

A07

F/TH/22/0494

PROPOSAL: Formation of a footpath on the south side of Joss Gap Road between Convent Road and the existing shared pedestrian and cycle facility, together with the erection of a 2m high timber fence and planting

LOCATION: Joss Gap Road BROADSTAIRS Kent

WARD: Kingsgate

AGENT: Ben Meekings

APPLICANT: Kate Beswick, Kent County Council

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 1000007350-300-PLANTING STRATEGY Rev A received, 07 April 2022, Planning Statement, 1000007350-003-02 REV D,, 1000007350-003-01 REV D, 1000007350-003-03 REV 0 received 01 July 2022.

GROUND;

To secure the proper development of the area.

3 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND

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

4 Prior to the commencement of any tree pruning works in association with the approved development a pre commencement bat scoping survey must be completed and submitted to and approved in writing by the Local Planning Authority. The survey will identify details of any further surveys and/or mitigation which is required to be implemented prior to or during the tree pruning works. All works must be carried out in accordance with the approved details.

GROUND

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

INFORMATIVES

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

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

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

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

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

SITE, LOCATION AND DESCRIPTION

The site is located on the south western side of Joss Gap Road and extends from the junction of Joss Gap Road, Kingsgate Bay Road and Convent Road to the existing cycle and footpath which currently ends between the access for Bayside Heights and Castle View and Lauriston. The southern section of the site is located on North Foreland Golf Course and the northern section of the site is located on land owned by Kingsgate Castle. The site is primarily occupied by soft landscaping which extends along the edge of Joss Gap Road.

RELEVANT PLANNING HISTORY

Secretary of states decision - <https://www.gov.uk/government/publications/coastal-access-section-52-notice-for-ramsgate-to-whitstable>

TCA/TH/16/1526 - 3no. Holm oaks (T1, T2 & T4) - cut back by 2m from the power line, 1no. Holm Oak (T3) - crown reduce by 3m. Raise no objection 24 February 2017.

PROPOSED DEVELOPMENT

The proposed development is the formation of a footpath on the south side of Joss Gap Road between Convent Road and the existing shared pedestrian and cycle facility, together with the erection of a 2m high timber fence and planting.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

CC02 - Surface Water Management
GI02 - Locally Designated Wildlife Sites
HE01 - Archaeology
QD01 - Sustainable Design
QD02 - General design Principles
QD03 - Living Conditions
SP24 - Development in the Countryside
SP25 - Safeguarding the Identity of Thanet's Settlements
SP26 - Landscape Character Areas
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan Policies

BSP1 - The Green Wedge
BSP2 - Important Views and Vistas
BSP3 - Protecting and Providing Important Trees
BSP4 - Seafront Character Zones
BSP6 - Sustaining Community Facilities
BSP9 - Design in Broadstairs & St. Peter's
BSP14 - Sustaining Leisure and Tourism Assets

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

Four letters of objection have been received raising the following concerns:

- Affect local ecology
- Close to adjoining properties

- General dislike of proposal
- Increase in traffic
- Loss of privacy
- Noise nuisance
- Out of keeping with character of area
- Traffic or Highways
- Potential for graffiti on the fence
- Impact upon property values
- Speed limit on the road is too high
- Damage to neighbouring properties
- Conflict with Local Plan
- Increase in pollution
- Political priorities have changed since the decision of the secretary of state
- Cost of the proposed development
- Development does not make provision for cyclists
- Overdevelopment
- An unmade footpath would be more suitable
- There are no accidents in this area
- Ecological appraisal is only focused on species protected by law
- No alternative wildlife sites are proposed
- No consultations were previously conducted
- Development would not improve tourism
- Development would not reduce emissions
- Details of proposed materials are unclear
- Draft Broadstairs and St Peter's Neighbourhood Plan policies need to be considered
- Safety margin should extend the full length of the proposed path
- Development would encourage on street parking
- Bollards should be installed to prevent illegal parking and ensure safety of pedestrians
- Railings should be black
- Levels of the site
- Existing posts should be retained
- Two letters of support have been received raising the following points:
 - Crossing the road to the existing footpath can be dangerous
 - Path should be for cycling too
 - What is proposed for the existing access on to Joss Gap Road
 - Will the bench at the junction of Convent Road be retained

Broadstairs and St Peter's Town Council - The Planning Committee of the Town Council has considered this application and resolved to recommend REFUSAL with the following concerns: The Town Council consider that there could be a more aesthetic solution to this application. (Majority)

CONSULTATIONS

KCC Biodiversity - Updated comments received 09 August 2022

The submitted information has detailed that suitable habitat is present for reptiles, terrestrial animals (such as badger and hare), nesting birds and roosting bats. With the exception of roosting bats the report has recommended a precautionary approach to avoid impacts on protected species.

With regard to bats the submitted information has detailed that there is a need for Preliminary Ground Level Bat Roost Assessment to be carried out Trees T4, T7 and T9. The report has detailed the following: These trees have been classed as having potential to support roosting bats and/or could not be fully assessed due to access constraints and will be retained but pruned as part of the proposed works. It is recommended that the potential roosting features within these trees are inspected by a suitably qualified ecologist using climbing equipment or a Mobile Elevated Working Platform (MEWP). If the potential roosting features are found to extend into a suitable roosting cavity, then further survey work in a form of nocturnal emergence and dawn re-entry surveys will be required. If the potential roosting features are found not to extend into a suitable roosting cavity, then no further work will be required and works to these trees will be allowed to proceed as planned.

The trees are to be pruned and no information has been provided confirming to what extent the pruning will be carried out. In particular if the pruning will remove any of the branches which could contain bat roosts or if the works are only to be carried out on small/spindly branches.

From speaking to the planning officer we understand that the Tree Officer has not raised any concerns with the pruning of the trees and therefore we accept that it is probably unlikely that large mature branches will be cleared as a result of the works. On this assumption we acknowledge that while a bat roost can't be ruled out it does reduce, the potential of a significant roost being present. The Bat Conservation Survey guidelines does not recommend that trees with low potential need to be surveyed and instead a precautionary approach can be implemented therefore in some situations it is possible that if suitable features are present an emergence survey is not required.

Therefore we advise that if planning permission is granted we recommend that a pre commencement survey is carried out prior to any pruning work being carried out. The survey will then identify if a precautionary mitigation approach is required when pruning the tree or (worst case scenario) an emergence survey is required. The emergence surveys (if required) and mitigation must be implemented as detailed within the report. The results of the surveys and mitigation must be submitted to the LPA with confirmation that the works were carried out as detailed within the report. Suggested condition wording can be found at the end of the report.

The proposal will result in a direct loss of woodland/hedgerow to create the footpath and to compensate for the loss of habitat a hedgerow is proposed along the edge of the Joss Gap Road. Due to the small loss of woodland to create the path we accept that this is sufficient for this application. Plans have been provided confirming the location of the additional planting along the southern boundary of the path.

We advise that only native species must be planted and regular management/watering/monitoring must be carried out to ensure that the planting establishes. We recommend that this is addressed within a landscaping condition.

We recommend that when the tree works are being carried out wood piles are created within the woodland to enhance the site for biodiversity.

Updated comments received 22 June 2022

We advise that additional information is required prior to determination of the planning application.

The submitted information has detailed that suitable habitat is present for reptiles, terrestrial animals (such as badger and hare), nesting birds and roosting bats. With the exception of roosting bats the report has recommended a precautionary approach to avoid impacts on protected species.

With regard to bats the submitted information has detailed that there is a need Preliminary Ground Level Bat Roost Assessment to be carried out Trees T4, T7 and T9. The report has detailed the following: These trees have been classed as having potential to support roosting bats and/or could not be fully assessed due to access constraints and will be retained but pruned as part of the proposed works. It is recommended that the potential roosting features within these trees are inspected by a suitably qualified ecologist using climbing equipment or a Mobile Elevated Working Platform (MEWP). If the potential roosting features are found to extend into a suitable roosting cavity, then further survey work in a form of nocturnal emergence and dawn re-entry surveys will be required. If the potential roosting features are found not to extend into a suitable roosting cavity, then no further work will be required and works to these trees will be allowed to proceed as planned.

The trees are to be pruned and no information has been provided confirming to what extent the pruning will be carried out. In particular there is a need to understand, prior to determination, if the pruning will remove any of the branches which could contain bat roosts or if the works are only to be carried out on small/spindly branches.

The proposal will result in a direct loss of woodland/hedgerow to create the footpath and to compensate for the loss of habitat a hedgerow is proposed along the edge of the Joss Gap Road. Due to the small loss of woodland to create the path we accept that this is sufficient for this application. However it is unclear within the Proposed footpath and planting plan where the replacement planting is to be located as the Key provides details of proposed planting but it is not obvious on the plan where the planting is to be located.

However we recommend that when the tree works are being carried out wood piles are created within the woodland to enhance the site for biodiversity.

Initial comments received 26 May 2022

We advise that additional information is required prior to determination of the planning application.

The submitted information has detailed that suitable habitat is present for reptiles, terrestrial animals (such as badger and hare), nesting birds and roosting bats. With the exception of roosting bats the report has recommended a precautionary approach to avoid impacts on protected species.

With regard to bats the submitted information has detailed that there is a need for Preliminary Ground Level Bat Roost Assessment to be carried out on semi mature and mature trees to be impacted by the works. However the report has not specified which trees require further survey and therefore it's unclear if further surveys are required.

We advise that prior to determination we require confirmation on which trees require further surveys and if those trees are to be impacted we advise that the recommended surveys must be carried out. We highlight that as the survey is ground level (e.g. no climbing) we would have expected the survey to have been carried out at the same time as the preliminary ecological appraisal.

The proposal will result in a direct loss of woodland to create the footpath and to compensate for the loss of habitat a hedgerow is proposed along the edge of the Joss Gap Road. Due to the small loss of woodland to create the path we accept that this is sufficient for this application. However we recommend that when the tree works are being carried out wood piles are created within the woodland to enhance the site for biodiversity.

KCC Flood and Water Management - The application falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

KCC Highways - I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

KCC Public Rights of Way - No comment

Southern Water - *Updated comments received 30 June 2022*

Further to our previous correspondence dated 30/05/2022 regarding the above planning consultation and further information provided by the developer regarding protection of sewer is acceptable to Southern Water.

All other comments in our response dated 17/06/2022 remain unchanged and valid.

Initial comments received 17 June 2022

Please see the attached extract from Southern Water records showing the approximate position of our existing public combined sewer and water main within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

The 375 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

The 4 inches public water distribution mains require a clearance of 6 metres on either side of the water distribution mains to protect it from construction works and to allow for future access for maintenance.

No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.

No new soakaway, swales, ponds, watercourses, or any other surface water retaining or conveying features should be located within 5 metres of a public apparatus.

All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

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.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available.

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

TDC Arboricultural Consultant - These comments are based on documents provided with the application and various publicly available aerial photos and Google Street View images. References to individual trees or groups of trees refer to those identified in the Arboricultural Implication Survey and Method Statement submitted with the application.

The trees affected by this application are part of a dense group and extended hedgerow along a section of Joss Gap Road, and contribute to the creation of a "country lane" character.

Collectively the trees may be considered to have Moderate to High amenity value but individual trees within could be considered of Low value (see Additional Notes - Amenity Value, below).

The Application proposes the construction of a new footpath, that requires the removal of two early-mature Holm Oak trees (T's 5 & 6) and a number of trees from a linear group (G3) consisting of Hawthorn, Sycamore and Elm.

The two individual trees are around 6m to 7.5m tall and are shown on the survey as growing beneath the canopies of two larger adjacent trees. They are described as showing signs of decline, with minor deadwood and dieback, and with dense ivy on the stems and into the crown. In the context of the wider group of trees of which they are part, I do not think their loss will be significant to the character of the area.

The linear group of trees (G3) presents itself as a large, deep hedgerow, contributing to the "country lane" character of this part of Joss Gap Road, but with much of the visual impression provided by ivy, shrub and undergrowth. The construction of the proposed footpath is likely to have a significant impact on this feature, but the individual trees within it are not large or of great quality.

The removal of lower branches (to provide clearance over the proposed footpath) and reduction of branch spread (to provide clearance either side of the footpath and improve highway visibility) is proposed to a further three semi-mature Holm Oak trees (T's 4, 7 & 9) and additional trees in the linear group (G3). This work is not likely to have a significant impact on the trees or the character of the area.

Footpath construction works are proposed within the root protection areas (rpa) of two semi-mature Holm Oak trees (T's 4 & 7). The Arboricultural Method Statement states that permanent ground protection measures will be installed where works conflict with the rpa's, but provides no details. It is likely that work will also take place within the rpa's of trees retained within G3. However, given the relatively poor condition of many of the trees in this group, it is likely that concentrating on new and replacement planting will be of more significance in restoring the character of the area in the medium to long term.

Replacement and additional planting is proposed either side of the proposed new path. The Planting Plan suggests that there will be additional, selected removal of trees and shrubs

that are in poor condition or of poor value for wildlife. Although this a rather vague description, and could lead to visually significant removal of plants, in principle it represents good management and is probably necessary to provide light and space for the establishment of new planting. The proposed species list provides a reasonable range of species appropriate to the location.

In summary, the proposed works will result in the loss of a number of trees that will have some immediate impact on the character of the area. However I understand the principle of the new footpath has already been agreed, and will provide safety and other benefits for pedestrians, cyclists and road users. The impact on existing trees should not be considered a constraint to the proposal.

TDC Conservation Officer - No objections

COMMENTS

This application is brought before memes as part of the site is on land owned by Thanet District Council.

Principle

The site is located within the open countryside and a green wedge as defined by policies SP24 and SP25 of the Thanet Local Plan. Policy BSP1 of the Broadstairs and St Peter's Neighbourhood Plan also defines the area as a green wedge.

Policy SP24 states: "Development on non-allocated sites in the countryside will be permitted for either:

- 1) the growth and expansion of an existing rural business;
- 2) the development and diversification of agricultural and other land based rural businesses;
- 3) rural tourism and leisure development;
- 4) the retention and/or development of accessible local services and community facilities; or
- 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings.

All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated."

Policy SP25 states: "Within the Green Wedges new development (including changes of use) will only be permitted if it can be demonstrated that the development is

- 1) 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). Thanet Local Plan Adopted July 2020 64

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.

Or is

2) essential to be located within the Green Wedges.

Open sports and recreational uses will be permitted subject to there being no overriding conflict with other policies, the wider objectives of this plan and the stated aims of this policy. If granted, any associated built development must be kept to a minimum, essential, small in scale and be necessary to support the open use. It should also be well related to adjacent urban edge and sensitively located to retain openness of the area.

Proposals for policy compliant development that include measures that will create or enhance wildlife habitats and biodiversity within the Green Wedges, or will improve the quality of the Green Wedges by providing high quality public amenity space will be supported.

Policy BSP1 states that: "Within the defined Green Wedge areas, priority will be given to protecting the countryside from built development and ensuring that the physical separation and coalescence of the Thanet Towns is avoided.

Any proposed new development, including change of use of land and buildings in the the 'Green Wedge' areas, will not be supported, except for:

- a) open sports facilities and recreational uses, with any related built development being kept to the absolute minimum necessary and will be sensitively located.
- b) agricultural uses

The proposed footpath connection is considered to be a recreation and leisure use and could not be reasonably located elsewhere. It is therefore considered that the principle of development would comply with these policies.

Character and Appearance

The NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and appropriate landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; and provide a high standard of amenity for existing and future users (Paragraph 130).

As noted above the site is located within the open countryside and a green wedge. The site is also located within the St Peter's Undulating Farmland Landscape Character Area as defined by policy SP26 of the Thanet Local Plan and the northern part of the site is located within Kingsgate Conservation Area.

The site is located within the Kingsgate Conservation Area and therefore the Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas)

Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' The NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." (Paragraph 199)

Policy HE02 of the Thanet Local Plan requires that appropriate materials and detailing are proposed and that developments would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

Policy QD02 of the Thanet Local Plan provides general principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. In this regard development must relate to the surrounding development, form and layout and strengthen links to the adjacent areas.

Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design.

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines. Proposals which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported.

The site falls within the St Peters Undulating Chalk Farmland Landscape Character areas as defined by policy SP26 of the Thanet Local Plan. Within these areas development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas. All development should seek to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea, and proposals should demonstrate how the development will take advantage of and engage with these views.

A site clearance plan has been submitted identifying the areas of existing soft landscaping to be removed to facilitate the construction of the footpath. With regard to the soft landscaping on the site the surrounding conservation area means that only trees with a diameter over 75mm are protected. All other trees and planting can be removed without consent of the local planning authority. Two individual trees (T5 and 6) and part of a group of trees (Group 3) are proposed to be removed as part of this development. Works are also proposed to a number of other trees around the site to provide clearance for the footpath.

The Council's Arboricultural consultant has reviewed the application and considers that collectively the trees on the site have moderate to high amenity value, however individually they could be considered to have low amenity value. With regard to T5 and T6 these appear

to be growing underneath the canopies of larger adjacent trees and show signs of decline with minor deadwood and dieback, and with dense ivy on the stems and into the crown. Group 3 has the appearance of a large hedgerow, however much of this appearance appears to be made up from ivy, shrub and undergrowth and the individual trees are not large or of great quality. He also considers that the proposed planting represents a reasonable range of species appropriate to the location.

A 2m high timber fence would extend along the southern side of the footpath where it crosses the golf course and black metal railing would extend along the southern side of the northern section of the path where it passes opposite Kingsgate Castle. Planting is proposed on both sides of the footpath with a minimum of 0.5m between the path and Joss Gap Road and approximately 1m between the path and the fence and railings. The updated plans and statement have confirmed that the proposed path would be constructed from an unbound surface with a fine limestone compacted surface. Some modest alterations to the land levels may be required to create a level surface along the path, however these would follow the slope of the road and are not considered to significantly alter the levels in the area.

The removal of the existing planting and trees would alter the character of the area, however much of the existing planting could be removed without permission and the trees that are proposed for removal are considered to individually provide a limited contribution to the amenity of the area. The proposed footpath and boundary treatments are considered to be of suitable materials for the area and extensive planting is proposed around the footpath to avoid them appearing obtrusive or out of character within the Conservation area.

A footpath is considered to be an appropriate form of development for the countryside and green wedge location of the site and is considered to provide some modest recreational benefits.

Therefore whilst the design and materials of the physical development is not considered to harm the character of the area, this proposal is considered to result in some limited harm to the amenity of the area through the loss of some of the existing landscaping present and physical incursion into the countryside. This harm would be weighed against the benefits of providing a footpath in this location.

Living Conditions

The proposed footpath and fencing would be located on the south western side of the Joss Gap Road. The closest residential properties are located on the north eastern side of the road, directly opposite the site. Given the height and location of the proposed fence and footpath and its function, this development is not considered to result in any significant harm to the living amenity of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Biodiversity

The site falls within the Golf Course Roughs Locally Designated Wildlife Site as defined by policy GI02 of the Thanet Local Plan. This policy states "Development which would have a detrimental impact on locally designated wildlife sites will not be permitted unless suitable

mitigation can be provided either on or off site within Thanet. Exceptionally, where a strategic need for a proposed development is identified which outweighs the importance of the locally designated sites and cannot be located elsewhere, an equivalent area of habitat will be created elsewhere at a suitable location well related to other existing habitats.

Wherever possible and appropriate, new developments will provide a net environmental gain in accordance with Policy SP30, and include measures to enhance and improve wildlife connectivity to designated wildlife sites."

This proposal would result in the direct loss of woodland and hedgerow to create the footpath and to compensate for the loss of habitat hedgerow and planting is proposed on either side of the footpath and fence. KCC Biodiversity have reviewed the application and consider that given the small area of woodland that would be lost to create the footpath, the proposed planting is sufficient mitigation.

The submitted information has detailed that suitable habitat is present for reptiles, terrestrial animals, nesting birds and roosting bats. With the exception of roosting bats a precautionary approach has been recommended to avoid impacts on protected species. KCC Biodiversity have recommended that a pre-commencement bat survey is completed prior to any tree pruning works commencing to establish if a precautionary approach or an emergence survey is required. This survey would be conditioned and submitted to the Council prior to the tree pruning works being carried out.

The application would also be conditioned so that the development to be completed in accordance with the precautionary approach detailed within the Preliminary Ecological Appraisal.

The impacts of the development and the suitability of the proposed mitigation upon biodiversity in the area would therefore need to be weighed against the benefits of the proposed development.

Transportation

The proposed footpath would run alongside Joss Gap Road and provide a link between the existing footpaths to the north and south of the site. This development would remove pedestrian traffic from the highway and is therefore considered to represent a notable improvement in highway safety.

KCC Highways raised no objection to the proposed development and the amended plan has retained the staggered barrier at the existing northern entrance to the highway.

The submitted statement indicates that the inclusion of a cycle path was considered in this area, however due to the constraints of the site it was not possible to achieve a suitable width for both pedestrian and cycle users.

Concerns have also been raised regarding this proposal resulting in increased traffic and encouraging inappropriate parking in the area. Whilst it does appear that inappropriate parking does occur, the roads surrounding the site are subject to on street controls and the

addition of a footpath connecting the existing footpaths is not considered to result in a significant increase in demand for on street parking in the area or traffic in the area.

It has been suggested that additional bollards are installed along Joss Gap Road, however no bollards are proposed as part of this application and KCC Highways have not requested the installation of bollards and have raised no objections on highways grounds. It is therefore considered that bollards are not required to mitigate the impact of this development.

Concern has been raised regarding the speed limit on Joss Gap Road. Speed limits cannot be controlled through planning applications and this development would remove pedestrian traffic from this section of the highway.

In light of the above it is considered that the proposed development would represent an improvement in highway safety and connectivity in the area through the provision of an additional footpath.

Other Matters

Policy BSP14 of the Broadstairs and St Peter's Neighbourhood Plan restricts the loss of existing leisure and tourism assets. The existing golf course would be considered a leisure and tourism asset, however so would the proposed footpath. This development would remove a small section of the golf course and is not considered to result in any significant harm to its function or appeal. It is therefore considered that this proposal would comply with the aims and objectives of this policy.

Concern has been raised regarding the potential for graffiti on the proposed fence. Graffiti could constitute criminal damage and would be a matter for the police. Maintenance of the fence would be the responsibility of the owner. The proposed fence and footpath use is not considered to result in any significant increase in potential for anti-social behaviour or crime and the potential for graffiti is not considered to result in significant harm to the living amenity of the neighbouring property occupiers.

Impact of a development upon property values is not a material planning consideration.

The requirement of the lack of consultations on other applications completed by other parties is not a material consideration for this application.

The proposed use as a footpath is not considered to result in a significant increase in pollution.

Concern has been raised regarding the cost of the proposed development. The cost of a development is not a material planning consideration and therefore cannot be considered in the determination of this application.

Damage to neighbouring properties either during construction or as a result of this development would be a civil matter and cannot be considered as part of this application.

Concern has been raised regarding the loss of the bench on the corner of Joss Gap Road and Convent Road. The updated plan confirms that this bench would be retained.

Submitted comments have indicated that weight should be given to the draft updated Broadstairs and St Peter's Neighbourhood Plan Policies. The initial consultation on the revised Broadstairs and St Peter's Neighbourhood Plan ended on the 6th June 2022 and Thanet District Council objected to the amendment to policy BSP3 on the following grounds; "The Council objects to this policy. Application for works to protected trees do not fall to be considered under the Council's Development Plan, therefore Policies BSP3b, BSP3c, BSP3d, BSP3e cannot be applied in the determination of application made under the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Therefore these policies would have no weight in the determination of the applications they are designed to address. The previous wording of the policy is sound (in conjunction with Local Plan Policies GI06 and QD02), as it relates to the consideration of trees within planning applications.

Neighbourhood Plan policies should not include procedural matters, and cannot commit the local planning authority to a particular process for determining applications, either for development or works to protected trees." Furthermore given that this is the initial consultation on the revised neighbourhood plan, it is considered that these policies can only be given limited weight at this stage.

Following the submission of additional information Southern Water are satisfied that the sewer running across the site would be adequately protected.

Comments have suggested that an unmade path is provided instead of the proposed footpath, however the Council must consider the acceptability of the development that has been proposed as part of this application.

Concern has been raised regarding the potential removal of the existing posts on the area of land between Joss Gap Road and Convent Road. Whilst these features are not noted on the submitted plans these items have been installed by a private land owner and their consent would be required for their removal.

Conclusion

The proposed development would result in the direct loss of woodland/hedgerow to create the footpath, however on the submission of additional information it is considered that sufficient mitigation is provided to compensate for the loss of this habitat. The section of road where this proposal would be located is narrow and no footpath is currently present. This development would allow pedestrians to move between Kingsgate Bay and Joss Bay without walking along the highway. Whilst this is not a major pedestrian route due to the location of the site, it can be busy during summer months. This proposal is therefore considered to result in an improvement in highway safety. Furthermore this route is part of the new National Walking Trail, the English Coastal Path, which seeks to provide a walking route around the English coast and is supported by Natural England and the Secretary of State. Subject to the agreed mitigation, the benefits to highway safety and facilitating wider coastal access as part of the National Walking Trail, are considered to outweigh the harm to biodiversity and the amenity of the area.

It is therefore recommended that members approve the application.

Case Officer

Duncan Fitt

TITLE:

F/TH/22/0494

Project

Joss Gap Road BROADSTAIRS Kent

