

**D02**

**OL/TH/21/0774**

PROPOSAL: Outline application for 65no. dwellings with consideration of access and layout, and other matters reserved

LOCATION: Former British Gas Site Northdown Road BROADSTAIRS Kent CT10 2UW

WARD: St Peters

AGENT: Mr Richard Williams

APPLICANT: Mr Richard Williams

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the submission of a signed legal agreement securing the financial contributions and obligations as set out within the Heads of Terms of this report, within the 6 months of any resolution, and subject to the following conditions:

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

**GROUND;**

As no such details have been submitted.

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

**GROUND;**

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

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

**GROUND;**

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

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

**GROUND;**

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

5 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered L597\_P(0)600 Rev 12 dated 7th June 2022.

**GROUND;**

To secure the proper development of the area.

6 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.

7 No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority (LPA). This strategy will include the following components:

1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site. ( Note: the submitted PRA report would fulfil this requirements, but as development may be undertaken by other parties who may not have rights to the report, this element of the condition should be retained until the full condition can be discharged)
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF).

8 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria are met.

**GROUND:**

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

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

**GROUND:**

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

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

**GROUND:**

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

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

**GROUND:**

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

12 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 principles contained within the Drainage Impact Assessment (18/11/2021- Issue 2.1).

The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

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

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

**GROUND:**

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

13 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system 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

14 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.

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

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements

**GROUND:**

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

16 No works shall take place until the off-site highway works, including the road widening and build out, as shown on approved drawing no. 5365 / 003 Rev D, has been completed and made operational.

**GROUND:**

In the interests of highway safety and to mitigate any adverse transport impact in accordance with Policy TP01 of the Thanet Local Plan and the advice contained within the NPPF.

17 No works shall take place until the vehicular access into the site, as shown on approved drawing no. 5365 / 003 Rev D, has been completed and made operational.

**GROUND:**

In the interests of highway safety and to mitigate any adverse transport impact in accordance with Policy TP01 of the Thanet Local Plan and the advice contained within the NPPF.

18 Prior to the first occupation of the development hereby approved visibility splays of 2.4m x 40m shall be provided to the access on to Northdown Road as shown on the approved plan no 5365 / 003 Rev D with no obstructions over 1m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND**

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

19 Prior to the first occupation of the development hereby permitted, visibility splays of 2.4m x 25m in either direction at junctions onto the access road (with no obstructions over 1m above carriageway level), 18m forward visibility on all bends (with no obstructions over 1m above carriageway level), and 1m x 1m pedestrian visibility splays to each private access (with no obstructions over 0.6m from carriageway level), shall be provided as shown on the approved plan numbered L597\_P(0)600 Rev 12 and thereafter maintained.

**GROUND**

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

20 Prior to the first occupation of the development hereby permitted, the pedestrian crossing points on both Northdown Road and within the access to the site, shall be provided and thereafter maintained in accordance with the approved plan numbered 5365 / 003 Rev D.

**GROUND**

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

21 The area shown on the approved plan numbered L597\_P(0)600 Rev 12 for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

**GROUND**

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

22 Prior to the first occupation of the development hereby permitted details of the cycle parking, which shall be in the form of one space per bedroom (dwelling) and one space per flat shall be submitted to and approved in writing by the Local Planning Authority.

**GROUND**

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

23 Prior to the 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 SE05 of the Thanet Local Plan and the advice as contained within the NPPF

24 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. .

25 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers L597\_P(0)600 Rev 12 shall be provided and permanently retained.

**GROUND**

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

26 The applicant shall use best endeavours through a Traffic Regulation Order to establish the provision of double yellow lines, where necessary, to achieve adequate visibility to the pedestrian crossing points.

**GROUND:**

In the interests of pedestrian safety, in accordance with the NPPF.

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

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

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

**GROUND:**

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

28 Details to be submitted pursuant to Condition 1 above shall include the provision of an ecological enhancement plan demonstrating how the site will enhance biodiversity. The plan must demonstrate that ecological enhancement features (including integrated features) and native species will be incorporated into the site. The detailed site layout plans must demonstrate that the ecological enhancements can be incorporated into the site. The development shall be carried out in accordance with the approved ecological enhancement plan, with the measures thereafter maintained.

**GROUND:**

To make a positive contribution to biodiversity, in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

29 Prior to works commencing on site (including vegetation clearance) a habitat creation plan and management plan to mitigate for the loss of the Open Mosaic Habitat within the previously developed land shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include the following:

- o Updated botanical survey
- o Overview of the mitigation and habitat creation to be implemented
- o Detailed methodology to implement the mitigation and habitat creation.
- o Map showing the location of the receptor site and the donor site
- o Timings of the proposed works.
- o Details of who will be implementing the works
- o Details of any measures to be implemented to avoid a breach of wildlife legislation.
- o Details of how the site will be managed while the habitat will be established.
- o Long term management plan for the site.

No works shall be carried out until the plan has been approved and implemented and the site released by the ecologist. The plan must be implemented as approved.

**GROUND:**

In order to limit the impact upon habitats, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

30 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected in accordance with the tree protection plan numbered 5662-LLB-XX-XX-DR-Ab-0002 Rev P03. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND:**

To protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

31 Details to be submitted pursuant to Condition 1 above for landscaping shall show low level planting only (in addition to drainage provision) within the area annotated as 'compensatory land' on the approved plan numbered L597\_P(0)600 Rev 12.

**GROUND:**

To protect the open character of the green wedge and landscape character area, in accordance with Policies SP25 and SP26 of the Thanet Local Plan.

32 The details to be submitted pursuant to Condition 1 above for landscaping shall show a landscape buffer zone, of a minimum width of 5m, along the north western and south western boundaries of the site, as shown on the approved plan numbered L597\_P(0)600 Rev 12. The landscape buffer zone shall include both retained trees and new tree planting, as illustrated on the approved site plan, and shall thereafter be maintained as amenity space outside of the curtilage of any individual property.

**GROUND:**

To mitigate the impact upon the green wedge and landscape character area, in accordance with Policies SP25 and SP26 of the Thanet Local Plan.

33 The details to be submitted pursuant to Condition 1 above for landscaping shall include:

- retained trees and proposed tree planting, as indicated on the approved plan numbered L597\_P(0)600 Rev 12;
- the layout of the informal open space and formal play space;
- details of the planting around the substation, which shall be of a height to provide adequate screening;
- secure doorstep playspace to serve the flats;
- details of the hard surfacing;
- details including a schedule and specification of play equipment, surfacing and fencing, to be provided within the formal play area (to include a minimum of five pieces of equipment).

The equipped play area shall be provided prior to the first occupation of the development and in accordance with the approved details.

**GROUND:**

In the interests of visual amenity and to provide suitable doorstep playspace and open/play space to serve the development, in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

34 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

35 Prior to the first use of the vehicular access hereby permitted, a 2m high fence shall be installed along the boundary with no. 70A Northdown Road, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND:**

To limit noise and disturbance for neighbouring occupiers, in accordance with Policy QD03 of the Thanet Local Plan.

36 Details to be submitted pursuant to condition 1 above for landscaping shall include an Air Quality Assessment in accordance with Defra's Technical Guidance LAQM TG(16) and an emissions mitigation assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance shall be submitted and approved in writing by the Local Planning Authority. The assessment shall also include the assessment of PM2.5 and cumulative impacts of any permitted major development. The air quality assessment shall include details of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of this development. The emissions mitigation assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed prior to the first occupation of the development, and shall thereafter be maintained in accordance with the approved details.

**GROUND:**

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

37 Details to be submitted pursuant to condition 1 above for landscaping shall include an air quality Emissions Statement that provides details of how the air quality damage costs, as calculated within the Emission Mitigation Assessment, are to be used to achieve air quality improvements through the development. The development shall be carried out in accordance with the approved details.

**GROUND:**

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

38 The mitigation measures as recommended in Section 4.0 of the Railway Noise Assessment report dated April 2021 submitted as part of the application shall be

implemented in full prior to the first occupation of the relevant residential properties referred to at 4.1 and 4.8 of the report.

**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.

41 Details pursuant to condition 1 shall include an acoustic assessment, including an analysis of background noise from the operation of commercial properties to the north and east of the site, with mitigation measures as required integrated into the detailed design of the residential dwellings adjacent to the northern boundary of the site.

**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

42 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.

43 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.

44 Details to be submitted in pursuant of condition 1 above shall include the refuse storage facilities, clothes drying facilities, and cycle storage for the flat blocks.

**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.

45 Details to be submitted pursuant to condition 1 above for design shall show all units in compliance with the Nationally Described Space Standards as set out within Policy QD04 of the Thanet Local Plan; and the location of the accessible and adaptable accommodation to be provided in accordance with Policy QD05 of the Thanet Local Plan.

**GROUND;**

To achieve high standards of living accommodation in accordance with Policies QD03, QD04 and QD05 of the Thanet Local Plan

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

**GROUND;**

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

INFORMATIVES

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

Due to the close proximity of the proposed works to the railway embankment and the operational railway, NetworkRail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast @networkrail.co.uk prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity

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

SITE, LOCATION AND DESCRIPTION

The site is located predominantly within the urban area, with only the proposed 'compensatory land' located outside of the urban area within the countryside and green wedge.

The site has previously been used by British Gas, for open storage use, and much of the land is hard surfaced, although trees and other vegetation are located along the boundaries of the site. A substation is located within the site, close to the entrance. The site is currently accessed from Northdown Road.

Immediately to the north of the site, adjacent to the northern boundary, lies the railway, and beyond this (still to the north, but also the north-east) is Dane Valley Industrial Estate, which contains a number of commercial units. To the south and south-east of the site within Northdown Road are residential properties. These properties are 2-storey in height, and include a mix of terraced, detached and semi-detached units.

### RELEVANT PLANNING HISTORY

OL/TH/16/0394 - Outline application with some matters reserved (layout, appearance, landscaping & scale) for mixed development of 140 houses, 70 unit sheltered housing scheme, scout hut and recreational facilities.

The application was refused on the 20th April 2017 for the following reasons:

The proposed development would result in an incursion of the built form into the Green Wedge, where it is not essential to be located, and where it would reduce the separation between the built up areas, whilst also resulting in substantial harm to the rural and unspoilt open character and distinctive landscape qualities of the countryside, which defines the role and character of the Green Wedge. The proposal therefore does not constitute sustainable development as it would be contrary to Policies CC1 and CC5 of the Thanet Local Plan, and paragraphs 17 and 157 of the NPPF.

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

The proposed development will result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraph 118 of the NPPF and the Habitats Directive.

The decision was appealed and dismissed on the 17th January 2018 following a planning hearing.

### PROPOSED DEVELOPMENT

The application is in outline form, for the erection of 65no. dwellings, with consideration of access and layout. The mix of units being applied for includes 8no. 1-bed, 17no. 2-bed, 28no. 3-bed, and 12no. 4-bed. The application was originally submitted for the erection of

60no. units, but over the course of the application this number has increased to 65no. units in order to increase the viability of the scheme.

The layout plan shows access to the development from Northdown Road, and the provision of detached and semi-detached units, along with 2no. flat blocks. An indicative building envelope for the units is shown on the plan, which indicates the units will be no higher than 2-storey in height to eaves level, with some units with accommodation at roof level.

An area of formal and informal open space, measuring 1,326sqm, has been provided within the south corner of the site, which will accommodate an equipped play area.

A 5m landscape buffer zone is provided along the western boundary of the site area to be developed. Beyond this to the west, an area annotated as 'compensatory land' has been provided, which will accommodate low level planting and an attenuation pond. No housing development is proposed within this area.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

SP01 - Spatial Strategy - Housing  
SP02 - Implementation  
SP14 - General Housing Policy  
SP22 - Type and Size of Dwellings  
SP23 - Affordable Housing  
SP24 - Development in the Countryside  
SP25 - Safeguarding the Identity of Thanet's Settlements  
SP26 - Landscape Character Areas  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds  
SP35 - Quality Development  
SP38 - Healthy and Inclusive Communities  
SP41 - Community Infrastructure  
SP43 - Safe and Sustainable Travel  
SP45 - Transport Infrastructure  
HO1 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
GI06 - Landscaping and Green infrastructure  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
HE01 - Archaeology  
CC02 - Surface Water Management  
CC04 - Renewable Energy

CC05 - District Heating  
SE04 - Groundwater Protection  
SE05 - Air Quality  
SE08 - Light Pollution  
TP01 - Transport Assessments and Travel Plans  
TP02 - Walking  
TP03 - Cycling  
TP04 - Public Transport  
TP06 - Car Parking

### **Broadstairs and St Peters Neighbourhood Plan**

BSP1 – Green Wedge  
BSP3 – Protecting and Providing Important Trees  
BSP9 – Design in Broadstairs and St Peters

### NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. Seven letters of objection have been received, and one letter of support.

The concerns raised include:

- Contamination, and impact upon water table;
- Increased traffic and congestion;
- Impact on railway bridge;
- Impact upon rural and historic character of St.Peters village;
- Lack of infrastructure, i.e. doctors, dentists, schools;
- Overdevelopment of site and resulting impact upon Mocketts Wood from increased footfall;
- Development creeping into green wedge;
- Loss of trees,
- Site should be returned back to a nature area;
- Traffic will make it difficult for large vehicles to access commercial sites,
- Site should be used as continued business use providing jobs for the area,
- Additional housing will conflict with the existing business units and could result in more complaints and therefore more restrictions on the use of the businesses;
- Loss of farmland;
- Loss of habitat and agricultural land.

**Broadstairs and St Peters Town Council** - The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend REFUSAL with the following concerns: The proposed application is on the edge of the green wedge, over development and cramming and the significant impact on traffic in an already heavily trafficked area.

**The Broadstairs Society** - The Broadstairs Society OBJECTS to this proposal for a variety of reasons. Most notably we object due to issues with the erosion of the Green Wedge, Recreational pressure on coastal SSSIs including Sandwich Bay, traffic increase in an already peak times congested locality-made worse by the very recent supposed traffic calming (!) measures inflicted upon users of Albion Road. Not to mention the severe traffic implications of entering or leaving the site straight onto the narrow approach road to the railway bridge.

The Society understands the need to develop brown field sites, but this area of proposed development is a maturing wild life habitat of significance in an area largely sterile of such assets, save for the expansive land that is the St Peters Church Cemetery whilst the adjacent land is prime quality agricultural land.

## CONSULTATIONS

### **KCC Highways -**

#### *(Final Comment)*

Further to previous comments dated 15 June 2021, I note that drawing number 5365/003 Rev D has been submitted.

A plan has been submitted outlining the extent of the public highway. This is a copy of the highway definition from 2008, which appears to differ from the internal mapping that I have available. The section of land to the north of the access to the railway bridge does not appear in highway ownership. I suggest that an updated plan is requested from Highway Definitions to establish whether this strip of land is within KCC ownership. It appears that there are bollards and an electricity pylon on the land. The applicant requires this land to establish the access and the appropriate visibility splays associated with the access.

A previous application 16/0394 was dismissed at appeal, whereby the access arrangements were accepted. I am minded to accept the proposal, but must request an up to date highway boundary plans for the access and associated visibility splays.

Dropped kerbs and tactile paving is now proposed at the access, which is acceptable. It is noted that the pedestrian crossing point has been relocated further north than previously proposed. I acknowledge that properties on Northdown Road with existing vehicle crossings will preclude the requirement for yellow lines. As previously noted, restrictions may be minimal to the south of the crossing on the eastern side of Northdown Road if the build out removes obstruction from parked vehicles. The Traffic Regulation Order (TRO) for the which can be conditioned by way of best endeavours. Alternatively, a Section 106 contribution may be deemed appropriate, payable to KCC Highways, to consult, advertise and implement the TRO.

I am not aware that KCC Public Rights of Way have been consulted on the improvements to Bridleway TR21. This should take place to ensure that improvements to the surface are acceptable.

A plan indicating the extent of the area or adoption by the highway authority is required.

A 'Conventional Street' is illustrated from the access to Plot 49, assumed as a 4.8 metres wide carriageway with a 1.8 metres footway on either side.

The remaining streets are 'Shared Surface' streets, encompassing the southern loop street and continuing to the western parameter of the site. This arrangement is assumed as a 4.8 metres wide carriageway with a preferable 1.5 metre wide service margin on either side. Turning facilities are illustrated at the western cul-de-sac, where tracking for an 11.4 metres refuse freighter is required. Tracking is also required for all adoptable streets.

All streets illustrate 'speed restraints' at a spacing of 60 metres from conventional streets and 40 metres for shared surfaces. Details of the exact measures will be required at reserved matters stage to ensure that they are suitable. As previously noted, entry ramps are required where the shared surface starts.

Suitable visibility splays of 2.4 metres x 25 metres in either direction at junctions onto the access road and 18 metres forward visibility has been illustrated on all bends in the all the roads. These splays should have no obstructions over 1 metres above carriageway level.

Pedestrian visibility splays of 1 x 1 metres with no obstruction above 0.6 metres are required at each private access. I note that the access to Plots 51-55 illustrates a visibility splay which includes trees. These should be repositioned accordingly to ensure that the splays have no obstruction above 1 metre. The details of the planting can be secured by a suitable Condition.

Full details were previously provided regarding the parking parameters and requirements, details of which can be secured at reserved matters stage.

Subject to the submission and agreement of an up to date highway definitions plan, I raise no objection on behalf of the local highway authority subject to the following conditions:

*(Initial Comment)*

I refer to the above planning application and note the likely residual, peak hour trip generation of the proposals is approximately 20 two-way movements in the morning and 12 two-way movements in the evening, taking into account the permitted uses on the site. When distributed across the highway network this represents an increase of approximately 2.8% in Northdown Road and 1.4% in Church Street/Vicarage Street, which is unlikely to have a severe impact in highway terms. I would comment further as follows:

Access Proposals

I note the drawing number 5365/003 Rev. C which incorporates recommendations from the safety audit and whilst this is acceptable in principle, the following matters need resolving:

1. It appears some of the land required for the proposed access is outside both the highway and land edged red or blue. This also appears to be the case for the existing access road which is to be removed. Confirmation is therefore required that the applicant has the appropriate access rights/permissions to carry out the works on such land. The applicant may also wish to seek confirmation of the extent of existing highway from our Highway

Definition Team.

2. An uncontrolled crossing point with suitable all-round visibility, dropped kerbs and tactile paving is required across the new access road.

3. Double yellow lines are required in Northdown Road to protect and maintain visibility for pedestrians using the proposed crossing point, and these should be shown on the plan. Such restrictions may not be required or may be minimal to the south of the crossing on the eastern side of Northdown Road, if the proposed build-out removes obstruction from adjacent parked cars.

4. The improvement of Public Bridleway TR21 between Northdown Road and Hopeville Avenue would provide a more direct route to/from local services and amenities. The applicant should therefore discuss such improvements with our Countryside Access Team, who should also be consulted on the planning application.

#### Layout

I note that layout is for consideration at this stage and I would therefore comment as follows:

5. The type of streets proposed, i.e. conventional or shared surface, should be clarified and shown with appropriate dimensions. I suggest a conventional street with 4.8 metre-wide carriageway and 1.8 metre-wide footways both sides is provide between the site entrance and the westernmost cul-de-sac. This cul-de-sac together with the southern one and the 'loop' street could be shared surfaces at 4.8 metres-wide with minimum 1 metre-wide service margins each side (but preferably 1.5 metres). All streets except the 'loop' require suitable turning facilities for a refuse vehicle.

6. All streets should have suitable speed restraint measures, at maximum 60 metres spacing for conventional streets and maximum 40 metres for shared surfaces. Narrowing to a single lane does not generally offer suitable speed restraint in quieter, straight, residential streets with low traffic flows and significant visibility on the approach to and beyond the narrowing. Entry ramps are required at the commencement of shared surfaces.

7. Visibility splays of 25 metres x 2.4 metres x 25 metres are required at junctions onto the minor access road, with 18 metre forward visibility envelopes required on bends in all roads. There should be no obstructions over 1 metre above carriageway level within the splays/envelopes. 1 metre x 1 metre pedestrian visibility splays are required behind the footway on each side of each private access onto a conventional street, with no obstructions over 0.6 metres above footway level.

8. Swept paths/tracking diagrams are required to demonstrate that a refuse vehicle can suitably negotiate the access and internal adoptable streets. Typically this should be an 11.4 metre-long vehicle, however the size of vehicle to be accommodated should be agreed with the Waste and Recycling Team at Thanet District Council.

9. A plan is required showing the extent of areas to be offered for adoption to the highway authority.

## Parking

The information requested above is required in order to fully consider the proposed parking arrangements, however I would comment further as follows:

10. Parking should be in accordance with Kent Design Interim Guidance Note 3 for a suburban situation.

11. Parking spaces should be minimum 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded by walls/fences/landscaping on one side or 2.9 metres where bounded by such obstructions on both sides. Spaces in front of garages should be increased to 6 metres long to allow room for doors to be opened. Spaces which also provide the pedestrian route to/from a front door should be increased to 3.2 metres wide or a separate path provided. Lay-by spaces should be minimum 6 metres long x 2 metres wide, increased to 2.5 metres where not abutting a footway. The service margin in shared surfaces can form part of lay-by spaces. A note should be added to the plans confirming that the above dimensions have been provided.

12. Garages are not counted as providing parking spaces but can be considered to provide cycle parking. Garages can be replaced with car ports, with a suitable condition removing permitted development rights to fit doors to the same. Garages and car ports should be set back a minimum of 2 metres from the edge of the adoptable highway.

13. Some plots appear to have parking too remote from the dwellings they serve, leading to unacceptable parking on the adoptable highway.

14. Whilst tandem parking is not necessarily unacceptable, it appears the location of some plots with this arrangement may lead to unacceptable parking on the adoptable highway.

15. Electric vehicle charging points are required in accordance with the Thanet Local Plan.

16. Secure, covered cycle parking is required at a minimum of one space per bedroom. I wish to place a holding objection until the above matters have been satisfactorily resolved.

**KCC Public Right of Way** - Thank you for your consultation on the above application. Public Right of Way TB21 passes nearby to the proposed site as shown on the attached extract of the Network Map of Kent.

The Network Map is a working copy of the Definitive Map. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

I note the comments submitted by Kent Highways proposing the improvement of Public Bridleway TB21 between Northdown Road and Hopeville Avenue providing a more direct

route to/from local services and amenities.

I am aware that TB21 is outside of the development boundary but ask to improve the surface of TB21 to a hoggin surfaced path through allocation of Section 106 funding. I can discuss the detail of the surface with the applicant that would be approved by the County Council along with the dedication of a width of no less than 3m.

I am aware this is a working farm field so the applicant must engage early proposals with the landowner / tenant farmer to ensure the above surface will be suitable.

This response is made on behalf of Kent County Council Countryside Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

**Kent Fire and Rescue Service** - The 'Off-site' access requirements of Section 53 of the County of Kent Act consist of access to the building site road(s), and access to any adjacent building(s) adversely affected by the building work, by or from a suitable existing road.

I have examined the plans available on the planning portal for application number OL/TH/21/0774 specifically plan/drawing number L597\_P(0)688 Rev 4 Site location Plan from the Landscape and Visual Appraisal document, and it is my opinion that the off-site access requirements have been met.

#### **KCC Biodiversity -**

##### *(Final Comment)*

When we previously commented on this application we raised concerns that the reptile survey had not been submitted and insufficient information on the Open Mosaic Habitat in previously developed land (OMHPDL) had been provided. Additional information on these two matters have since been provided and addressed our concerns.

We advise that if planning permission is granted we recommend that the following conditions are included:

- o Bat sensitive lighting scheme
  - o Habitat creation and management plan
  - o Ecological Enhancement scheme
- Suggested wording at the end of the report.

#### Reptiles

We are satisfied with the conclusions of the submitted survey that no reptiles were recorded and there is no requirement for a reptile translocation to be carried out. The survey was carried out outside the optimal survey season but we are satisfied that due to the temperatures/weather conditions the results of the surveys are likely to be valid. However as there is suitable habitat within the site the presence of reptiles cannot be completely ruled out and therefore there is a need to ensure that the precautionary mitigation detailed within the report must be implemented during the vegetation clearance. We advise that the reptile mitigation is included the habitat creation and management plan for the OHMPDL.

## Open Mosaic Habitat in previously developed land

When we previously commented we raised concerns that insufficient information had been provided on the area of Open Mosaic Habitat in previously developed land (OMHPDL) which is a priority habitat. The submitted information has confirmed the habitat on site is of priority habitat quality and clarified why they are satisfied that the habitat can be recreated within the adjacent site (land within the blue line boundary). Therefore we are satisfied that appropriate mitigation can be implemented to retain the OMHPDL.

If planning permission is granted we advise that there is a need for a habitat creation and management plan to be submitted as a condition of planning permission and the reserve matters submission must demonstrate that the habitat creation will be implemented. The habitat creation and management plan must demonstrate how the OMHPDL will be established on site, avoid impact on protected species during construction and provide details of long term management.

## Bats

Bat surveys have been submitted and detailed that at least 3 species of bats have been recorded within the site. The surveys did not cover all the boundaries of the development site which typically can have higher foraging/commuting use but are satisfied that the results provide a good understanding of the bat use of the site. The enhancement of the habitat within the blue line boundary will provide opportunities for foraging/commuting habitat but there is a need to ensure that this area will not be impacted by lighting associated with the development. We advise that there is a need for a bat sensitive lighting scheme to be implemented if planning permission is granted. Suggested wording at the end of the report.

## Breeding Birds

The ecological appraisal has confirmed that there is suitable habitat within the site for breeding birds. All breeding birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and therefore we advise that a breeding bird mitigation is included in the habitat creation and management plan for the OMHPDL.

## Ecological enhancements

One of the principles of the National Planning Policy Framework 2021 is that "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity". As referred to above an area of OMHPDL will be created within the blue line boundary of the site and the habitat creation works can include more than what is required for mitigation. We recommend that if planning permission is granted the detailed reserve matters plans must demonstrate that the habitat creation area is going over and above the mitigation requirements to further enhance the site for biodiversity. This could include ecological enhancement features within the open space area including insect hotels.

In addition the ecological report has recommended the inclusion of integrated bat and bird

boxes within the buildings and we advise that the reserve matters plans must demonstrate that the features will be incorporated in to the site.

*(Initial Comment)*

We have reviewed the ecological information submitted as part of the planning application and we advise that the following additional information is required prior to determination of the planning application.

- o Reptile survey report
- o Interim Bat Activity Survey
- o Additional information on the open mosaic habitat and demonstrating if it can be recreated within the adjacent habitat.

The ecological appraisal has referred to a reptile survey and bat activity surveys which have not been submitted as part of the application. The report has detailed that no reptiles were recorded during the survey but we would like to review the survey report to ensure that we agree with the conclusions.

We are aware that the bat activity surveys are currently on going but as they commenced in September last year we would expect an interim report covering September, April and May to enable TDC understand of the bat interest of the site, the impacts the proposal may have on bats and details of any mitigation required.

The report has detailed that the site includes an area of Open Mosaic Habitat which includes areas of calcareous Grassland. Open Mosaic Habitat on previously developed land which is a priority habitat and we highlight that the submitted information has not assessed if the habitat meets the criteria to be considered as a priority habitat - Priority habitats are capable of being a material consideration within the planning process and therefore TDC need to understand if the habitat is a priority habitat when determining the planning application. The submitted site plans have demonstrated that there is space within the blue line boundary to create the Open Mosaic habitat however currently the land is arable fields and therefore high in nutrients and therefore will complicate creating replacement habitats We advise that additional information is provided demonstrating that the proposed habitat creation for the open mosaic habitat and associated plants is achievable.

**KCC Archaeology** - Thank you for consulting on the above proposal. I note that I provided advice on a previous application TH/16/0394 for tis site incorporated into a larger proposed development site (TH/16/0394). In response to that application I noted the high archaeological potential, the submission of a desk based study by the Canterbury Archaeological Trust and that part of the site would have been affected by previous development. I advised the inclusion of a safeguarding condition for archaeology though note the application was dismissed on appeal.

The present submission focuses on that area of land which is the former gas works site. As previously a desk based assessment has been produced though it seems to have not specifically taken account of the impacts of the previous development other than in the general statements in 6.5 and 6.7 (which also refer to the former wider site. It is difficult for

me to understand the impact of the previous works on the site though I expect given the nature of the gas works there is likely to have been disturbance and contamination. A land contamination assessment provided in the submission is more helpful and suggests that as well as former impacts from the gas works there has been impact through remediation.

While I agree with the conclusion of the desk study that archaeological evaluation is needed to understand the potential of the site, as a first step this should be informed by a thorough review of the impact of previous development and the examination of geotechnical survey information. I am satisfied that a suitable programme can be secured through the following condition for a programme of archaeological works:

**KCC Accommodation** - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

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

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

#### **KCC SUDs -**

##### *(Final Comment)*

Kent County Council as Lead Local Flood Authority understand that a revision has been made to the Drainage Impact Assessment (18/11/2021). The LLFA have reviewed the updated report along with the Land Contamination Planning Support Statement (November 2021) and inform the LPA that all previous comments are considered addressed at this stage.

The LLFA would advise for further ground investigations are undertaken at the proposed basin location at a later date. These investigations should ideally include further infiltration testing to understand if the rates within the basin area are homogenous and to inform the final design.

Should the Local Planning Authority be minded to grant planning permission, the LLFA would request the following conditions are attached:

##### *(Initial Comment)*

Kent County Council as Lead Local Flood Authority have reviewed the outline submission, including the supporting documents and have the following comments to provide:

1. It is understood from the Data Review document by Advisian that the previous site was a former gas holding and investigations/ remediation has been undertaken to identify pollution. Whilst no mention of the assessments are made within the FRA document, it is understood that infiltration will not be occurring on the site of the former works and will instead be directed to a infiltration basin, currently agricultural fields.

The Data Review document contains findings from an earlier investigation and it would appear to indicate that agricultural area was not the focus of the investigations and that future recommendations (page 21) would advise for soil samples to be taken within this space to confirm soil quality. Ideally, investigations should be undertaken as soon as possible to confirm if the below ground is suitable for infiltration and that no pollution has 'spilled' over from the main site. As the site is located under an SPZ3, it would our recommendation that the Environment Agency are consulted on these proposals to confirm their acceptance of infiltration because of the sites previous use. Should they confirm their acceptability, we will accept for this issue to be addressed at a later stage.

2. It is noted that the Proposed Drainage Strategy Plan (17664/A1/03) drawing within the FRA shows the preliminary drainage arrangement for the development. It is noted that the proposed infiltration basin is located outside the red line boundary however, appears to still be within an area of ownership of the applicant (blue line boundary). Whilst it is still within the applicants control, we would advise to the LPA that the site boundary is increased to encompass the basin and green space. This is to ensure that any future conditions/ amendments are covered by the application.

3. As mentioned within point 2, the drainage layout drawing within the FRA shows an infiltration basin within the greenspace. The positioning and designation of the feature would appear to be contrary to the Site Plan drawing (L597\_P(0)600) whereby, the basin is proposed to be an eco pond and is more towards the south of the greenspace.

The feature proposed within the FRA is for an infiltration basin and not an eco pond. The infiltration basin will receive surface water runoff from the development, where surface water will gradually infiltrate into the underlying ground. Therefore, the basin is not designed to hold water for prolonged durations and as such will not offer bio diversity to suit an eco pond.

In light of the information provided, we would recommend that the above points are addressed prior to the application being decided.

## **Southern Water -**

### *(Final Comment)*

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

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

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

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

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

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

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

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

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

*(Initial Comment)*

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

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

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

The level of contamination on site should be investigated, as this may affect the materials used for the public water mains to service the development. Details of any contamination found on site should be declared to the statutory water undertaker, as part of a water connection application, as this will influence the materials used for construction of public water mains on the site.

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

Please note communication pipe within the site The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus.

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

#### **Environment Agency -**

##### *(Final Comment)*

We have reviewed the submitted documents and consider that it satisfactorily addresses our earlier concerns.

Subject to the condition below, we therefore withdraw our previous objection, KT/2021/128471/01-L01, dated 16 June 2021

The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 174 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

##### Further information

The previous use of the proposed development site as a gas works site presents a high risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer and in an SPZ3

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

In light of the above, the proposed development will be acceptable if the above planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the NPPF.

Without these conditions we would object to the proposal in line with paragraph 174 of the NPPF because it cannot be guaranteed that the development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

*(Initial Comment)*

We OBJECT to this proposal for the reasons set out below.

We object to this development, as its planning application does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. We therefore recommend that planning permission is refused.

The site is a former gas works and although it has been partially remediated for open storage use the residual contamination could be substantive and further works required to safeguard the environment and any future development. It is not clear from submitted documents what the levels of contamination are, or if there is a suitable remedial strategy to address environmental risks.

Reason

The previous use of the development site as gas works presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located within source protection zone 3 and upon a principal aquifer. As the planning application is not supported by any supporting information, site investigations or appropriate risk assessment, it does not meet the requirements set out in paragraphs 170 and 178 of the National Planning Policy Framework.

Overcoming our objection

The applicant should submit a risk assessment which includes a desk study, preliminary site investigation, conceptual model and an initial risk mitigation strategy.

This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

To ensure a safe decision the document should be submitted prior to consideration of any planning permission decision. These types of site are not suitable for outline permission due the complexity of the historic contamination. It is not clear what remedial works have been undertaken, but these usually only deal with gross contamination, i.e. tar tanks and make the site fit for open storage use only.

Additional assessment and remediation would be required to enable any other type of development in this sensitive setting.

If you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our cost recovery service.

## **TDC Contaminated Land Officer -**

### *(Final Comment)*

I am writing to confirm withdrawal of the EH objection below following review of the additional Contamination Statement Submitted (Ref.305000-00034\_52070, Advisian, November 2021) submitted, subject to the following.

Please note, the report identifies that, based on the findings of the Human Health GQRA (soil and vapour assessment), potentially unacceptable risks to identified receptors under the proposed redevelopment of the site are considered to exist and it is recommended that further assessment and remedial measures will be required to mitigate the identified potentially unacceptable risk underlying this development..

Additional prior to commencement site investigation is therefore required to investigate the potential risks to human health and controlled waters. Following the site investigation works, generic and detailed quantitative risk assessment should be undertaken and a remedial strategy developed (commensurate with section 7.3 recommendations) and agreed with the Local Planning Authority and the Environment Agency. The strategy should include an Options Appraisal and verification plan, as well as a reactive strategy should previously unrecorded contamination be identified.

I would therefore be grateful if the following conditions be applied to safeguard the development should planning permission be granted:

### *(Initial Comment)*

Just to echo the EA's objection to this application based on the level of information submitted with the application. This will require submission of a risk assessment which includes a desk study, preliminary site investigation, conceptual model and an initial risk mitigation strategy addressing the risks to human health from the redevelopment of this former gasworks site.

**TDC Environmental Health** - Thank you for consulting Environmental Protection on the above planning application and offer comments relating to the Air Quality and Noise.

### *Air Quality*

In accordance with Thanet's Technical Air Quality and Planning Guidance, the development is classed a major and therefore both an Air Quality assessment and Emissions Mitigation Assessment is required. The AQ assessment should also consider potential traffic impacts on pollution levels in Church Street. Long term diffusion tube monitoring data are available at this location and should be included and reviewed within the assessment. The development is also required to install EV charging points as specified in the conditions below. Developer's EV guidance in this regard is available on the Council Air Quality webpage.

### *Noise*

An Acoustic Assessment of railway noise has been submitted as part of the application and

indicates that dwellings within 45m of the railway line will require sound mitigation set out in Section 4.0 of the report to achieve acceptable internal standards.

The following condition is recommended to safeguard the proposed dwellings from potential noise from the neighbouring commercial / industrial use. A railway noise assessment has already been undertaken and proposed mitigation may be sufficient, however, should the assessment indicate an adverse effect remains then further mitigation may be required.

**TDC Strategic Housing Officer** - 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 65 units (whole site) is required. The 30% AH equates to 20no. units. The exact tenure split of these units can be confirmed during the course of the application process.

Although the 50% split between AR and SO is not our preferred option- we do prefer a 70/30 split; however, if the developer cannot make the scheme viable with a 70/30 split but can make it viable with a 50/50, split we would be better off taking this than an off site contribution. I also note they have an RP on board which also helps ensure the AR and SO homes will be supported once delivered.

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

I refer to the above full planning application which concerns the proposed residential development comprising up to 65 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 - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

We request a condition for this site to follow SBD Homes 2019 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

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

2. Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front

building line.

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

4. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. If unavoidable, we recommend an entrance gate to the parking area is installed with access control for the users. To minimise the opportunity for crime, vehicles should be parked on plot where the resident can see their vehicle from an "active" window e.g. lounge or kitchen or in a securely lockable garage. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.

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

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

7. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:

"18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided."

Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

8. We recommend bicycles are stored in lockable and secure sheds with a ground or wall anchor, to the same specifications as above.

9. We require further information regarding the proposed play area mentioned on the site proposal. Play areas must be gated to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal hiding area for offenders or materials of crime. We recommend the sales team advise potential buyers of the plots close to the play area of it's location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints.

10. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and

locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

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

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

#### **Natural England -**

##### *(Final Comment)*

Natural England has previously commented on this proposal and made comments to the authority in our letter e-mail 10th June 2021.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

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

##### *(Initial Comment)*

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

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

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this

permission subject to the advice given below.

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

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

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

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

## COMMENTS

The application is brought before members following a call-in by Councillor Mike Garner on grounds of the impact on the Green Wedge, loss of trees, overdevelopment, and increased traffic.

### **Principle**

The site partially lies within the urban area, and partially within the green wedge. The proposed residential units are on the part of the site located within the urban area, whereas the part of the site that lies outside of the urban area (within the countryside and green wedge) contains proposed soft landscaping and drainage provision only.

### *Housing Provision*

The site within the urban area is unallocated land that was previously used by British Gas as open storage land. Historically the site formed part of an allocated employment use. Through the Local Plan process the land was submitted as a potential housing allocation site, and through the Draft Local Plan the site was allocated for housing development.

A planning application was submitted for the development of the site alongside a large area of adjacent land that fell within the green wedge. The application was refused for the reasons set out within the 'relevant planning history' section of this report. The refusal decision was appealed and went to a public hearing, following which the appeal was dismissed. The justification behind that application was that the allocated housing site could not be developed alone due to the costs of contamination clearance of the open storage site, and therefore further land was necessary (from the green wedge) in order to deliver a viable scheme. Following the dismissal of the appeal it was decided that the site should be omitted as a housing allocation site from the local plan, as the application had shown that the site alone could not bring forward the delivery of housing, and could therefore not contribute to the Council's housing supply. For this reason the site is now an unallocated site.

This application is for the development of the site for housing use. Whilst part of the application site includes green wedge land, it is not intended through this application that this land would be developed, and instead this area is solely for landscaping and drainage. The land to be developed is therefore solely the area of land previously allocated for housing within the Draft Local Plan.

Within the planning statement the applicant has advised that at the point of the previous application submission the anticipated cost of contamination remediation was substantial; however, over time the owners of the land have obtained information that was previously confidential, which demonstrates that the cost of remediation can be significantly less (the original remediation strategy was a desk top exercise only and had included a high contingency cost). As such the applicant has confirmed that it is now viable for the brownfield site alone to come forward for development, without the addition of green wedge land.

When considering the proposal against Policies SP01 and HO1 of the Thanet Local Plan, the principle of development would be acceptable and in accordance with these Policies.

### *Impact on Green Wedge*

Part of the application site lies within the green wedge, countryside and landscape character area, however, as previously mentioned, this area of land contains proposed soft landscaping and drainage only. It is not intended for any dwellings or associated outbuildings to be erected within this area, and as the layout of the development is being fixed at this stage, it will not be possible for the development of this land to form part of any future reserved matters submissions, which will be for appearance, scale and landscaping elements of the housing development only.

Policy SP25 states that within the Green Wedges, new development (including changes of use) will only be permitted if it can be demonstrated that the development is not detrimental or contrary to the following aims to:

- Safeguard areas of open countryside in order to maintain physical separation and avoid coalescence of the towns, retaining their individual character and distinctiveness (for example by the expansion of isolated groups of houses or other development).

- Conserve, protect and enhance the essentially rural and unspoilt character, and distinctive landscape qualities of the countryside that separates the urban areas, for the enjoyment and amenity of those living in, and visiting, Thanet.
- Increase access and usability without compromising the integrity of the Green Wedges.

The landscaping of the land with low level planting, as indicated on the proposed site plan, will not contradict any of the aims stated within the policy, and will therefore not compromise the function or character of the green wedge. The area will remain open, and the rural character will be protected, and potentially enhanced when considering the green corridor benefits of the proposal and its connection with Mocketts Wood. It is therefore considered that the proposal would comply with Policy SP25 of the Thanet Local Plan.

#### *Impact on Countryside and Landscape Character Area*

For the same reasons the impact upon the green wedge is considered to be acceptable, the impact upon the countryside and landscape character area is also considered to be acceptable, as low level planting will enable an open rural character of the site to be maintained, that will not compromise the character of the Landscape Character area or countryside. The proposal will therefore comply with Policies SP24 and SP26 of the Thanet Local Plan.

#### **Character and Appearance**

The site is located within the urban confines on land that is considered to be previously developed land with an open storage use. Whilst the land is currently quite open in appearance, with very few structures upon the site, the site has previously been considered acceptable as a housing allocation site, and the principle of housing development upon the site is supported through Local Plan policy. Whilst this is the case, the impact upon the setting of the green wedge and landscape character area needs to be considered through this application.

The site lies on the boundary of the Margate/Broadstairs Green Wedge and the St.Peter's Undulating Farmland Landscape Character Area. Policy SP26 of the Thanet Local Plan states that this area is characterised as an area of high quality agricultural land, which is valued for its farmland and roosting coastal birds. The openness and undeveloped character of the farmland contributes to the essentially rural character and relatively dark skies.

Whilst the part of the site being developed for housing does not lie within the green wedge of Landscape Character Area, it's important that consideration is given to the impact that the proposed development could have upon the setting of this area, and the transition needed between the urban development and the open countryside. The site lies adjacent to the railway line and employment land to the north, and existing residential development to the east. Views into the site will be possible from the public right of way to the south east of the site, but this gap is quite shallow and has the backdrop of Mocketts Wood, so there will be a limited impact upon views from this direction. The main impact is from the west of the site, with long distance views of the site being possible across the open fields from both St.Peters Footpath and Dane Court Road (A255). It is this view that requires the greatest

consideration as the site appears to project into the open countryside and whilst it is technically the urban area, visually the proposed development will result in some harm to long distance views by removing the openness of the site, which is seen in the context of the green wedge and landscape character area.

Along the south western boundary of the housing element of the proposal there is an existing row of trees, which provides some screening of the site and helps to provide a clear boundary demarcation between the site and the open countryside beyond. It is intended that the majority of these trees will stay in order to retain this buffer between the open countryside and the site, and to soften long distance views of the development. In order to enforce this, given that the trees are not worthy of a tree protection order, the proposed site plan has been amended to show this area annotated as a 5m wide landscape buffer zone along the south western boundary of the site, which will contain both the existing tree planting in addition to new tree planting. The retention of this buffer zone will be reinforced by safeguarding conditions, with the plan showing that this area will fall outside the curtilage of any residential plots in order to safeguard its long term retention.

In addition, the plans have been amended to show the proposed dwellings adjacent to the boundary reinstated. The originally submitted plan showed a row of proposed dwellings backing onto the south-western boundary, which in longer views would have given the impression of a denser development with limited spacing between units. The amended plans show units re-oriented so that they are side-on to the south-western boundary, with back to back distances between properties providing the spacing between units that will be visible in long distance views, which is therefore supported.

An area of land is provided to the south west of the proposed development that lies within the red line boundary, but which is annotated on the plan as 'compensatory land'. This area of land lies within the green wedge and landscape character area, but is intended for low level planting and drainage only.

A Landscape Visual Impact Assessment has been submitted with the application, which has assessed the proposal from a number of different viewpoints, including the PROW and Dane Court Road. The assessment considers that the impact to each view in each case will be either 'neutral' or 'beneficial'. The assessment states that there are some sensitive local views, with Mocketts Wood, the churchyard and St Peter's Church tower featuring in many of them; however, the redevelopment, along with appropriate landscaping of the former gas holder site, would remove a notably detracting feature in the locality and replace it with a new landscape component of quality, which would protect and enhance these views. The assessment concludes that the proposed development will result in a general improvement in landscape and visual quality in the vicinity of the site, with only indirect effects on the settings of nearby landscape resources, and beneficial impacts upon private visual amenity. In terms of the impact upon the green wedge, the assessment concludes that the loss of agricultural land to create the landscape belt around the site's south west boundary is counterbalanced by the benefits that would accrue in terms of landscape and habitat enhancement.

The conclusions of this assessment are supported. Given the location of the developed site within the urban area and its previously developed nature, the presence of a tree screen that

is being reinforced that will soften views of the development, the backdrop of existing housing development beyond the site, the amendments of the plans that enables greater spacing between buildings within the long views, and only very minor changes to the agricultural land within the green wedge that will result in biodiversity enhancements whilst maintaining the openness of the green wedge and landscape character area, the impact is considered to be acceptable. The proposal is therefore considered to comply with Policies SP24, SP25, and SP16 of the Thanet Local Plan.

### *Proposed Layout*

The application is in outline form, however consideration is being given to the proposed layout. In terms of pattern of development, the surrounding area has some variation, in that the northern side of Northdown Road contains a mix of detached and terraced units of varying designs, yet the southern side contains a row of semi-detached units of uniform design. Within the proposal a mix of detached and semi-detached units are proposed, along with 2no. flat blocks. Plots are of an acceptable size with minimum 10m depth gardens. All of the development is street fronted. As such the proposal is considered to be in keeping with the surrounding pattern of development.

The access road into the site is from Northdown Road, in close proximity to the existing access. The access road extends through the site to the west, with three cul-de-sac extensions to the south, and a loop road to the north. All of the development is street frontage onto either the main access or the extended access points. As previously mentioned, amended plans have been submitted that have reorientated the units closest to the south western boundary in order to create spacing between the units for views into the site from the west. This does result in many units having their side elevations onto the main access road, but through the reserved matters application for the design it will be possible to make sure that a dual frontage is achieved for these units.

The site contains an existing substation close to the access point. Whilst this will not appear particularly aesthetically pleasing within the development, there is scope to erect enhanced boundary treatment around the building and new planting that will soften its appearance.

Policy GI04 of the Thanet Local Plan requires the provision of open space to serve the development. This includes amenity greenspace at 0.6ha per 1000 population and equipped playspace at 0.25ha per 1000 population. Whilst there is also a requirement for allotments, natural and semi-natural greenspace and public parks, these requirements are only really achievable on large sites. For this application a minimum of 390sqm equipped play space and 936sqm informal amenity greenspace is required, which is identified on the plan as having been provided. The plans originally had this space located in the far north corner, but concern was raised that this would limit accessibility of the space for both users within the site and the wider community. Amended plans have therefore been submitted relocating the play space to the southern corner, in close proximity of the access. The space is opposite a row of residential units, which will allow for natural surveillance of that space. It is considered that the size and location of the open space is suitable to serve the development and is therefore considered to be acceptable and in accordance with Policy GI04 of the Thanet Local Plan.

Scale has not been applied for at this stage, however the submitted site plan gives an indication of the unit heights, which it suggests will be up to 8.6m in height, with the units all 2-storey to eaves level and some with accommodation at roof level. This indicative scale would be characteristic of the surrounding area.

The site will appear as an individual housing development due to its visually projecting location towards the countryside, however it is considered that the site will appear in keeping with the surrounding pattern of development, and the spacious layout of the development and landscape retention and enhancements will limit the impact upon long views, and the setting of the green wedge/landscape character area. The location of the residential units and open space is considered to form a good quality layout that will not detract from the surrounding area. The proposal is therefore considered to comply with Policies QD02 and GI04 of the Thanet Local Plan.

### **Impact on Trees**

An Arboricultural Impact Assessment has been submitted, along with a Tree Protection Plan that includes a tree removal schedule in addition to details of tree protective fencing for the retained trees. Whilst the plan suggests that a large number of trees are being removed, the majority of these are quite small sycamores of approximately 7m in height that are either of 'C' Grade or unclassified. It is intended that the trees along the south western boundary, and some of the trees along the south eastern and northern boundaries will be retained, with the plan indicating protective fencing around them during the construction period. The trees to be removed are mainly within the centre of the site, or in the location of the proposed access close to Northdown Road.

A site visit has taken place with the Council's Tree Officer at the time, and it was determined that whilst none of the trees are worthy of a Tree Protection Order, collectively they provide an important landscape feature that creates a visual boundary to the green wedge and open countryside. They also provide an important role in creating a green corridor that visually links with Mocketts Wood, whilst also providing biodiversity benefits.

The amended plan provides an annotation for a 5m landscape buffer zone along the south western boundary that seeks to retain the trees that have been shown on the tree protection plan for retention, in addition to providing new tree planting. It is proposed that new tree planting will continue along this south western boundary where there are currently gaps, providing for a continuous tree line along this boundary. New tree planting is also proposed along the northern boundary between the application site and the railway/employment land.

It is expected that the detailed landscape plan will come in as part of a future reserved matters application for landscaping, however, on the basis of the information currently submitted, the loss of the trees proposed are considered acceptable given their location within the site and the quality of the trees, which are not considered worthy of protecting through individual tree preservation orders. Given that additional tree planting is proposed to reinforce the boundaries, this will achieve an enhancement overall.

The impact upon trees is therefore considered to be acceptable and in accordance with Policy QD02 of the Thanet Local Plan and the NPPF.

## **Living Conditions**

### *Neighbouring Occupiers*

#### *Residential*

The site lies in close proximity to existing residential properties within Northdown Road. There is a minimum distance of 19m between no.70/70A Northdown Road and the nearest proposed residential unit, so the impact upon light and outlook is acceptable. Whilst there may be some overlooking at this distance, this can be dealt with through the reserved matters application for design when considering the window locations and layouts of the dwellings. There is scope for the windows to be positioned in the side elevations overlooking parking court areas, which would avoid the overlooking of neighbouring gardens.

In terms of noise and disturbance, there is an existing vehicular access into the site adjacent to no.70, and therefore there would be some noise and disturbance associated with the lawful open storage use of the site. The proposal relocates the vehicular access so that it is further from the neighbouring property. Whilst there may be increased noise and disturbance from the proposed use given the number of units proposed, the increased distance, along with the intention for additional planting on the land between the access and no.70/70A, means that the occupiers of no.70/70A are unlikely to experience a significant increase in noise and disturbance from the development to cause severe harm to amenity.

Some concern from the neighbouring resident at no.70/70A has been raised in relation to the impact upon their garden area and the height of the existing boundary treatment. Through this application the applicant has agreed to the erection of a new 2m high fence along the side boundary of no.70/70A, which adjoins the application site, and this is to be secured via condition.

The impact upon neighbouring living conditions is therefore considered to be acceptable, and in accordance with Policy QD03 of the Thanet Local Plan, and paragraph 130 of the NPPF.

#### *Commercial*

Concern has been raised from one of the tenants of the commercial units to the east of the application site. Their concern is that the proximity of the development to their premises and the presence of additional residential properties could result in future noise complaints for the commercial units.

Paragraph 187 of the NPPF states that 'planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent

of change') should be required to provide suitable mitigation before the development has been completed'.

Environmental Health has been consulted and advise that they have no principle objections to the development, but recommend a safeguarding condition requiring the submission of a scheme to minimise noise transmission in order to identify any necessary mitigation measures required in the construction of the development that could safeguard the proposed dwellings from potential noise from the commercial/industrial units.

Subject to this safeguarding condition the impact upon the commercial units is considered to be acceptable and in accordance with Policy SE06 of the Thanet Local Plan, and the NPPF.

#### *Future Residential Occupiers*

The proposal is in outline form, and whilst the layout is being secured at this stage, details have not been provided on the floor area of the units. A condition is proposed that requires all units to comply with the nationally described space standards through any future reserved matters application. Subject to this safeguarding condition the proposal would comply with Policy QD04 of the Thanet Local Plan.

The site lies adjacent to the railway line. Consideration needs to be given to the impact from noise from the railway on future occupants of the development. A noise impact assessment has been submitted that considers the impact from rail noise. The noise assessment shows that the internal noise limit during both daytime and night-time will exceed the recommended noise limit by 2 decibels for any proposed dwelling within 45m of the railway. As such the assessment recommends that mitigation measures be put in place.

Mitigation measures identified within the report include acoustically treated ventilation for all living room and bedroom windows within 45m from the railway, which will prevent the need to open the windows for ventilation and cooling. The report concludes that the acoustic ventilation measures proposed, if implemented for the affected new dwellings nearest to the railway line, are considered to sufficiently reduce train noise within the living rooms and bedrooms (to within the limits outlined in BS 823 : 2014). There are no noise mitigation measures proposed for the garden amenity areas.

Environmental Health has been consulted and advise that they have no concerns with the recommendations of the report, and subject to a safeguarding condition that requires the sound mitigation measures as set out within the noise assessment to be implemented prior to the first occupation of each unit, they have no objections. The proposal is therefore considered to comply with Policy SE06 of the Thanet Local Plan.

Sufficient doorstep playspace has been provided for each unit, including the proposed flat blocks. The proposal therefore complies with Policies QD03 and GI04 of the Thanet Local Plan.

Overall the impact upon existing and future occupiers is considered to be acceptable, and in accordance with Policies GI04, SE06, QD03, and QD04 of the Thanet Local Plan.

## Transportation

The site is sustainably located within the urban confines, within walking distance of St. Peter's High Street where there are a number of facilities and services, including the medical centre, church and retail units. There is a bus stop at St. Peter's Railway Bridge, and another within Hopeville Avenue. In terms of pedestrian movement there is a bridleway (TB21) that is located parallel to the site and is accessed from Northdown Road. The bridleway extends into Hopeville Avenue. Alternatively there is a path that connects onto the bridleway that extends through Mocketts Wood. Both paths lead towards the centre of St. Peter's.

The application is in outline form, with consideration to be given to the access into the site. There is an existing access into the site from Northdown Road. It is intended to relocate this access slightly to the north in order to improve visibility from the access within Northdown Road. Layout is also being considered through this application. The proposal shows an access road that extends through the site to the west, with three cul-de-sac extensions to the south and a loop road to the north from the access road. Parking is provided within the curtilage of each property, with a minimum of 2no. parking spaces provided for each 3-bed or 4-bed unit, and a minimum of one parking space per unit provided for each 1-bed or 2-bed unit. Visitor parking spaces have been provided within laybys, next to the open space, and within the curtilage of the flat blocks, which equates to 14no. spaces.

A transport statement was submitted with the application for the original 60no. units. The statement has looked at likely traffic movements associated with the lawful use of the site, although this has been difficult to predict given that the site is currently redundant and the site could accommodate an open storage use in a variety of different forms. For the purposes of the statement it has been predicted that the lawful use of the site could generate 10-15 vehicle movements, including HGVs, during the network peak hour periods.

Consideration has been given to the impact upon the proposal upon the highway network. Traffic flow surveys have been carried out, focusing on key junctions in Broadstairs. The surveys showed that Northdown Road itself is not heavily trafficked, accommodating just under 500 vehicles 2-way during the network peak hours.

The road traffic accident data has been investigated, and whilst evidence of accidents in the immediate area over a 5 year period have been logged, the number and type of accidents that have occurred are not indicative of concern to the existing highway network.

For the proposed use (which was initially based upon 60no. units) traffic generation of 32 vehicles during the AM peak hour and 25 vehicles during the PM peak hour is predicted. This is likely to generate a net increase on the road network at the proposed access of 17-22 vehicles 2-way in the morning peak hour and 10-15 vehicles 2-way in the evening peak hour. Consideration has been given to the impact that this could have on different junctions once the additional traffic has been distributed across the highway network. The greatest increase is within Northdown Road, with a 2.8% increase in net flows. The next greatest increase is within Vicarage Street, with a 1.37% increase in net flows. The transport statement concludes that such a minimal net increase in flows would be imperceptible on the local highway network.

The statement has considered the existing access into the site, and its relationship with the railway bridge to the north of the access. The statement advises that the visibility when approaching the railway bridge from the south is currently very limited, and vehicles wait on Northdown Road at a point where it is only 4.9m wide.

It is intended to permanently close the existing access into the site and extend the existing footway so that it links with the internal footpath within the site. It is also intended to widen the road width in front of the bridge to 6.8m wide. This will improve forward visibility when approaching the bridge from the south.

KCC Highways has been consulted. Whilst they agreed that the increase in vehicle movements generated by the proposed use was unlikely to result in a severe impact upon the highway network, they did raise a number of concerns. Firstly the question of land ownership has been raised, with some of the land required for the proposed access appearing to be neither KCC nor the applicant's land. As such a definitive highway plan needs to be sought.

Further concerns raised included the need for an uncontrolled crossing point within Northdown Road, the need for double yellow lines to achieve adequate visibility to the pedestrian crossing, and the need to improve the public bridleway (TB21), which provides a direct route to services within St.Peters.

Further amendments and additional information was also sought from KCC regarding the layout, including the need for swept path diagrams showing tracking for refuse vehicles, the extent of area to be adopted within the site by the highway authority, increased visibility splays within the development, speed restraints within the development, increased size of parking spaces, and the provision of shared surfaces where possible.

A highway note has been submitted to address these concerns. It includes the provision of an updated access road plan, which shows 2.4m x 40m visibility splays to the entrance of the site, the provision of a controlled crossing point within Northdown Road, and a localised build out to the east of Northdown Road. The note advises that double yellow lines within Northdown Road are not necessary due to the number of dropped kerbs present within close proximity of the proposed access, which will restrict on street parking in these locations. Improvements to the proposed layout have been made and tracking plans were submitted for a 11.2m long vehicle.

KCC Highways were re-consulted and advised that subject to the highway definition plan showing that the land required for the access and visibility can be secured, they had no objections to the proposed development. The definitive highway plan has been received and it shows a small piece of land between the application site and the highway that appears to be unregistered. It will be up to the applicant to secure this piece of land. The use of Grampian conditions to ensure that no works take place until the proposed access and visibility requirements have been provided will provide reassurance that no part of the development will come forward without this land being secured.

The double yellow lines may not be required if the build out design enables adequate visibility to the pedestrian crossing with the parked cars in situ, but KCC has advised that this can be dealt with at a later stage through a Traffic Regulation Order.

Further tracking plans have been sought for a 13m long waste vehicle, which is the length of vehicle used by the waste and recycling department. These have been submitted and prove that the site can accommodate turning for this length vehicle. KCC has confirmed that the plans indicate that there is no conflict or overrun from a freighter entering and egressing the site.

The Public Rights of Way team has been consulted regarding the bridleway TB21. They have requested that given the potential increased use of the bridleway as a result of the development, that the resurfacing of the path to a hoggin surface be carried out. The applicant has advised that whilst they are willing to provide a financial contribution towards the resurfacing of the path, there is an existing path that extends through Mocketts Wood, that provides a better desire line to the centre of St.Peters. The applicant has therefore agreed to the payment of £12,000 (as calculated by KCC PROW) towards the resurfacing of the bridleway where it adjoins Northdown Road, up to its connection point with the path that extends through Mocketts Wood. KCC PROW has agreed to this approach and the contribution being offered. The resurfacing of this path will improve pedestrian movement between the application site and the centre of St.Peters.

It is considered that adequate information has been submitted to prove that the impact upon the highway network will be acceptable, and that a safe access into the site can be achieved. Adequate parking provision is provided to serve the development and off site highway works are proposed, including the widening of Northdown Road below the bridge, build outs and controlled crossing points, which will improve safety for vehicles using the bridge and pedestrians. The proposal is therefore considered to comply with Policies TP01, TP02, TP03 and QD02 of the Thanet Local Plan, and the NPPF.

## **Ecology**

An Ecological Appraisal that incorporates reptile and bat survey results has been submitted as part of the application. The appraisal advises that there is a high suitability for on-site habitats for reptiles and therefore a reptile presence survey was undertaken in 2020 that did not identify any reptiles, and as such no further action is required. The report further advised that in order to make a positive contribution to the conservation, enhancement and management of biodiversity, as required under Policy SP30 of the Thanet Local Plan, that a compensatory habitat area to the west of the site has been provided as part of the proposal

The suitability of the site for roosting bats is negligible, but there is a high likelihood of foraging/commuting bats, and therefore a bat activity survey was completed in August 2021, which did not support significant bat activity. It concluded that some enhancements that benefit bats, such as roost boxes, could be incorporated into the scheme. A lighting scheme that minimises the impact upon bats is also encouraged.

A precautionary watching brief for hedgehogs was recommended, but otherwise no other impacts have been identified within the appraisal.

KCC Biodiversity were consulted who advised that they wanted to see copies of the bat and reptile surveys, which had not been submitted, and they wanted to see additional information on the open mosaic habitat as this is a priority habitat.

An Ecology response has been submitted that explains that 'open mosaic habitat' was the best fit category to describe the areas of the site that have developed small areas of scattered grassland and scrub, but no uncommon flora have been identified, and replication of this habitat on the 'compensatory land' where there are less extensive areas of hardstanding between sections of grassland and scrub will result in an improvement to the conditions found on site.

KCC Ecology has advised that they are satisfied with the conclusions of the reptile survey, which showed no reptiles recorded and no requirement for a reptile translocation to be carried out. Subject to a safeguarding condition requiring a precautionary mitigation approach be taken during site clearance, the impact upon reptiles is considered to be acceptable.

In terms of bats, the surveys have detailed three species of bat recorded within the site. The enhancement of the habitat within the 'compensatory land' will provide opportunities for foraging/commuting habitat, but this should not be impacted by lighting associated with the development, so a bat sensitive lighting scheme for any external lighting installed will need to be submitted for approval. Subject to this safeguarding condition, the impact upon bats is considered to be acceptable.

KCC are satisfied that the open mosaic habitat can be adequately replicated within the 'compensatory land', and as such raise no concerns.

The proposal has shown that there will be limited impact upon protected species, and that the provision of planting within the 'compensatory land' could result in replacement habitats and enhancements of biodiversity. This is further appreciated through the revised filtration basin plans that provide further enhancements to biodiversity, as explained within the drainage section of this report. As such, the proposal is considered to comply with Policy SP30 of the Thanet Local Plan.

## **Drainage**

A drainage impact assessment has been submitted as part of the application. For foul drainage there is no existing foul water discharge to the site, so it is proposed to discharge to the existing public foul water sewer system. The report advises that a sewer capacity check has been issued to Southern Water to check whether there is adequate capacity in the local sewer network to receive the additional design flows, and that they have confirmed that there is spare capacity. Due to the topography of the site the report advises that a foul water pumping station will be required to serve the foul drainage for the development. This is shown on the proposed drainage strategy plan as being within the 'compensatory land'.

Southern Water has been consulted and advise that they can facilitate foul sewerage disposal to service the proposed development. As such the proposed foul drainage strategy

is acceptable subject to a safeguarding condition requiring the submission of the detailed design.

In terms of surface water drainage, the drainage impact assessment advises that the most sustainable solution would be the use of a filtration basin. The submitted proposed sustainable drainage strategy plan shows the provision of the filtration basin within the 'compensatory land', within the green wedge, where the land is confirmed as being undeveloped and contamination free. The assessment concludes that outline design calculations have been provided to demonstrate compliance with the latest KCC SUDS guidance, and that with the introduction of a suitably designed SUDS solution to cater for the impermeable areas, the post-development run-off volume is expected to be reduced by 214m<sup>3</sup> from the pre-development run-off volume.

KCC SUDs were consulted who advised that they had concerns with the proposal as no investigation works had taken place on the agricultural land where the filtration basin is proposed to be located, and therefore it had not been proven that the below ground was suitable for infiltration, and that no pollution had 'spilled' over from the main site. Furthermore, KCC SUDs had commented on whether the proposed drainage system could be controlled given that it is was located within the blue line and not the red line, but this has since been resolved by the resubmission of the location plan showing the site area extended to include the land within the blue line within the red line application site boundary. The location and type of basin was also queried, as the drainage strategy plan did not appear to correlate with the proposed site plan, showing the basins within different locations.

An updated drainage impact assessment has since been submitted. The assessment advises that the Land Contamination Planning Support Statement confirms that the filtration basin should be located off the footprint of the former gasworks, and that historical boreholes have been made in close proximity of the filtration basin site that did not encounter any contamination, and therefore the impact upon groundwater is viewed as being acceptable. In terms of the design of the filtration basin, it is now proposed that the filtration basin will be provided with a permanent wet level that will help to support aquatic plants and animals. A receiving pond has been added that will capture pollutants and silts.

KCC SUDs have been re-consulted and they've advised that their previous comments have been addressed, but that they require further ground investigations to be undertaken at the proposed basin location under a safeguarding condition in order to inform the final design. Subject to this safeguarding condition the proposed surface water drainage strategy is considered to be acceptable and in accordance with Policy SE04 of the Thanet Local Plan.

The application site is located within Flood Zone 1, and therefore has the lowest possible flood zone risk; however, a flood risk assessment has been submitted with the application, which takes into account the proposed drainage from the site, which should not increase the risk of flooding elsewhere. This is a requirement of Policy CC01 of the Thanet Local Plan, which requires the submission of a flood risk assessment for new developments over 1 hectare in size within Flood Zone 1. The flood risk assessment concludes that the site is not exposed to a significant risk of flooding, and that by incorporating the mitigation measures set out within the drainage reports, the rate of discharge of surface water runoff from the site

will be reduced, and as such the proposed development will not increase the risk of flooding elsewhere.

The proposed impact upon groundwater protection and from flood risk is therefore considered to be acceptable and in accordance with Policies CC01 and SE04 of the Thanet Local Plan.

### **Air Quality**

Given the size of the development an air quality assessment and emissions mitigation assessment is required to be submitted, with the emissions mitigation assessment setting out the damage costs for the development. The Environmental Health Officer has recommended that this can be submitted as part of the reserved matters application, at which point the damage cost associated with the development can be used towards additional landscaping provision within the development. Given that in Thanet's most recent Air Quality Annual Status Report 2021, Defra has recommended Thanet revoke the AQMA given several years of no exceedances of the air quality objective, it seems reasonable to defer the submission of the air quality assessment to a future reserved matters application as local pollution levels are not expected to be high.

A condition that requires electric vehicle charging points for each allocated parking space, and one electric vehicle charging point per ten unallocated parking spaces, has been included.

Subject to these safeguarding conditions the impact upon air quality is considered to be acceptable and in accordance with Policy SE05 of the Thanet Local Plan.

### **Contamination**

The site is a former gasworks site, and therefore there is contamination within the site that will require remediation before any residential development can be constructed. Policy SE03 of the Thanet Local Plan states that 'development proposals that would enable contaminated sites to be brought into beneficial use will normally be permitted, so long as the sites can be rendered suitable for the proposed end use in terms of the impact on human health, public safety and the environment, including underlying groundwater resources'. The policy goes on to state that 'development on land known or suspected to be contaminated will only be permitted where an appropriate site investigation and assessment has been carried out as part of the application to establish whether contamination is present and to identify any remedial measures necessary to ensure that the site is suitable for the proposed end use; and where the proposed remedial measures would be acceptable'. Furthermore, Policy SE04 of the Thanet Local Plan states that 'Groundwater Protection Proposals for development within the Groundwater Source Protection Zones identified on the Policies Map will only be permitted if there is no risk of contamination to groundwater sources. If a risk is identified, development will only be permitted if adequate mitigation measures can be implemented'.

A Land Contamination Assessment has been submitted with the application. The assessment states that part of the site was remediated in 2012/13 for open storage use, in

agreement with the Environment Agency. In order to make the site suitable for an end use of residential, further remediation work is required. An outline remediation cost assessment is provided, which identifies the likely mitigation measures required, including the excavation of the top 600mm layer of made ground where residential is to be constructed, and 300mm where landscaping is proposed; the importing of subsoil and topsoil; and the treatment and off-site disposal of materials. The best estimate for these works is set at £1.2m, which includes a £50k allowance for further site investigation. The upper estimate for the works is set at £1.7m. The assessment concludes that the remediation costs provided are for works that are considered to be necessary to remove the unacceptable risk to human health and environmental receptors arising from the presence of land contamination.

The Environment Agency and the Council's Contaminated Land Officer have been consulted, and both have raised objections to the proposal on the grounds that inadequate information had been submitted to demonstrate that the 'high' risk of contamination upon the site will be adequately managed without a risk of pollution to controlled waters, and that in order to address this objection a risk assessment was needed, which should include a desk study, preliminary site investigation works, conceptual model and an initial risk mitigation strategy.

Following this consultee response a Land Contamination Planning Support Statement has been submitted, which provides a clear outline of the remediation works and site investigation works required, as set out within section 6.3 of the report. In summary this includes excavation of hotspots of contamination; the installation of a 800mm capping layer within garden areas, and 300mm within landscaped areas; the installation of vapour membranes within buildings with passive underfloor ventilation; installation of sustainable urban drainage systems with off-site soakaways; the use of protecta-line barrier pipework and fittings for potable water supplies; and the employment of a reactive strategy should additional contamination be encountered during the development.

Following a re-consultation both the Environment Agency and the Council's Contaminated Land Officer have confirmed that the additional information has satisfactorily addressed their concerns, and that the reports submitted in support of this planning application provide them with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development, and therefore no objections are raised subject to safeguarding conditions.

Subject to safeguarding cognitions the impact upon human health is considered to be acceptable and in accordance with Policies SE03 and SE04 of the Thanet Local Plan.

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

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

A recent Local Housing Needs Assessment (Aug 2021) has been carried out that seeks to update the current recommendations for local housing needs. The assessment has identified a shift in housing requirements, with a reduction in the need for 1-bed and 2-bed market units, and an increased need for 3-bed and 4-bed market units. For the affordable units the need remains very similar to the previous recommendation, with a very slight reduction in the smaller 1-bed units, and a slight increase in all other unit sizes. This assessment is currently under consultation and is yet to be adopted, but provides an indication of the most recent evidence relating to housing need.

In terms of market housing provision the application proposes 10no. 2-bed dwellings, 24no. 3-bed dwellings, and 11no. 4-bed dwellings. When considering the proposed provision against the SHMA recommendations, the provision is almost fully compliant against the need identified through the 2021 assessment (the difference being a 3% reduction in the 2-bed and 3% increase in the 3-bed, but 1-bed and 4-bed compliant), and as such it can be considered that the proposed unit mix size generally addresses current need.

In terms of the affordable housing provision the application proposes 8no. 1-bed flats, 2no. 2-bed flats, 5no. 2-bed dwellings, 4no. 3-bed dwellings and 1no. 4-bed dwelling. The provision is fully compliant against the 2021 SHMA recommendations.

Given that the mix proposed is close to the SHMA recommendation, the proposal is considered to comply with Policy SP22 of the Thanet Local Plan.

### **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 65no. units, which would require the provision of 20no. affordable units. The applicant has agreed to this provision, and therefore the development would comply with Policy SP23 of the Thanet Local Plan.

The SHMA continues to recommend that the split of affordable provision is in the form of 70% social/affordable rent, and 30% shared ownership. The applicant has offered a split of 50% social/affordable rent and 50% shared ownership, on the grounds that a 70/30 split would lead to visibility issues with the delivery of the site. The applicant has a registered housing provider on board to deliver the affordable units, and who supports the split being offered.

Paragraph 72 of the Thanet Local Plan states that 'Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area'. It is now a requirement that first time homes are considered as part of any affordable housing offer, with 25% of the affordable housing provision being the national requirement. In order to give weight to this requirement, a report is due to be brought before the Council's cabinet on the 16th June 2022 that gives Members the option of adopting a First Homes Interim Policy Statement that will set out the 25% requirement, which follows a GL Hearn Study that concluded that the application of a First Homes policy would enable some households in Thanet that are currently renting to afford to buy their own homes. Until

the decision has been made at cabinet, and following this Full Council, to implement the First Homes initiative, there is limited weight to support a reason for refusal under the affordable housing policy for a lack of first homes, especially if 30% overall provision is being made.

Whilst an element of First Time Homes has been requested through this application, the applicant has not agreed to this provision and instead wishes to continue with the 50% social/affordable rent and 50% shared ownership split. The applicant has confirmed that they have a registered housing provider on board who has agreed this split, ensuring the delivery of these affordable units.

The Council's Housing Strategy Officer has commented that the NPPF states it is down to the Local Housing Authority to stipulate the requirements for First Time Homes, and as we do not currently have an adopted policy the provision of First Time Homes at this point is difficult to enforce, and as such they do not raise objections to the lack of First Time Homes provision.

In terms of the 50/50 split the Housing Strategy Officer has advised that whilst it is not their preferred option, and they would prefer to see the 70/30 split, they are supportive of the on site provision of affordable housing and accept that if this split allows for the full viable provision of on-site affordable housing then they would support it. The application was originally put forward with only 26% affordable housing being provided on viability grounds, but in order to reach the 30% provision the applicant has increased the overall number of units from 60 to 65, which has enabled them to increase the affordable provision to 30% to meet the policy requirement. However, the large number of financial contributions has meant that they can only sustain this offer with the 50/50 split proposed. This assumption has not been tested through an independent viability review, but given the previous viability concerns associated with the site that led to an application involving the potential development of green wedge land, it seems reasonable to assume that viability continues to be an issue with this site, and therefore a 50/50 split can be supported in this instance in order to secure the 30% on-site provision.

It is considered that the proposal currently complies with the requirements of Policy SP23 of the Thanet Local Plan, and therefore the affordable housing provision offered is considered to be acceptable.

### **Financial Contributions**

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 have been requested:

- A contribution of £377,400.00 towards primary education in the form of Phase 2 accommodation at the new St.George's Primary School;
- A contribution of £58,376.02 towards special education in the form of satellite provision for Foreland Fields School;

- A contribution of £287,268.00 towards secondary education in the form of additional secondary places within a school expansion project within the District,
- A contribution of £83,866.61 towards secondary education land acquisition costs,
- A contribution of £1,067.30 towards community learning in the form of additional resources, equipment and classes at Broadstairs Adult Education Centre,
- A contribution of £4,257.50 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 £3,604.25 towards library bookstock in the form of additional resources, equipment, and bookstock at Broadstairs Library,
- A contribution of £9,547.20 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 of £3,540.55 towards waste improvements at Thanet District HWRC to increase capacity,
- A contribution has been requested by the CCG of £56,160 towards the refurbishment, reconfiguration and/or extension of Mocketts Wood Surgery and/or Northdown Surgery within Margate PCN and/or St.Peter's Surgery within Care Kent PCN and/or towards a new general practice premises development in the area,
- A contribution of £12,000 has been requested by the PROW team for the resurfacing of part of the bridleway (TB21) to a hoggin surfaced path.

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

### **Special Protection Area**

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, as agreed by Natural England.

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 £25,288 for this development. This mitigation means that the Council has accorded with the Habitat Regulations and an appropriate assessment has been undertaken. The applicant has agreed to this contribution, which has been secured through the submitted legal agreement. An acceptable appropriate assessment has been carried out on this basis.

Heads of Terms

The following financial contributions and obligations are agreed:

- SPA contribution of £25,288,
- A contribution of £377,400.00 towards primary education
- A contribution of £58,376.02 towards special education
- A contribution of £287,268.00 towards secondary education
- A contribution of £83,866.61 towards secondary education land acquisition costs,
- A contribution of £1,067.30 towards community learning
- A contribution of £4,257.50 towards youth service
- A contribution of £3,604.25 towards library bookstock
- A contribution of £9,547.20 towards social care
- A contribution of £3,540.55 towards waste improvements
- A contribution of £56,160 towards healthcare,
- A contribution of £12,000 towards the resurfacing of PROW TB21,
- 30% on site provision of affordable housing

## **Conclusion**

The proposal is for the residential development of previously developed land within the urban confines, which has a lawful open storage commercial use. The proposal will provide additional housing, for which there is a need, within a sustainable location within St.Peters, that has limited impact upon neighbouring amenity. The principle of development therefore complies with Policies SP01 and HO1 of the Thanet Local Plan.

There will be limited impact upon the setting of the green wedge and landscape character area through the visibility of the site within long views, but this will be mitigated through the retention/enhancement of a landscape buffer adjoining the western boundary of the site. Within the green wedge itself only low level planting and drainage provision is proposed, which is required within this location due to the high levels of contaminants within the site itself.

The proposal will allow for the remediation of contamination within the site, which is of benefit to the environment, and it is intended for the existing trees along the boundaries of the site to be retained, with the only tree removal being either small trees or those within the centre of the site where development or the access is proposed. New tree planting within the site and low level planting within the 'compensatory land' will result in environmental and biodiversity improvements to the site, which is mainly hard surfaced.

Whilst there will be an increase of vehicle movements on the highway network as a result of the development, the increase is minimal and will not result in a severe impact upon the highway network. A safe access can be achieved to the site, and off-site highway works are proposed that will improve visibility and pedestrian safety.

The required financial contributions towards local infrastructure, including education and healthcare, have been agreed, and 30% on site affordable housing is being provided.

The development of this previously developed site within the urban confines will achieve social and economic benefits through the provision of 65no. additional housing units that will contribute towards the Council's housing supply, at a time where the Council cannot demonstrate a 5 year supply of housing land. These benefits are given significant weight and are considered to outweigh the extremely limited environmental harm to the setting of the green wedge/landscape character area and highway network.

The proposal is therefore considered to be a sustainable form of development that accords with the Thanet Local Plan. It is therefore recommended that members defer and delegate the application for approval subject to safeguarding conditions and the submission of a signed legal agreement securing the financial contributions and obligations as set out within the Heads of Terms of this report, within the 6 months of any resolution to grant by members.

**Case Officer**

Emma Fibbens

TITLE:

OL/TH/21/0774

Project

Former British Gas Site Northdown Road BROADSTAIRS Kent CT10 2UW

