of the National Planning Policy Framework.

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

GROUND:

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

- 6 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment Report dated Nov 2019 by Herrington Consulting and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 2 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

GROUND:

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

- 7 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 the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built

drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

GROUND:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

- 8 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

GROUND:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

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

- 10 Prior to the commencement of development hereby permitted (including site clearance), the ecological mitigation measures as detailed within the Ecological Enhancement Strategy Report (Corylus Ecology September 2019) shall be implemented and retained thereafter.

GROUND:

In order to safeguard biodiversity, in accordance with Policy SP30 of the Thanet Local Plan and advice as contained within the NPPF.

- 11 Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the noise mitigation measures as set out in S4.3 of the Construction Noise Impact Assessment, along with details of:

- Routing of construction and delivery vehicles to / from site
- Parking and turning areas for construction and delivery vehicles and site personnel
- Timing of deliveries
- Provision of wheel washing facilities
- Temporary traffic management / signage
- Access arrangements
- hours of construction working; measures to control noise affecting nearby residents;
- Wheel cleaning/chassis cleaning facilities;
- dust control measures;

- 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.

GROUND:

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

- 12 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014 Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

GROUND:

In the interests of amenity for future occupiers in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

- 13 Construction works within the site shall only be carried out between the hours of 07:00 and 18:00 Monday to Friday, between the hours of 08:00 and 13:00 on Saturdays, and at no time on Sundays.

GROUND:

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

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

GROUND:

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

- 15 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers P01 Rev G shall be provided and permanently retained.

GROUND:

In the interests of highway safety, in accordance with Policy TP08 of the Thanet Local Plan.

- 16 The area shown on the approved plan numbered P01 Rev G for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND:

To provide satisfactory off street parking for vehicles in accordance with Policy TP06

of the Thanet Local Plan and the advice contained within the NPPF

- 17 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. P01 Rev G shall be provided and thereafter maintained.

GROUND:

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

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

GROUND:

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

- 19 Prior to the commencement of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be in the form of one active charging point per allocated parking space, and one active charging point per ten unallocated parking spaces. The electric vehicle charging points shall be provided prior to the first occupation of the development and thereafter maintained.

GROUND:

To protect air quality, in accordance with Policy SP14 of the Thanet Local Plan and the advice as contained within the NPPF

- 20 Prior to the first occupation of the development hereby approved, pedestrian visibility splays of 2 metres by 2 metres behind the footway on both sides of each private access, with no obstructions over 0.6 metres above footway level shall be provided and thereafter maintained.

GROUND:

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

- 21 Prior to the first occupation of the development hereby approved, visibility splays of 25 metres x 2 metres x 25 metres at the vehicular accesses to plots 1-5 and 6-10, with no obstructions over 1 metre above carriageway level within the splays, shall be provided and thereafter maintained.

GROUND:

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

- 22 Prior to the first occupation of the development hereby approved, cyclist visibility splays of 2 metres x 5 metres behind the cycleway on both sides of the vehicular access to plots 11-15, with no obstructions over 0.6 metre above cycleway level within the splays, shall be provided and thereafter maintained.

GROUND:

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

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

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

GROUND:

In the interests of highway safety, and the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the NPPF.

24 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.

25 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.

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

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted. This shall include new hedge planting around parking court areas and along the southern boundary of the site (where possible), and the planting of trees, including to the rear of plots 4 and 5;
- the treatment proposed for all hard surfaced areas beyond the limits of the highway, which shall include paving for all parking spaces;
- walls, fences, bin stores, bike stores, and other means of enclosure proposed;

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

GROUND:

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

27 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any

part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND:

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

- 28 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

GROUND:

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

- 29 The refuse storage facilities and clothes drying facilities as specified upon the approved drawing numbered P01 Rev G and received on 26th March 2020 shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times.

GROUND:

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

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

GROUND:

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

- 31 No further extensions, roof alterations or outbuildings, whether approved by Classes A, B, C, or E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

GROUND:

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy QD02 of the Thanet Local Plan.

- 32 The first floor window to be provided in the northern side elevation of the unit within plot 5, shown on plan numbered Po1 Rev G, shall be non-opening below 1.73m above the finished internal floor level, and provided and maintained with obscured

glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent. The obscure glazing shall be permanently retained thereafter.

GROUND:

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

- 33 No development shall take place until details of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations to be installed for all dwellings. The infrastructure shall be installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

GROUND:

To provide high quality digital infrastructure in new developments in accordance with Policies SP14 and SP41 of the Thanet Local Plan and paragraph 112 of National Planning Policy Framework.

INFORMATIVES

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project.

Some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice and; The Environmental regulations page on GOV.UK

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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

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.

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

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made on submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

BACKGROUND

This application was originally granted approval under delegated authority by Thanet District Council on the 2nd October 2020.

Following the issuing of the decision, a judicial review claim was made against the Council, by a parent of a child at Laleham Gap School, in respect of the decision on six grounds, as set out below:

- (1) The application was "on behalf of" the Council and, under the scheme of delegation, had to be determined by the planning committee. The decision by an officer was therefore unlawful.
- (2) The appropriate assessment undertaken by the Council had failed to comply with the strict requirements of the Habitats Regulations, such that no lawful appropriate assessment of the impact of the development on the Special Protection Area was conducted.
- (3) The Council had failed to assess construction noise impacts on the school and the efficacy of potential noise mitigation was simply assumed and not actually considered.
- (4) The Council had failed to consider and grapple with highway safety risks in relation to children and parents at the school and failed to require a transport assessment, which would have included systematic consideration of highway safety, contrary to the policy requiring one.
- 5) The Council had failed to consider the issue of air quality and failed to require an air quality assessment, again contrary to the policy requiring one.
- (6) The decision was tainted by apparent bias.

By a Judgment dated 19th July 2021, the JR application was successful on all 6 grounds. The planning permission granted on 2nd October 2020 was thereby quashed by the court. This report makes recommendations for the Committee for its redetermination of the application in light of the court's decision.

I set out below in summary the findings of the court against the Council and indicate the way in which those findings have been taken into account and addressed in the redetermination of the application.

GROUND 1

The court found that the Council being one of the two partners in East Kent Opportunities (EKO, a joint venture with Kent County Council) which owns the land proposed to be developed with this application, and the existence of a contract between EKO and the applicants Kentish Projects Limited (KPL) requiring the latter to make a planning application and to seek to obtain planning permission as soon as possible, means that the application is made on behalf of and for the benefit of the Council.

In consequence, in accordance with the Council's Scheme of Delegation which requires applications made on behalf of the Council to be determined by the Planning Committee, this redetermination of the application is required to be presented to Committee for determination.

Further, following the court's decision the Council's scheme of delegation within the constitution has been amended to clearly state/confirm that if a planning application or application under planning legislation is submitted by TDC, or on land owned by Thanet District Council or any company of which Thanet District Council is a party, that application must go to planning committee.

GROUND 2

The court found that the Appropriate Assessment (AA) required in this case did not comply with the legislative requirements and relevant casework; it was found to be deficient in a number of ways as well as being out of date.

In light of this, the Council's template Appropriate Assessment has been updated with the necessary input of Natural England, whose comments have been incorporated. For the current proposal this matter is assessed in the report below.

The application has also now been assessed against policy SP14

GROUND 3

The court found that policy SE06 applies to the construction noise arising from the development of housing and in consequence the proposals should have been accompanied by a scheme of mitigation, particularly given the sensitivities to noise of the children at the nearby school

Following the JR decision a construction noise assessment has been submitted and an updated response from Environmental Health received. The noise impact is considered within the living conditions section of the following updated report.

GROUND 4

On this ground the court found that the particular sensitivity of the pupils at the school to highway safety matters and the school's specific desire to encourage them to become independent travellers to the school by walking along Ozengell Place should have been considered in determining the application. Whilst a full Transport Assessment was found not to have been required, the highway safety of the pupils, particularly the desire that they are independent travellers was not considered.

Following the JR decision a planning statement addendum has been submitted, which covers the point of independent journeys, and an updated response from KCC Highways has been submitted. The highway impact is considered within the highway safety section of the following updated report.

GROUND 5

The court found that contrary to policy SE05 an Air Quality Assessment had not been required of the developer and the delegated report had not considered whether such an Assessment was required.

The impact upon air quality is assessed through the air quality section of the following updated report.

GROUND 6

The court found that a fair-minded observer would have thought there was a real possibility that the decision-maker was biased, for reasons including the application not being brought before planning committee, despite initially having been proposed to be heard by Committee, and matters which were the subject of grounds 2-5 (set out above) not being dealt with properly.

With this report the application is now being brought before the Planning Committee and the matters the subject of Grounds 2-5 have been addressed in the report below.

SITE, LOCATION AND DESCRIPTION

The application site is located at the end of Ozengell Place, and is north of Stirling Way and west of Marlowe Way. To the west of the site are 2-3 storey commercial units, with associated parking provision. To the north of the site is the Marlowe Innovation Centre, a 2-storey modern design orange clad building. To the north-east of the site is The Royal Harbour Academy School, a 2-3 storey modern design yellow, white and red clad building. To the north-west of the site is Laleham Gap School, a part single storey, part 2-storey, part 3-storey flat roof blue and white clad building. Access to the school is served off Ozengell Place.

The site itself is an undeveloped green area, and contains a pedestrian link between Ozengell Place and Stirling Way. The site forms part of an allocated housing site under Policy SP09 of the Thanet Local Plan. The site is accessed by Ozengell Place.

RELEVANT PLANNING HISTORY

OL/TH/11/0910 - Application for outline planning permission for mixed-use development for up to 550 dwellings; up to 63,000sqm Class B1 business floorspace; car showroom; a new local centre comprising up to 2,000sqm convenience retail (class A1, A2, A3), community facilities up to 5,000 sqm (class D1/D2) and community healthcare up to 1,200sqm (class D1); and associated highway works with all matters reserved.

Application Refused on the 23rd October 2013 for the following reasons:

The application site does not constitute previously developed land and as such the proposed residential development would involve the release of greenfield land, where there is no identified need, contrary to policy H1 of the Thanet Local Plan 2006 and the National Planning Policy Framework, which seeks to concentrate development on brownfield land at appropriate locations within the confines of existing urban areas and rural settlements.

The proposed development, in the absence of a legal agreement to secure contributions for community facilities, measures to mitigate recreational impact on designated sites of ecological importance and the provision of affordable housing, would be contrary to Thanet Local Plan Policies H14 and CF2 and guidance within the National Planning Policy Framework.

The decision was appealed, and on the 29th October 2014 the Appeal was Allowed. The application site forms part of this outline site, and has therefore previously had the principle of residential development on this site approved.

PROPOSED DEVELOPMENT

The application is for the erection of a row of 10no. 2-storey 2-bed shallow pitched terraced dwellings, two rows of 5no. 2-storey 3-bed shallow pitched terraced dwellings, a row of 3no. 2-storey 3-bed shallow pitched terraced dwellings, and a 3-storey flat roof building containing 15no. 1-bed and 2-bed flats. Vehicular access to the site is served off Ozengell Place, and 64no. off-street parking spaces are provided, including 7no. visitor parking spaces.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP02 - Implementation
SP09 - Westwood
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP23 - Affordable Housing
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds
SP35 - Quality Development
SP38 - Healthy and Inclusive Communities
SP41 - Community Infrastructure
SP43 - Safe and Sustainable Travel
SP45 - Transport Infrastructure
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
CC02 - Surface Water Management
CC04 - Renewable Energy

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

NOTIFICATIONS

Initial notification responses

Neighbouring occupiers have been notified and a site notice posted. 32 letters of objection have been received raising the following concerns:

- Overlooking to the school, and noise and disturbance for children during construction,
- Increased traffic,
- Lack of parking,
- Air quality,
- Cramped development, high density,
- Concerns for children at school with anxieties,
- Poor design of flat block,
- Highway safety for children and parents during school drop off/collection,
- Doesn't reflect local housing stock,
- Overbearing,
- Units don't meet the national space standards,
- Height out of keeping,
- Lack of infrastructure and amenities to support development.

Ramsgate Town Council - Ramsgate Town Council raises concerns over room sizes and requests that TDC ensures that they are in compliance with the size guidelines within the Local Plan.

Further notification responses (following JR)

Neighbouring occupiers have been notified and a site notice posted. A total of 52 letters of objection have now been received raising the following concerns:

- Overlooking to the school,
- Noise and disturbance for children during construction,
- Proposed development will be detrimental to the children's education and progress,
- Impact upon the mental state and anxiety levels of the children,
- Increased traffic,
- Lack of parking,
- Air quality,
- Ecological damage,
- Cramped development, high density,
- Concerns for children at school with anxieties,
- Highway safety for children and parents during school drop off/collection,

- Safety impact for children who travel to school independently,
- Access would be better served from Stirling Way,
- Conflict of interest with all involved,
- Emergency vehicles may find it difficult to get to the school,
- Lack of infrastructure and amenities to support development,
- Loss of open and recreational space for dog walking etc.
- Potential increase in crime,
- Impact on drainage.

Ramsgate Town Council - No comments

CONSULTATIONS

KCC Highways and Transportation -

(Final Comment (following JR))

Having reviewed the application and highway matters, previous comments still stand in relation to application 19/0323, with the following comments in relation to the Judicial Review.

The application provides improved pedestrian links from Ozengell Place to Stirling Way which will benefit those wishing to access the school via Sterling Way.

In terms of safety for independent journeys, the development creates a low-speed environment and reasonable pedestrian facilities.

The pedestrian facilities provided on site will enhance independent access, by providing more direct access to Stirling Way, avoiding the busy A256 Haine Road corridor.

Speed reduction measures are proposed at the entrance to the site and this will help to manage vehicles speeds within the site and the approach to/from the existing highway network within Ozengell Place.

In line with previous comments, the proposal will not generate significant peak hour traffic generation. It is anticipated that around 21 vehicle movements would be generated, which when spread across the peak hour equates to 1 vehicle movements every 3 minutes. It is not considered that this will create an overbearing barrier to independent journeys.

It is relevant to highlight that the site is allocated in the Thanet District Local Plan for mixed use residential / commercial, where the principle of the development on the site has been established.

The proposal provides improved pedestrian links to bus services on Stirling Way and settlements to the south.

Taking the above into account, on balance the proposal is not considered to be objectionable with respect to highway & transportation matters.

(Final Comment (prior to JR))

I refer to the above planning application and note that the site was included in the outline consent F/TH/11/0910 for redevelopment of the wider former Eurokent site. This permission is still extant and therefore the principle of residential development on the current application site has been accepted. I confirm the layout now shown on drawing number HM49 P01 Rev. E is now acceptable, with suitable turning facilities being provided. The footway/cycleway in Ozengell Place is continued through the site and will make a connection to the existing

facility in Stirling Way, thus providing a more direct through route for pedestrians and cyclists and providing access to the wider network for residents of the site.

The amount of parking shown is acceptable, however the remote location of some parking means that parking restrictions may need to be considered if the road is to be adopted by the highway authority. There is also a short section of existing road between the existing public highway and the site boundary which will need to be adopted if the road within the site is also to be adopted.

In accordance with the requirements of the outline permission for the Eurokent site, highway contributions of £64,567.89 and £20,006.66 are to be provided for improvements along the A256 Haine Road corridor.

I therefore now have no objections in respect of highway matters subject to the above highway contributions, and the following being secured by condition:

(Initial Comment)

I refer to the above planning application and note that the site was included in the outline consent F/TH/11/0910 for redevelopment of the wider former Eurokent site. This permission is still extant and therefore the principle of residential development on the current application site has been accepted. I would comment further as follows:

1. The Transport Note appears incorrect in saying that the approved Masterplan-Road Hierarchy drawing under F/TH/11/0910 shows a vehicular route connection between Ozengell Place and Stirling Way, however it appears reference is made to a bus-only link in the s.106 agreement attached to the outline consent. It is not entirely clear where this bus link was envisaged but it appears bus services and possibly route strategy have changed in the intervening years. The applicant should therefore discuss proposed bus service strategy with our Public Transport Team and Stagecoach to determine if a bus link is required and more importantly, if it needs to be provided through the current application site. The following comments assume there is no bus link.
2. The existing footway/cycleway in Ozengell Place should be continued through the site and connect to the existing footway/cycleway in Stirling Way, as envisaged by the previous outline consent and Masterplan.
3. The proposed adoptable carriageway appears to be 6 metres in width. This can be reduced to 4.8 metres from the entrance point to the adjacent existing car park, although may need to be varied in the turning head to accommodate the refuse vehicle manoeuvres. This should assist in providing the footway/cycleway from item 3 above, which it appears would be better located on the southern side of the road to avoid the accesses to multiple parking spaces. For the rest of the adoptable road a 1.5 metre-wide footway should be provided adjacent to the carriageway, including around the turning head. Parking spaces served directly off the adoptable highway should have a suitable margin between the spaces and carriageway to provide visibility for drivers exiting the spaces, which the footway will provide.
4. Bearing in mind the long, straight approach along Ozengell Place and the limited change of direction at the proposed bend, an effective speed restraint measure should be provided near the site access. I suggest a raised table could be utilised and combined with the reduction in carriageway width highlighted in item 4 above.
5. Parking should be in accordance with Kent Design IGN3 for a suburban situation. As such a minimum total of 64 spaces is required, including 7 visitor spaces. The 53 spaces shown are therefore insufficient. It is also not clear if and how spaces are to be allocated to

individual dwellings, but the current layout is also unacceptable as the apparent remote location of parking for plots 11-19 is likely to lead to parking on the adoptable carriageway and footway/cycleway.

6. It appears highway contributions were payable under the s.106 agreement attached to the outline consent OL/TH/11/0910 but it is not clear if development of the current application site would trigger such contributions. Clarification on this point is therefore required.

I wish to place a holding objection until the above matters have been satisfactorily resolved. It appears early discussion on the bus link is necessary as this will dictate the nature of the road through the site.

KCC Biodiversity -

(Final Comment (following JR))

I cannot see that the proposed amendments/variations will alter the impact to ecology, therefore, our previous comments remain valid.

(Final Comment (prior to JR))

We have reviewed the updated ecological information submitted in support of this planning application and advise that sufficient information has been provided. Our previous comments (dated 19th July 2019) recommended the relocation of botanically interesting ground flora to maintain biodiversity on-site. This recommendation has now been included within the submitted ecological enhancement strategy.

Thanet and Canterbury SAMMS

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 Thanet Coast and Sandwich Bay SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

Breeding Bird Informative

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

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence

against prosecution under this Act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. A suitable enhancement strategy has been submitted which includes recommendations from the previous reports, such as the translocation of the botanically interesting grassland to an on-site receptor site. To secure the implementation of enhancements, we advise that a condition is attached to planning permission if granted. Suggested wording:

From the commencement of works (including site clearance), all measures detailed within the Ecological Enhancement Strategy Report (Corylus Ecology September 2019) will be implemented and retained thereafter.

(Interim Comment)

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

Following our previous advice note (14th May 2019) a Preliminary Ecological Appraisal (PEA) was undertaken and identified suitable reptile habitat on-site. A subsequent reptile survey concluded that reptiles were not present on-site and, therefore, we require no further information regarding reptiles. However, the reptile survey report did identify botanical interest on the site which we advise is considered in the determination of the application.

Ground Flora

As stated in the reptile survey report, a pyramidal orchid was observed in the north of site, which will be impacted by the proposed development. As recommended in the report, and in alignment with the NERC Act 2006 which requires public authorities to demonstrate regard for conserving biodiversity, this area of grassland and respective seed bank should be translocated to the areas in the west of the site.

As such, we advise that a methodology is provided, along with revised site plans, to demonstrate that translocation of the grassland and seed bank is achievable and implementable with the current development design. We recommend this is included within the ecological enhancement requirements for the development (securing its implementation with a condition), as mentioned below in the enhancement section of this document.

(Initial Comment)

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development.

Protected Species

The Planning Statement notes the site as 'unmanaged scrub' with 'informal access' routes. Scrub habitat offers opportunities to species that are afforded various degrees of protection, such as Badgers, breeding birds and Hedgehogs. The presence of protected species is corroborated by records in the biological dataset.

Paragraph 99 of the ODPM 06/2005 states: "...it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".

Consequently, we advise that a Preliminary Ecological Appraisal (PEA) is undertaken to assess the potential for protected species to be utilising the site. Results of the PEA, along with any recommended surveys and/or required mitigation measures, should be submitted with any planning application.

Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. The recommended PEA (above) will be able to inform an appropriate enhancement plan. Any species to be planted as part of the soft landscape plan should be listed.

We recommend that the implementation of an appropriate enhancement plan is secured via an attached condition, should planning permission be granted.

KCC Archaeology - The proposed development site lies in an area that has archaeological potential particularly arising from the discovery on the site to the west of Neolithic, Bronze Age, Iron Age, Roman and medieval remains. The site itself has remained undeveloped and new development works on the site could potentially impact on archaeology.

I would therefore recommend that in any forthcoming consent provision is made for a programme of archaeological works through a condition.

KCC SUDs -

(Final Comment (following JR))

We have no further comment to make on this proposal and would refer you to our previous response on 20 March 2020.

(Final Comment (prior to JR))

We have reviewed the revised Flood Risk Assessment Report dated November 2019 by Herrington Consulting Limited and have reviewed the infiltration tests results which have been included as per the BRE Digest 365.

The Soiltech Soakage Test Report indicates at shallow depths the underlying geology comprise sandy very silty Clay. The report however does not include borehole logs to show the depths of Clay. Desk information suggests that this will be less than 3 m thick but as proposed infiltration systems, both permeable paving and trench soakaways, are at shallow depths it is important to make sure the site discharge to the permeable strata.

We would note that the results show the infiltration rate for trial holes TH2 and TH3 are lower than that used in the design. In detailed design we would require that design considers an appropriate infiltration rate to represent the worst case.

Not with standing these issues, it is expected that a drainage solution based upon this approach may serve the proposed development adequately, but it is important that these matters are addressed within detailed design.

If your authority is minded to approved this planning application we would recommend the inclusion of safeguarding conditions.

(Initial comment)

We have reviewed the Flood Risk Assessment (Herrington Consulting Ltd, April 2019) and in principle satisfied with the drainage design, however at present, the level of information provided by the applicant is limited for a full planning application and we have concerns regarding soakage testing.

We have the following concerns:

- Soakage testing does not seem to be compliant with BRE 365 where there is a requirement to test the pit three times. Only one infiltration rate for each trial pit has been presented in the results sheet. We would recommend that soakage testing is undertaken again to our requirements or that the correct results sheets are submitted.
- Soil investigation results should be submitted to identify strata at different depths and confirmation that soakaways will be placed over natural strata.

We would recommend clarification of where the trial pits are located on site e.g. whether TH1 and TH3 correspond to trial pit 1 and 3.

Please be aware that the half drain time for any infiltration device should be less than 24 hours. The drainage calculations shows that this exceeds 24 hours for the soakaway. We would recommend that the minimally modified but may also need additional mitigation allowances, for example additional attenuation or provision of exceedance routes since there is an incidence of flooding at the 1 in 100 year +40% climate change.

Until this information is provided, we are unable to recommend approval to this application.

Southern Water -

(Final Comment (following JR))

Under current legislation, Southern Water can consider the adoption of SuDS if they are to be designed and constructed in line with the Design and Construction Guidance. No new soakaways, swales, ponds, watercourses, associated attenuation tanks or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

All other comments in our response dated 24/02/2020 remain unchanged and valid.

(Final Comment (prior to JR))

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

Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required.

As no detailed drainage layout has been provided for assessment, we request that should this application receives planning approval, a safeguarding condition is attached to the consent.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's

Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, an informative is attached to the consent.

Environment Agency -

(Final Comment (following JR))

We have no further comments to make on this planning application beyond those in our previous response, KT/2019/1255552/01-L01, dated 10 May 2019.

(Final Comment (prior to JR))

Due to the scale, nature and setting of this proposal and the supporting information submitted, we do not object to the proposal in principle providing the following conditions are placed on any permitted development.

Natural England -

(Final Comment (following JR))

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 10 May 2019.

The advice provided in our previous response applies equally to this amendment.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

(Final Comment (prior to JR))

No objection subject to securing appropriate mitigation.

TDC Environmental Health -

(Final Comment (following JR))

Thank you for consulting Environmental Protection on the resubmissions of the above application following judicial review.

Air Quality

Although the site falls within the administrative boundary of Thanet's urban Air Quality Management Area (AQMA); the decision on whether an air quality assessment is required is deferred to Environmental Protection who monitor and assess levels of pollution locally and have access to monitoring data showing the location of heavily trafficked pollution hot spots. Air Quality assessments are required when the screening criteria in the Institute of Air Quality Management Guidance: Planning for Air Quality or DfT criteria for major development requiring a transport assessment are met. The proposed application site is

located in an area well below air quality health objectives and the size of the development would mean an assessment is not required. Regrettably, this explanation was not given in full detail previously. For background information, Defra's appraisal of Thanet's Air Quality Annual Status Report 2021, recommended the AQMA be revoked given several years of no exceedances of the air quality health objectives.

Pollution levels were monitored near to the site along Haine Road between 2003 and 2009 and were always well below the national air quality health objectives; monitoring resumed from January 2021 and nitrogen dioxide levels have reduced further to around 20µg/m³ (microgram per cubic metre) with the national objective at 40µg/m³.

Construction Noise

A Construction Noise Impact Assessment has been carried out in accordance with the appropriate ABC methodology set out in BS5228 Code of Practice for Noise & Vibration Control on Construction and Open Sites. Baseline monitoring which has taken into account nearby residential receptors and schools establishes receptors as category A and a limit of 65dB limit is required between 7am and 7pm weekdays although I understand proposed hours are 7am to 6pm Monday to Friday and 08:00 to 1pm Saturdays which should be conditioned. Mitigation has been proposed to achieve these limits and is set out in S4.3 which must be secured by condition and incorporated into a Construction Environmental Management Plan to be submitted prior to work commences and after a contractor has been confirmed.

(Final Comment (prior to JR))

Thank you for consulting Environmental Health on application for the Erection of 23no. 2 storey dwellings and a 3-storey building accommodating 15No. self-contained flats together with associated parking and landscaping with regard to noise impacts.

Environmental Health has no objection in principle to the development which has been identified for residential allocation in the master plan. However, given that the site adjoins a school for children with special educational needs who are extremely sensitive to noise, the construction impacts must be effectively controlled. BB93 Acoustic design of schools: performance standards Building bulletin 93 February 2015 states:

'Pupils with special educational needs are generally even more sensitive to the acoustic environment than others. Consequently, required reverberation times are shorter, sound insulation between adjacent spaces is higher and indoor ambient noise levels (and the capacity for distraction) lower than in environments for other pupils.

Pupils with hearing impairment, autism and other special needs are often very sensitive to specific types of noise, particularly those with strong tonal, impulsive or intermittent characteristics. This should be taken into consideration in the design of areas which may be used by such children.'

It is therefore imperative that construction impacts are assessed and noise mitigation put in place e.g. air conditioning provided to schools and a Construction Noise Management Plan to ensure work is prohibited at school lunch and play times. It is also necessary to protect the residential development for noise associated with the school and commercial units nearby.

(Initial Comment)

As the site is within the urban AQMA it will require standard EV charging points, standard air quality mitigation and construction environmental management plan.

TDC Strategic Housing Officer -

(Final Comment (following JR))

Within Thanet District Councils 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 38 units (whole site) is required. The 30% AH shall be split 70% Affordable Rent (AR) and 30% Shared Ownership (SO) which equates to 11no. AH units - split 8no. AR and 3no. SO.

In the submitted Planning Statement Addendum prepared by Hume Planning Consultancy Ltd on behalf of Kentish Projects Ltd, dated November 2021, provides a final mix of unit sizes, as below:

Upon review of the affordable housing mix of unit sizes, the scheme is reflective of TDC's SHMA findings and the overarching housing needs across the district, therefore is acceptable. The exact tenure split of these units can be confirmed during the course of the application process.

Kent Accommodation -

(Final Comment (following JR))

We refer to the above re-submitted planning application which concerns proposed residential development at Land on the North Side of Stirling Way, Ramsgate, Kent and comprising: 38 new households.

The County Council has assessed the implications of this proposal in terms of the delivery of its community services currently and both CIL Regulations and requirements have changed since the original application and assessment in 2019. The proposed development will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Clinical Commissioning Group - NHS Thanet Clinical Commissioning Group (CCG) has delegated co-commissioning responsibility for general practice services in Thanet 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 of 38 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.

Kent Police - Having reviewed the on line plans and documents and having no communication from the applicant/agent to date, the following issues need to be addressed including:

1. The ground floor recessed areas of the apartment block are a significant concern as they provide areas of concealment ideal for unsuitable activities including crime and ASB, they could increase the fear of crime for residents, particularly those alongside the recesses.

2. There are alleyways shown that are also of significant concern as they provide areas for concealment. They must be secured as close as possible to the building line with lockable (from both sides) gates. The alleyway between units 3 and 4 also provides secluded access via the alleyway that could increase the opportunity for crime to unit nos. 2,3,4,5,and 6.

3. Perimeter treatments need to be min 1.8m high. Any elevations that join school boundaries require additional security e.g. higher densely planted buffers, ideally with native (non-toxic) prickly species. This would need to be in place before the first resident moves in.

4. The alleyways alongside units 1, 8, 9, 20, 21 and 23 have routes to their rear garden areas that must be protected.

5. Divisional treatments between the houses need to be a min of 1.8m high to aid privacy.

6. We need to assess the design if the proposed pedestrian link to Stirling Way is to proceed.

7. Parking including for visitors, needs increased natural surveillance. We advise that residents have allocated spaces and all visitor spaces are marked as such with enforceable regulations to ensure they do not become additional parking for the nearest dwelling. There are plans for electric charging points, their siting needs to be considered to provide safe and secure spaces.

8. The bike store plans for the houses and apartments show no design or security. The store for the houses alongside unit 9 and that for the apartments are in secluded areas with very little natural surveillance. To reduce the opportunity for crime, they need to be repositioned, lit, locked and benefit from CCTV. Once bikes are vandalised or stolen, residents will seek safer storage thus reducing authorised usage of the store making it more likely to suffer crime, ASB and nuisance. The bin area should be fenced or to secure it from unauthorised use.

9. We request opportunity to approve the lighting and CCTV plans once submitted.

10. We strongly advise that there are ground floor "active room" windows in the side elevations of units 1,3,4,8, 9,14,15, 20, 21 and 23 to improve the opportunity for natural surveillance.

11. Doorsets, including those to each apartment and balconies must meet PAS 24: 2016 UKAS certified standard. The covered access outside the communal access must not allow loitering thus stopping residents and their visitors from using it without fearing crime. It must be lit and designed to provide no hiding space.

12. Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard.

13. The Apartment Access Control to meet SBD Homes 2019 standards and include alarms on all the emergency access doors. Communal mail delivery for the apartments needs to be "through the wall" or sited at the front in an air lock within the lobby, have CCTV coverage, be of robust construction (SBD or Sold Secure standard) and have anti-fishing design.

14. Planting to be designed to enhance security and maintain surveillance - e.g. tall slim trees rather than low crowned species and well maintained shrubs.

Thanet Waste and Recycling - We would like clarification of the tracking for the refuse vehicle. What does the red line represent? We have concerns around the bin collection points as the majority of them seem to require the loaders to walk the bins out to the freighter and back again. This will significantly increase the collection time.

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 brought before members as the court has found that it was made "on behalf of" the Council, and is now required under the Council's amended constitution (being land owned by a company of which Thanet District Council is a party) to be determined at planning committee rather than by way of delegated authority..

Principle

The site is covered by Policy SP09 of the Thanet Local Plan, which allocates the site as part of a mixed use area development for both residential and business purposes. Any proposal should be in accordance with a comprehensive masterplan linking and integrating the development into the wider Westwood community.

In terms of the residential use, the land is allocated for up to 550 new dwellings, with proposals judged and only permitted in accordance with a masterplan, which should include a minimum of 3.4 ha of publicly accessible natural/semi natural open space (in accordance with the requirements of Policy SP34); and a range of community facilities (in accordance with Policy SP14, including small scale convenience retail provision to serve the day to day needs of the community).

The policy states that development will be expected to provide proportionate contribution to necessary offsite highway improvements in the form of the Westwood Relief Strategy, improvements to the A256 from Lord of the Manor and any other improvements identified in the Transport Assessment. All development proposals must include a phasing and implementation plan to include the phasing of development, infrastructure and landscaping. The masterplanning will need to be informed by and address liaison with service providers to investigate the need to upgrade the capacity of any utility services and infrastructure; and archaeological assessment and the need to preserve and enhance the setting of heritage assets adjoining the site. The policy requires that any proposal is accompanied by a Transport Assessment, which shall assess the impact of the development on the local road network, and identify measures to promote multi modal access including footway and cycleway connections, an extended bus service accessible to the development, and rail

linkages (although it has been determined that a transport assessment is not required for an application of the size proposed).

Policy SP14 is a general housing policy for allocated housing sites, and requires that proposals for residential development provide one electric car charging point for every 10 parking spaces provided in communal areas, or one charging point to be provided for every new dwelling with parking provision within its curtilage; retain existing boundary features where possible; provide a connection to the sewerage system at the nearest point of adequate capacity, in collaboration with the service provider; allow future access to the existing water supply infrastructure for maintenance and upsizing purposes; provide for the installation of digital infrastructure; provide for the installation of Fibre to the Home (FTTH); and contribute towards the Strategic Access Management and Monitoring Plan to meet the requirements of Policy SP29.

The proposal is for the erection of 38no. residential units, which falls significantly below the allocation number; however this application site is a very small part of the overall allocation area, and an application for the larger residential element for 500no. units is currently pending. The previous outline consent has expired, however, this application is based upon the masterplan approved through that scheme, which was extant at the time of submission. The masterplan has been attached to the planning statement, and indicates that this application site was always intended to be a smaller independent residential scheme, separate to the main residential development. For this reason some of the policy requirements are not justified on the basis of the small residential scheme proposed, and these have instead come forward as part of the pending larger Eurokent housing scheme.

The principle of residential development on the site is therefore acceptable and in accordance with Policy SP09 of the Thanet Local Plan.

Character and Appearance

The proposal will result in the loss of open space, which has raised concerns with some neighbouring occupiers who have commented that this land is often used for dog walking and recreational use. The site is not allocated as open space or local green space, and therefore has no policy protection. Whilst consideration will need to be given to whether the loss of the open space is detrimental to the character and appearance of the area, the location of the site within an allocated housing site is a significant planning consideration. Furthermore, the site is within walking distance of Jackey Bakers Recreation Ground, which is Thanet's main area for sports and recreation purposes, which limits the weight that can be applied to this space as a necessary recreation area.

The site is located in between commercial office/storage units within the Eurokent industrial site, Laleham Gap School, and the Marlowe Innovation Centre. Each of these buildings are unique in their design and materials/colours. The commercial buildings are 2-storey metal clad buildings with curved roofs, the school is a 3-storey blue and white clad flat roof rectangular building, and the innovation centre is orange and white clad, with part of the building with a monopitch and the other flat roof with angled elevations. The application site is more likely to be seen in the context of these buildings served by Ozengell Place than in the context of the more traditional semi-detached pitched roof properties on the opposite side of Stirling Way.

The proposal is for quite a high density form of development, consisting of a row of 10no. 2-storey 2-bed shallow pitched terraced dwellings, two rows of 5no. 2-storey 3-bed shallow pitched terraced dwellings, a row of 3no. 2-storey 3-bed shallow pitched terraced dwellings, and a 3-storey flat roof building containing 15no. 1-bed and 2-bed flats.

The dwellings are all of similar design, with the 3-bed units forming one building type and the 2-bed units forming another building type. The buildings have a unique design, which takes reference from the adjacent commercial buildings. The dwellings are 2-storeys in height with a very shallow offset pitched roof constructed from standing seam single ply roofing membrane to give an industrial appearance. The elevations are constructed using a range of materials including red brick, timber cladding and render, with the windows aluminium framed. Coloured glass spandrel panels have also been used to make reference to the colourful palette of material in the surrounding area. The elevations are simple with some floor to ceiling windows and some at a standard cill height, all of a casement design. The dwellings are modest in scale and height, and with a simplistic but effective design that respects the surrounding character of the area.

The flat block is of a similar scale, height and design to Laleham Gap School. The elevations have been staggered and plenty of variety in material has been used to provide interest to these elevations. The original plans showed a more traditional palette of material, but the applicant has been encouraged to be more imaginative given the context of the site, which has led to a proposal for a mix of sky blue, moonstone and gunmetal grey cladding panels, and orange glazing panels below some window panes. Floor to ceiling glazing along with sliding doors have been used to provide a variety of openings within the elevations, again providing interest along with active frontages and scope for natural surveillance from the building. Balconies have been used with glazed balustrading to add depth to the building. Overall the design is considered to be of good quality, and again reflective of the surrounding character, in both design, scale and height.

In terms of the layout, the access road is a continuation of Ozengell Place. All of the units front onto the access road other than one 5no. dwelling terrace block, which is orientated so that it fronts a parking court area along with the access point into the site. The footprints of the buildings are staggered so that some are setback from the road by only 1m, and others are setback further behind parking spaces, creating a more spacious frontage. Whilst the development is high density with terraces and flats, there are quite spacious gaps between each of the blocks, and the terraced footprint is similar to the terraced block of industrial units on the adjacent site. As such the proposed pattern of development is in keeping with the surrounding pattern of development where there are larger buildings within spacious settings.

Parking is located in wide parking courts and frontage parking areas. The hard surfacing material for these areas is extremely important in order to break up the expanse of hard surfacing and limit its visual impact. The site plan indicates that this would be paving, and a condition requiring details of this is intended.

In terms of soft landscaping, hedging is proposed around the boundaries of the parking court areas, and grassed areas are also provided around the buildings and parking areas. A large communal garden area is provided around the flat block. An indicative planting plan suggests that approximately 25no. trees could comfortably be planted within the development site, although the detail of this would be submitted via condition. The site is setback from Stirling Way, with a grass strip maintained adjacent to the road, maintaining an element of space around the development when viewed from Stirling Way.

Overall the design, scale, height, and layout of the proposed development is considered to be in keeping with the character and appearance of the surrounding area. The proposal is therefore considered to be in accordance with Policy QD02 of the Thanet Local Plan, and paragraph 130 of the NPPF.

Living Conditions

The site adjoins the innovation centre and commercial units within the Eurokent business park, so there is no impact upon these units. On the other side of Stirling Way are semi-detached residential properties, but the 10no. dwelling terrace is at least 43m from the proposed development, and the 3no. Dwelling terrace is at least 37m from the nearest neighbouring property. As such the impact upon the light to and outlook from these properties will not be significantly affected. In terms of overlooking, the distance significantly exceeds the minimum distance for protection of privacy. In addition, the proposed development is at a lower ground level, being up to 0.8m below road level of Stirling Way. The impact upon the privacy of properties in Stirling Way is therefore considered acceptable.

A high number of objection letters have been received to the proposed development. The majority of these letters are from the school or parents of children at the adjacent Laleham Gap School. Concerns raised relate to the potential impact the proposal could have on the well-being of the children, who are specifically affected by noise and who require privacy during their school day.

- Privacy

Amended plans were sought during the initial application (prior to the JR) to reduce the impact upon the privacy of the students. The amended plans show the reorientation of the terrace block nos.1-5 in order to remove any direct overlooking of the playground area. A first floor window is proposed within the first floor side elevation of plot 5, but this is conditioned to be obscure glazed and non-opening below 1.73m above internal floor level.

There is a distance of 45m between the proposed rear elevation of plots 6-10, and the site boundary of Laleham Gap School. This distance is considered adequate to prevent any impingement upon the privacy of the students at the school. All other views would be indirect. Immediately to the rear of these plots is the car parking area of the innovation centre, which raises no concern in relation to privacy.

Objection letters have referenced the proposed flat block and the impact upon privacy. Whilst the proposed flat block is 3-storey in height, there is a distance of 60m to the school boundary. The site is allocated for housing and therefore an element of overlooking is always likely to occur, but at this distance it is not considered that the impact would be significant.

- Noise

Objection letters have raised concern regarding the potential noise impact upon students of the school during the construction period of the development. Whilst it was previously considered that a safeguarding condition that required a construction management plan to be submitted prior to the commencement of works, and with that plan to be designed in conjunction with the school would suffice, the JR decision determined that given the sensitivities of the school pupils that a Construction Noise Assessment should have been submitted upfront rather than conditioned.

Policy SE06 of the Local Plan states that "development schemes that generate significant levels of noise must be accompanied by a scheme to mitigate such effects, bearing in mind the nature of surrounding uses". In this instance given the specific concerns raised and the nature of surrounding uses, this falls to be assessed.

A Construction Noise Assessment has now been submitted and Environmental Health has been consulted. The assessment advises that the Department for the Environment's Advisory Leaflet states that "noise from construction and demolition sites should not exceed the level at which conversation in the nearest building would be difficult with the windows shut....and noise levels, between say 07:00 and 19:00 hours, outside the nearest window of the occupied room closest to the site boundary should not exceed 70 decibels (dBA) in rural, suburban and urban areas away from main road traffic and industrial noise". The assessment states that due to the sensitivity of the school a 10 dBA reduction has been applied and targeted. The assessment shows that at the main teaching block within the school, predicted construction noise levels fall below the construction noise threshold; only slightly increasing at the residential block, residential dwellings in Stirling Way, and the offices at the Marlowe, but still falling within 60-65 dBA. The report concludes that whilst the impact is likely to be acceptable, there are still mitigation measures that could be put in place in order to keep construction noise to a minimum. This includes installing a temporary localised enclosure around any piling rig, as piling is likely to have the greatest noise impact (if used). Perimeter screening of 2.4m high around the site (where practicable) is also suggested to further reduce noise propagation from the site.

Environmental Health have advised through their consultation response that the Construction Noise Impact Assessment has been carried out in accordance with the appropriate ABC methodology set out in BS5228 Code of Practice for Noise & Vibration Control on Construction and Open Sites. Baseline monitoring, which has taken into account nearby residential receptors and schools establishes receptors as category A and a limit of 65dB limit is required between 7am and 7pm weekdays, although it is understood that the proposed construction hours are 7am to 6pm Monday to Friday and 08:00 to 1pm Saturdays, which Environmental Health recommends is conditioned. The mitigation proposed further achieves these limits, and again must be secured by condition and incorporated into a Construction Environmental Management Plan to be submitted prior to work commencing on site.

The submitted Construction Noise Assessment and the associated safeguarding conditions are considered to satisfactorily address the specific concerns raised by the school and parents, and within the Judicial Review about the lack of an assessment about the efficacy of construction noise mitigation. It is therefore considered that the application would comply with Policy SE06 of the Thanet Local Plan subject to the imposition of safeguarding conditions.

In terms of the future occupiers of the development, an acoustic assessment is required to deal with any noise from the closely located business park, which may need to be considered in the construction of the units. This is considered appropriate to mitigate any potential impact, and is secured through a safeguarding condition with a trigger point for submission prior to the commencement of the development.

Each property is provided with a secure, private garden area, or communal garden area in the case of the flats, thereby complying with Policy GI04 of the Thanet Local Plan.

Each of the units comply with the nationally described space standards, with the smallest units required to be single person units, in accordance with Policy QD04 of the Thanet Local Plan.

Refuse storage has been provided for the flat block, and there is space within the curtilage of each house for refuse storage provision.

It is considered that the impact upon the amenity of neighbouring occupiers, along with the school, and the impact for future occupiers, is acceptable and in accordance with Policies QD03 and SE06 of the Thanet Local Plan, and paragraph 130 of the NPPF.

Transportation

The proposal includes the extension of Ozengell Place to provide the access through the site. Concern was originally raised with KCC that this road should be adopted, and it may be needed to form part of a future bus link onto Stirling Way. Discussions have taken place with bus operator Stagecoach and it would appear that a bus link is no longer intended.

A footpath/cyclelink is required to connect between Ozengell Place and Stirling Way. The Estates team has advised that the sale of this land to enable a connection link is possible, subject to the applicant being responsible for all future maintenance of the path. The requirement for the footpath/cyclelink is secured through the S106 agreement, and will improve the sustainability of the development by allowing for a more direct pedestrian/cycle link between Westwood and Newington.

KCC has advised that the long, straight approach along Ozengell Place and the limited change of direction at the proposed bend may impact upon visibility, and therefore an effective speed restraint measure was requested at the site access, for example a raised table. Amended plans showing this change have been submitted, to the acceptance of KCC.

Whilst policy SP09 covers this site, it is considered that the proposal does not require a transport assessment, as the development is for less than 100 dwellings (Policy TP01), with the Local Plan being taken as a whole.

Concerns have been raised by the school and parents of children from the school in relation to pedestrian movement, as many children are encouraged to walk to school as independent travellers. The judicial review judgement further determined that the issue of independent journeys was required to be addressed.

A planning statement addendum has been submitted by the agent that advises that the scheme has been specifically designed to provide a safe pedestrian environment in accordance with Kent County Council standards. In particular the key measures that achieve this are the provision of 2.5m wide footpaths, tracking plans that demonstrate that there is sufficient space for turning without overhanging the footpath, and the provision of a raised table at the site entrance, which encourages the slowing of vehicles, whilst also providing an informal crossing point close to the school entrance.

KCC Highways have been further consulted on this particular issue and have advised that the application provides improved pedestrian links from Ozengell Place to Stirling Way, including the bus services, which will benefit those wishing to access the school via Sterling Way. In terms of safety for independent journeys, the development creates a low-speed environment and reasonable pedestrian facilities. The pedestrian facilities provided on site will enhance independent access, by providing more direct access to Stirling Way, avoiding the busy A256 Haine Road corridor. Speed reduction measures are proposed at the entrance to the site and this will help to manage vehicle speeds within the site and the approach to/from the existing highway network within Ozengell Place.

Furthermore, in line with previous comments, the proposal will not generate significant peak hour traffic generation, and it is anticipated that around 21 vehicle movements would be generated, which when spread across the peak hour equates to 1 vehicle movement every 3 minutes. It is not considered that this will create an overbearing barrier to independent journeys, or that mitigation is required for this particular issue. It is therefore not considered

that the proposed development would result in a harmful impact to pedestrian safety, thereby enabling independent journeys to continue safely and conveniently for school users, in accordance with Policy TP02 of the Thanet Local Plan.

Parking provision initially fell below the minimum parking standards, which require 64no. spaces, including 7 visitor spaces. Concern was also raised with the layout, which showed spaces a distance from the dwellings they are associated with. Amended plans have been submitted, increasing the spaces to the minimum requirement, and locating the spaces, where possible, close to the properties they serve. Cycle parking has also been shown, and electric vehicle charging spaces have been agreed to, with details to be submitted via condition.

The previous outline application required an off-site financial contribution towards highway improvement works. That application has now expired, and therefore the proposal is not subject to the legal agreement associated with that scheme. This application is now being looked at as a stand-alone scheme, and on the basis of the 39no. units proposed, KCC do not feel that an off-site financial contribution is justified in this instance as the small number of units proposed will not result in a cumulative impact upon the highway. This view is agreed by officers.

The impact upon highway safety is therefore considered to be acceptable, and in accordance with the Thanet Local Plan and the NPPF.

Ecology

No ecological information was initially submitted with the application, and therefore concern was raised by KCC Biodiversity. Ecological information has subsequently been submitted, which identified suitable reptile habitat on-site. A subsequent reptile survey concluded that reptiles were not present on-site, however, the reptile survey report did identify botanical interest on the site. A pyramidal orchid was observed in the north of the site, which would be impacted by the proposed development. As recommended in the report, and supported by KCC, this area of grassland and respective seed bank has required translocation to the areas in the west of the site, with detail to be shown on the plan along with the methodology for this. An ecological enhancement strategy has since been submitted including these recommendations, which are to be conditioned. This is considered sufficient to accord with the requirement for sites to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets.

The impact upon biodiversity is therefore considered to be acceptable and in accordance with Local Plan policy SP30 and NPPF.

Drainage

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

Southern Water can provide a water supply to the site, however their initial investigations also indicate that there are no dedicated public surface water sewers in the area to serve this development, and therefore an alternative means of draining surface water from this development is required.

A Flood Risk Assessment Report dated November 2019 by Herrington Consulting Limited has been submitted. The Soiltech Soakage Test Report indicates at shallow depths the underlying geology comprises sandy very silty Clay. The report however does not include borehole logs to show the depths of Clay. Desk information suggests that this will be less than 3 m thick but as proposed infiltration systems, both permeable paving and trench soakaways, are at shallow depths it is important to make sure the site discharges to the permeable strata.

KCC SUDs has advised that whilst further information on the detailed design will need to be submitted via condition, it is expected that a drainage solution based upon the approach given is likely to serve the proposed development adequately.

The impact upon flood risk is therefore considered to be acceptable, and in accordance with the Thanet local Plan and the NPPF.

Air Quality

The Judicial Review judgement found that the report should have explicitly commented as to whether an air quality assessment was required.

Although the site falls within the administrative boundary of Thanet's urban Air Quality Management Area (AQMA); the decision on whether an air quality assessment is necessary is made in consultation with the council's Environmental Protection team who monitor and assess levels of pollution locally and are aware of pollution hot spots. The fact that a development could be within or close to an AQMA does not mean an air quality assessment is necessarily triggered. The scale of the development and its location are the determining factors on whether an air quality assessment is required. Air Quality assessments are typically required within heavily trafficked pollution hot spots, where there is evidence of high levels of pollution; or where the proposed development meets the screening criteria for major developments that require a transport assessment as set out by the Department for Transport, which includes those developments, which increase by 500 or more the annual average daily traffic movements.

The proposed application site is located in an area that falls well below national air quality objectives, which is set at 40µg/m³ annually, and the size of the development has meant that a transport assessment is not required, as agreed within the judicial review judgement.

In Thanet's most recent Air Quality Annual Status Report 2021, Defra has recommended that Thanet revoke the AQMA given several years of no exceedances of the air quality objective. However until the AQMA is formally revoked; if the proposal would exceed any of the criteria mentioned above then an assessment would be required.

Environment Health states that "Pollution levels were monitored near to the site along Haine Road between 2003 and 2009 and were always well within health objectives. Monitoring resumed January 2021 and nitrogen dioxide levels have reduced further to around 20µg/m³, considerably lower than the national objective of 40µg/m³." The development would not cause a change of Light Duty Vehicle flows of more than 500 annual average daily traffic (AADT) (IAQM) from the number of units created. Given the low level of pollution in the area and the limited vehicle movements resulting from the proposed development an air quality assessment is not required for the proposal.

Standard air quality mitigation measures of electric vehicle charging and gas fired boilers meeting a minimum standard are proposed.

The proposal is considered to comply with Policy SE05 of the Thanet Local Plan and would not result in harm to air quality subject to the standard mitigation measures being secured by conditions.

Affordable Housing

Policy SP23 of the Thanet Local Plan requires that for developments exceeding 10no. dwellings, 30% affordable housing be provided on site. The proposal is for 38no. units, which would require the provision of 11no. affordable units.

The applicant has agreed to this provision and has offered a mix of unit types and sizes, including 3no. 1-bed flats, 5no. 2-bed flats, and 3no. 3-bed houses

The Housing Strategy Officer has been consulted and has advised that she has no concerns with this proposal as it provides a good mix of unit sizes for which there is a need.

The proposal therefore complies with Policy SP23 of the Thanet Local Plan.

Size and Type of Dwellings

The proposal is for the erection of 13no. 3-bed houses, 10no. 2-bed houses, 6no. 2-bed flats, and 9no. 1-bed flats. This provides a good range in the size and type of units in order to achieve a development that is well-incorporated into the community. The proposal is therefore considered to comply with Policy SP22 of the Thanet Local Plan.

Financial Contributions and Obligations

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

The following contributions are required:

- A contribution of £25,769.62 towards special education in the form of Foreland Fields School expansion,
- A contribution of £111,230 towards secondary education in the form of additional secondary places within a school expansion project within the District,
- A contribution of £623.96 towards community learning in the form of additional resources, equipment and classes at Broadstairs Adult Education Centre,
- A contribution of £2,489 towards youth service in the form of additional equipment and resources for the youth service in Thanet including early prevention and outreach provision,
- A contribution of £2,107.10 towards library bookstock in the form of additional resources, equipment, and bookstock at Newington Library,
- A contribution of £5,581.44 towards social care in the form of specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities and changing places within the District.
- A contribution towards equipped play provision is required under Policy GI04 of the Thanet Local Plan. The nearest park to the application site is Jackey Bakers Recreation Ground. There is a need for new or replacement play equipment at this park, and therefore a financial contribution of £25,373 is sought.
- A contribution has been requested by the CCG of £28,860 towards a new Medical Facility at Westwood.

The agent has agreed to all of these financial contribution requests.

Whilst a signed legal agreement securing the financial contributions has previously been submitted and signed by the Council, a revised legal agreement is required following the updating of the KCC charges through the re-consultation process.

Special Protection Area and Appropriate Assessment

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The proposed development is within close proximity of the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for the C3 units to contribute to the district wide mitigation strategy. Natural England has worked with the North-East Kent Local Planning Authorities to support them in preparing the SAMM Plan and the underpinning evidence base. Natural England agrees that the mitigation measures to ensure additional impacts from recreational disturbance to the SPA and Ramsar Site are ecologically sound.

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £202 per 1-bed unit, £320 per 2-bed unit, £424 per 3-bed units, and £530 per 4-bed (plus) unit, resulting in a total of £12,450 for this development.

Previously, an appropriate assessment was carried out for the development, which concluded that the development would not result in any adverse impacts to the designated sites, subject to securing the mitigation under policy SP29. In light of the judicial review decision, the Council's Appropriate Assessment (AA) (under the Habitats Regulations) for the site has been updated to include the following:

- Identification of "all the habitats and species for which the site is protected";
- Reference added for one of the three species for which the SPA is protected, namely Little Tern;
- Inclusion of assessment of species other than those three species, which might have implications for the conservation objectives of the SPA;
- Inclusion of assessment of the implications of the proposed development for habitat types and species outside the SPA boundaries, insofar as those implications would be liable to affect the conservation objectives of the SPA;
- Inclusion of assessment of the efficacy of the SAMMs project.

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

Policy SP14 states that proposals must include an assessment of the development's effect on "functional land" that may be used as a roosting or feeding habitat by wintering or breeding birds with the SPA citation. No assessment has been submitted, however officers have assessed the submitted scheme, and given the existing condition of the site (not agricultural land), proximity to urbanised development of Manston business park, the school sites and residential dwellings adjacent, it is not considered that the land constitutes functionally linked land or that the development would have an effect on functional land, thereby not resulting in an impact on the objective of the SPA on this point.

The applicant has agreed to the SAMMs contribution, which has been secured through the submitted legal agreement. Following the appropriate assessment and with the required contribution towards the SAMM project secured, the proposal would not result in adverse impacts on the SPA and the development would be in accordance with Policy SP29 and the Habitat Regulations.

RECOMMENDATION

The site is allocated for housing development within the Thanet Local Plan, and the proposal provides a good quality scheme that reflects the surrounding character and appearance of the area. The impact upon highway safety is considered to be acceptable, and the impact upon neighbouring occupiers is considered to be dealt with through the amended scheme along with safeguarding conditions that will provide appropriate mitigation. A new pedestrian link/cycle link is proposed, and 30% on-site affordable housing is proposed, along with a number of off-site financial contributions to mitigate the impact of the scheme.

Whilst the application has been through a Judicial Review, and the issues of Appropriate Assessment, air quality, construction noise and highway safety were highlighted as areas that had not convincingly been dealt with through the officer report, each of these issues have been further considered with updated consultee comments included, and where necessary conditions amended. It is considered that each of these issues have now been satisfactorily dealt with through this committee report, with the conclusion being that the issues of air quality, pedestrian movement to and from the school, and construction noise to the school, have all adequately been dealt with, with no significant harm identified.

This application is of course also being presented to Committee for redetermination so addressing the court's other findings about it being an application made on behalf of the Council and the appearance of apparent bias.

Overall the proposal is considered to be a sustainable form of development that accords with the Thanet Local Plan and the NPPF. It is therefore recommended the Members defer and delegate the application for approval, subject to safeguarding conditions, and the receipt of a signed legal agreement securing the Heads of Terms as highlighted within 6 months of the planning committee decision.

Case Officer
Emma Fibbens

TITLE: F/TH/19/0323

Project Land On The North Side Of Stirling Way RAMSGATE Kent

