

A01

OL/TH/22/1586

PROPOSAL: Outline application for the erection of up to 9No dwellings including access

LOCATION: Land Between 310 And 316 Canterbury Road Birchington Kent

WARD: Birchington South

AGENT: Mr Robert Stevenson

APPLICANT: Venerable Stephen Taylor

RECOMMENDATION: Approve

Subject to the following conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected, the means of access to the site 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 To assess and mitigate the impacts of development on significant archaeological remains:

A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

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

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

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

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

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

GROUND:

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

6 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, 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, and to ensure the development is served by satisfactory arrangements for the disposal of surface water ,in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the NPPF.

7 Details to be provided in pursuant of condition 1 above shall include the retention of the public right of way through the site (TM32), with upgrade works that include the widening of the public right of way to 3m, and its resurfacing with a hoggin surface.

GROUND:

In the interests of pedestrian movement, in accordance with Policy TP02 of the Thanet Local Plan.

8 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.

9 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.

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

GROUND

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

11 Prior to the first occupation of the development hereby approved visibility splays of 2.4m x 43m shall be provided to the access on to Canterbury Road as shown on the approved plan no A1625-09 Rev P4 with no obstructions over 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.

12 Details to be submitted in pursuant of Condition 1 above shall include details of the electric vehicle charging points to be provided within the development, including their location and design. 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.

GROUND

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

13 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.

14 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.

15 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.

16 The details to be submitted in pursuant of condition 1 above for landscaping shall include the retention of existing hedge planted boundaries, the provision of new hedge and tree planting, and the provision of ecological enhancements within the site.

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

17 The details to be submitted in pursuant of condition 1 above for scale shall show no development exceeding 2-storeys in height to eaves level.

GROUND:

To limit the impact upon the character and appearance of the area and neighbouring amenity, in accordance with Policies QD02 and QD03 of the Thanet Local Plan.

INFORMATIVES

Thanet District Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

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

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

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

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

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

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

SITE, LOCATION AND DESCRIPTION

The site is located to the north of Canterbury Road, and is currently an agricultural field. The site forms a gap in the streetscene, with 2-storey semi-detached houses to the west of the site, and a mix of bungalows and 2-storey terraced, semi-detached and detached dwellings to the east of the site. Mill Row extends up to the site boundary, and a public right of way continues from Mill Row across the site into the adjoining field to the west.

The site lies within the identified urban confines of the district.

RELEVANT PLANNING HISTORY

No relevant planning history for site

Pending application for adjacent site on fields to the west and north - OL/TH/20/1755
'Outline planning application, with all matters reserved except for access, for a mixed-use urban extension comprising: up to 1,650 residential units (use class C3); residential care home (use class C2); two form entry primary school (use class F1); land for the expansion of the existing Birchington medical centre; mixed use centre (use class E, F1 and F2); and associated infrastructure including provision of a new strategic link road between Minnis Road and Manston Road, alterations to existing junctions and new access arrangements from Minnis Road, Park Lane, Canterbury Road and Manston Road/Acol Hill, a new recreational and leisure shared-use link between Minnis Road and Park Lane, green infrastructure including public open space and associated facilities, landscaping, formal and informal play areas, utilities (including drainage) and associated ancillary works and structures'.

PROPOSED DEVELOPMENT

The application is in outline form for up to 9no. dwellings, on 0.35ha of land. The application is considering the access into the site, which is in the form of a single vehicular access point from Canterbury Road. The retention of the public right of way access through the site is also a consideration. All other aspects of the development, including the appearance and layout of the units, their scale, and the proposed landscaping within the site, are reserved for future consideration in a separate reserved matters application.

An illustrative layout plan has been submitted showing the potential location of the units, along with an illustrative street elevation plan showing the potential scale and design of the road frontage units.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP22 - Type and Size of Dwellings
SP26 - Landscape Character Areas
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
E16 - Best and Most Versatile Agricultural Land
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
HE03 - Heritage Assets
CC02 - Surface Water Management
CC04 - Renewable Energy
CC05 - District Heating
SE04 - Groundwater Protection
SE05 - Air Quality
SE06 - Noise Pollution
SE08 - Light Pollution
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

- Will appear overcrowded on the site,
- Increased traffic,
- Will cross over the existing public right of way,
- Impact on doctors surgery and dentists from additional occupants,,
- Water and sewerage problem in the area,
- Local primary school is oversubscribed,
- Density is too high,
- Poor air quality area,
- Housing development should focus on brownfield sites in the district,
- Existing road network can't cope with additional houses,
- This area was originally set aside as open park land,
- Site is identified on the government's flood risk website as being at risk of surface water flooding, proposal will therefore increase surface water flooding,
- Some of the dwellings should be identified as affordable units,
- Proposed dwellings should be carbon neutral,
- The site contains bird and bat roosting habitat,
- Impact upon archaeology without an archaeology survey,
- Proposed dwellings will be out of character with local historic buildings,
- Impact on highway safety given proximity of proposed access to neighbouring accesses,
- Proposed dwellings are not part of the local plan allocations,
- Road not wide enough for emergency vehicles,
- No pedestrian crossing,
- Site should be incorporated into the wider strategic site allocation,
- Loss of light and overshadowing,
- Overlooking and loss of privacy,
- Noise and disturbance,
- Doesn't meet the housing mix set out within the local plan,
- Will impact on the character of the village,
- Application will overlap boundaries of neighbouring property,
- Lack of parking and inadequate turning within site.

Birchington Parish Council - Birchington Parish Council objects to this outline application on the following grounds:

1. Highway grounds - the creation of a new access on to the A28 Canterbury Road is unacceptable as it would create additional congestion and potential accidents at this point. The potential use of Mill Row is not feasible nor acceptable as it would potentially have an adverse impact on residents of this small, historic settlement as well as users of the footpath leading from Mill Row westwards.

The plan accompanying the application and associated narrative proposes using Mill Row as a "secondary" or emergency access point. The plan shows Mill Row as being the same width along its length but in reality, at its western boundary adjoining Mill House as it leads on to the public footpath, the road is only 2 m wide. An ambulance or fire engine would not fit the road at this point. Mill Row itself is a narrow lane totally unsuitable for use as an emergency access point.

2. The application should relate - and be integrated into - the comprehensive masterplan and parameter plans for strategic site SP16 so that future access can be created from within SP16 and not from Canterbury Road. Similarly, the design of the proposed housing would be integrated into the wider development

CONSULTATIONS

KCC Highways and Transportation -

(Final Comment)

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Plans have now been submitted for the PROW TM32 which address my concerns. I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.

(Interim Comment)

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

This is an outline application to consider access only. All other matters, including the site internal layout, would be dealt with as part of a Reserved Matters application, should the LPA be minded to approve this application.

Further to my previous comments, the applicant has submitted revised plans. Having reviewed these I have the following comments to make.

1. The applicant has taken on board my comments regarding the position of the access in relation to Quex View Road opposite.
2. Plans demonstrating visibility splays have been submitted and these are acceptable.
3. Further plans demonstrating tracking are required. These need to demonstrate a 13m long refuse vehicle entering and exiting from Canterbury Road, from both directions. In addition, full tracking should be shown for the length of the road, I have concerns that if a vehicle was parked in the visitor parking bay opposite Plot 3, this would obstruct the refuse vehicle. I also note that from the tracking that has been shown on the site plan that there is considerable vehicle body over run of Plot 7, which is not acceptable. Further tracking

should differentiate the wheel and vehicle body tracking (using different colours) so this can be fully assessed.

4. No commentary has been provided on how the PROW TN32 would be protected. I would recommend bollards (both to slow cycle traffic down and discourage parking across the PROW) and a raised table at that point to give a sense of priority to the PROW traffic over cars. This aspect does require detailing at this stage, as I consider it part of the access to the site.

5. The parking spaces for Plot 5 are too close to the PROW - at least one of the vehicles would be required to reverse over the PROW to exit from the allocated space, which is not acceptable and presents a safety hazard.

I would be grateful therefore, if you would forward any amended plans or additional information to me for my further consideration.

(Initial Comment)

This is an outline application to consider access only. All other matters, including the site internal layout, would be dealt with as part of a Reserved Matters application, should the LPA be minded to approve this application.

A new access is proposed to serve the development from the A28 Canterbury Road. Quex View Road is located on the opposite side of the A28, to the northeast of the proposed new access.

The A28 would be classed as a local distributor road, and as such the Kent Design Guide recommends a minimum junction spacing distance of 30m for left/right turns (when measured from centre line to centre line of each access). The proposed position of the new access would only provide a distance of approximately 23m. This needs to be reviewed.

No plans have been submitted demonstrating visibility splays for this new access. Based on the 30mph speed limit at this location, visibility splays of 2.4m x 43m are required in both directions, drawn to the nearside carriageway edge. There must be no obstruction over 0.6m within the length of these splays, and they must only cross land that falls under the control of the applicant or the Highway Authority. This may require the submission of plans demonstrating the extent of the highway boundary. These can be obtained from the Highway Definition team here at Kent County Council.

Tactile paving would be required on both sides of the proposed bell mouth entrance. I do have concerns that pedestrian visibility would be obstructed on the southwestern side of the entrance (outside proposed plot 2) due to the kerbing being set back slightly, and proposed planting that will take place along the front boundary to Plot 2. This would need to be reviewed.

Plans demonstrating the swept path for a 13m long refuse vehicle should be submitted, which shows this size vehicle entering and exiting the proposed site from Canterbury Road. Road widths should also be detailed on submitted plans for clarity.

Whilst this is an outline application for access only, I would like to advise the applicant on the following with regards to any proposed internal layout:

1. There is no mention of Public Right of Way TM32 which crosses the site. I note that the PROW team have already provided comments on this, but I would add that it would not be acceptable for any proposed plots to have direct access from this PROW. In addition careful consideration would need to be given to the need for any vehicles to traverse this PROW to access plots beyond this, which include a refuse vehicle. This PROW also links into plans put forward under planning application OL/TH/20/1755, which the applicant would need to take into consideration.
2. No secondary vehicle access from Mill Row would be acceptable, or required.
3. Suitable turning provision within the site would be required for a 13m long refused vehicle.
4. I do have concerns with the proposed location of parking for Plot 2 being so close to the main entrance for this proposed site. In addition visibility for drivers when exiting could potentially be obscured by any proposed planting here (drivers would need to have visibility onto Canterbury Road).
5. Two visitor parking bays would be required to serve the proposed 9 dwellings.
6. Parking allocation should follow Policy TP06 of Thanet District Councils Local Draft Plan. However I would advise the Kent County Council Vehicle Parking standards are currently being reviewed, and as part of this 4+ bedroom houses will require 3 parking spaces.
7. Electric Vehicle charging points and bicycle storage will be required for each dwelling. I would be grateful therefore, if you would forward any amended plans or additional information to me for my further consideration.

KCC PROW -

(Final Comment)

Thank you for your letter received concerning this planning application with a submission of amended plans.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way TM32. 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.

The redesign of the plots numbers five and six has considered a safer design for members of the public using public footpath TM32. The proposed site plan - 1075985 indicates there will be a table crossing where the road crosses TM32, I would ask if this can be made a condition.

In my previous response 21 December 2022 I raised the question as for the future plans for the footpath in conjunction with the application OL/TH/20/1755 where we have requested an

upgrade from footpath to bridleway for shared pedestrian cycle use, requiring a width of 3m plus. Has the application been addressed to provide the 3m width? We would be looking for the developer to upgrade the surface through the site to incorporate a hoggin surface with wooden edge. Taken off the measurement for the road the remaining footpath length will be approx. 25m, I would estimate the cost of the surface approx. 4k

General Informatives:-

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
 2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:
 3. There should be no Closeboard Fencing or similar structure over 1.2 metres erected adjacent to a highway used by vehicles (including bicycles) or in any circumstance which will block out the views:
 4. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.
- Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

(Initial Comment)

Thank you for your letter received concerning this planning application. The proposed development directly affects Public Right of Way TM32, the location of which is indicated 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.

The application makes no reference to Public Right of Way TM32, which is directly affected by the proposals. As the application is currently presented, I must object to it for the above reason. I would ask that the applicant submit an amended application reflecting the existence of the right of way and indicating how it will be dealt with.

My concerns would be for vehicles traversing the public right of way to gain access to parking for the units 5,7 and 8. It would also be necessary to know what future plans are for the footpath in conjunction with the application OL/TH/20/1755 where we have requested an upgrade from footpath to bridleway for shared pedestrian cycle use, requiring a width of 3m plus. How will the surfacing tie in with the mentioned adjacent application?

General Informatives:-

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:

3. There should be no Closeboard Fencing or similar structure over 1.2 metres erected adjacent to a highway used by vehicles (including bicycles) or in any circumstance which will block out the views:
4. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

With this application I also include a georeferenced plan of the site on the working copy scaled map at 1:1,250 Produced by the KCC Public Rights of Way and Access Service. Please note: this map extract is not a legal record of the alignment or existence of a public right of way.

KCC Biodiversity -

(Final Comments)

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that we are satisfied that no ecological survey is required.

We have taken this view due as the site is currently an actively managed arable field. In addition a whole suite of ecological surveys were carried out as part of application OL/TH/20/1755 and the surveys highlighted the presence of foraging/commuting bats and breeding birds within the site boundary.

The site plans demonstrate that the site boundaries will largely be maintained and there are opportunities for hedgerows boundaries to be created throughout the site in addition to the inclusion of enhancement features within the buildings and boundaries. We advise that if planning permission is granted a condition requiring details of ecological enhancements must be submitted as a condition of planning permission this advice is in line with the NERC Act (2006) and the NPPF ("2021) which details that biodiversity should be maintained and enhanced through the planning system.

We suggest the following wording:

Lighting

To mitigate against potential adverse effects on biodiversity, and in accordance with the National Planning Policy Framework 2021, the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (or subsequent updates) should be consulted in the lighting design of the development.

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows

. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities Act 2006 and through the National Planning Policy Framework 2021.

We advise that the incorporation of sensitive lighting plan to minimise impacts from external lighting is submitted to the local planning authority if planning permission is granted. We recommend that the lighting condition includes the following requirements:

- o Plan showing the locations and types of lighting
- o Light spill plan
- o Details of lighting on motion sensors or details of phase dimming.
- o Lighting follows the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (or subsequent updates)

Designated Sites

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

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

(Initial Comment)

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in ecological impacts.

We have taken this view due as the site is currently an actively managed arable field. In addition a whole suite of ecological surveys were carried out as part of application OL/TH/20/1755 and the surveys highlighted the presence of foraging/commuting bats and breeding birds within the site boundary.

The site plans demonstrate that the site boundaries will be maintained and there are opportunities for hedgerows boundaries to be created throughout the site in addition to the inclusion of enhancement features within the buildings and boundaries. We advise that if planning permission a condition requiring details of ecological enhancements must be

submitted as a condition of planning permission this advise is inline with the NERC Act (2006) and the NPPF ("2021) which details that biodiversity should be maintained and enhanced through the planning system.

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

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

This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

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 Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

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.

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 the Design and Construction Guidance 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.

KCC Archaeology - Thanet is rich in archaeological remains, it's location at the gateway for the movement of peoples to and from the continental mainland has left rich, complex and

often unique evidence of our past from prehistoric times to the present. Extensive buried archaeological landscapes can be seen in the fields of Thanet from the evidence of aerial photography and significant archaeological remains are regularly being encountered during investigations across the Isle.

The proposed development site lies in an area south of Birchington which has been the subject of recent assessment and investigations in connection with a proposed strategic development site. The works have included examination of the extensive cropmark evidence in the area, the undertaking of an extensive geophysical survey and the excavation of a number of specifically targeted trial trenches to determine the impact on archaeology in this area. Multi-period archaeological remains have been revealed throughout this landscape and provision is being made for preservation of the most significant remains identified and further evaluation and investigation elsewhere.

The proposed development site was initially the subject of a geophysical survey carried out by SUMO Survey for Cotswold Archaeology in 2017. The area of the site was affected by ferrous / magnetic disturbance possibly due to the former allotment use of the area. Importantly however a large prehistoric monument, a double ditched circle was identified just to the south of the proposed development (see '2' on the extract from the Sumo report below. This monument and its surroundings have been identified in the proposed strategic development site as an area for archaeological preservation. The present site does not fall into the exclusion area but does fall immediately to the north of it.

The investigation of features further south has identified the remnants of a later prehistoric landscape. A Bronze Age funerary landscape occupies the ridge on the northern side of the Brooksend valley and is Scheduled in two places though extends much wider than the designation. Notably a number of medieval settlements flanking routes across the site have also been identified and could extend in the direction of the present site.

Potential Impact

The development is located in an area that has previously been either open fields or an area of allotments as shown on the historic mapping. Archaeological remains could lie buried within the site, mostly at shallow depth and could potentially be affected by development ground works throughout the site. Given the location of the housing on the fringe of the existing housing there is unlikely to be an impact on the setting of the Scheduled Monuments.

The development will not directly impact on the monument that has been identified for preservation in the proposed wider development site though the extension of housing into the area would bring the built development closer into its setting although no more than the present properties on Canterbury Road

Recommendation

Given the above I do not raise an objection to the proposed development but recommend that provision is made in any forthcoming consent for further archaeological evaluation to be followed by mitigation and / or further investigation as appropriate. The evaluation should

preferably be undertaken before the submission of a reserved matters application so that any adjustments required for archaeology can be suitably accommodated.

Natural England - Designated sites (European) - No objection subject to securing appropriate mitigation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI. Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

If the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant, it is your responsibility (as the competent authority) to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

COMMENTS

The application has been called to the planning committee by Cllr Phil Fellows and Cllr Mike Garner, on the grounds of unnecessary loss of agricultural land, impact upon biodiversity, and impact on infrastructure within the wider area (roads, schools, health service etc).

Principle

The Council is currently unable to demonstrate a 5 year supply of housing in accordance with the requirements of the National Planning Policy. This means that the Council's policy SP01, which focuses housing development within the urban area rather than the identified countryside, is not up-to-date with the tilted balance set out in paragraph 11 of the National Planning Policy Framework (NPPF) applying. Paragraph 11 states that planning permission should therefore be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused."

The site lies within the urban confines, but is undeveloped land that is currently in agricultural use. Policy HO1 of the Thanet Local Plan states that 'permission for new housing development will be granted on non-allocated sites within the confines of the urban area, subject to meeting other relevant Local Plan policies'. Furthermore, Policy SP01 states that the 'primary focus for new housing development in Thanet is in the urban area'.

The principle of developing the site for housing therefore fully accords with Policies SP01 and HO1 of the Thanet Local Plan, with significant benefits accruing from providing 9 new dwellings with a demonstrated housing need in the district. Therefore the principle of development is acceptable subject to all other relevant material planning considerations.

Loss of Agricultural Land

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

The site currently forms part of a larger agricultural holding, however, the adjacent agricultural land is allocated as a strategic housing site, with an application for housing development and associated infrastructure currently pending. If approved, and development were to commence, then this piece of agricultural land is unlikely to be viable for continued agricultural use due to its limited size and restricted access for agricultural vehicles.

Given the future intention for the surrounding site within the Thanet Local Plan, along with the modest and restricted size and shape of the application site, its loss as best and most versatile agricultural use will result in limited harm to the supply of best and most versatile land in the district.

Character and Appearance

Impact on Landscape Character Area

Policy SP26 of the Thanet Local Plan states that the Council will identify and support opportunities to conserve and enhance Thanet's landscape character and local distinctiveness. Development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness, in particular:

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

The site lies within the Central Thanet Undulating Chalk Farmland Character Area. Key characteristics include gently undulating, agricultural landscape; large, intensively farmed fields of arable and horticultural crops regular in shape with few defining boundary features resulting in a large scale pattern and very open landscape; stark exposed residential urban edges about the farmland forming very visible urban boundaries, with fingers of farmland often penetrating the urban area and providing glimpses to the sea beyond.

The site forms part of an open landscape, with views possible through the site towards the sea. Whilst the development of the site will block these views, the surrounding land to the west and north forms part of the strategic Birchington housing allocation site, and therefore if approved, development will take place to the north and west, beyond the application site, which will obscure views of the sea, and result in the loss of the open landscape. Whilst the planning application for the adjacent site is yet to be determined, its allocation within the adopted local plan is a material consideration that indicates the Council's expectation of development on the site, and therefore the visual impact needs to be considered with weight having been applied to the surrounding allocation and the visual consequences of this.

Guidelines for the development of sites within the Character Area include considering opportunities for hedgerow to soften the urban edges, and considering opportunities to enhance green infrastructure connections with footpaths linking the farmland to the urban and coastal landscapes to the north. Landscaping is not being considered as part of this application, however, it is reasonable to impose a condition on any permission that requires boundary hedgerow planting, and planting adjacent to part of the bridleway through the site, to form part of a reserved matters submission.

Subject to this safeguarding condition for landscaping, the impact upon the Landscape Character Area is considered to be acceptable, and in accordance with Policy SP26 of the Thanet Local Plan.

Illustrative Plans

An illustrative layout plan has been submitted with the application that shows how the 9no. units could be provided within the site. The plan, as amended, shows the provision of two units fronting onto Canterbury Road, one either side of the vehicular access, and the remaining seven units to the rear, fronting onto the internal access road. The units fronting Canterbury Road would appear in keeping with the pattern of development within Canterbury Road, with the proposed dwellings able to follow the building lines of the existing properties, and be of similar sized plots. In terms of the scale of development, there is an existing detached bungalow to one side of the site and a 2-storey semi-detached dwelling to the other side. The application site could therefore potentially accommodate 2-storey development, as this would appear in keeping with the character of surrounding development on Canterbury Road and Mill Row. An illustrative site section plan has been submitted showing that the intention would be the provision of two detached 2-storey dwellings fronting Canterbury Road. Given the restricted footprint of the units shown, the section plan shows that the ridge height of the units could be positioned between the ridge height of the two neighbouring units, providing an appropriate transition between the different scale units. The detached nature of the proposed units would appear in keeping with the character of development within the road that contains a mix of unit types, including a number of detached units.

To the rear the proposed development would be viewed in the context of existing development within Mill Row. Mill Row contains a mix of development, including 2-storey terraced dwellings that front straight onto the road, and 2-storey terraced and semi-detached dwellings that are setback from the road. A small cluster of units are located at the end of Mill Row, that back onto the application site. These are part single storey, part 2-storey, and include terraced and detached units. The proposed illustrative layout shows a staggered building line through the site, with all of the units detached, and potentially 2-storey. The units either side of the bridleway would front onto the bridleway similarly to the units within Mill Row. The plot size, unit type, and general form of development will appear in keeping with the mixed character present within Mill Row, and therefore if this layout were submitted with a reserved matters application, it could be considered acceptable and in keeping with the character and appearance of the area.

The illustrative layout and scale of the development is considered to be acceptable, and proves that nine units could be accommodated on the site without significantly detracting from the character and appearance of the area. The outline proposal is therefore considered to comply with Policy QD02 of the Thanet Local Plan in density and form, with matters of appearance, scale, layout to be considered at the reserved matters stage.

Living Conditions

Neighbouring occupiers

The application is in outline form, with the layout, scale and appearance of units only illustrative at this stage. An illustrative layout plan has been submitted showing how the 9no. units could be accommodated on the site, without causing unacceptable harm to neighbouring amenity.

Units 1 and 2 front Canterbury Road, and roughly follow the front and rear boundary lines of nos. 310 and 316 Canterbury Road. No.316 contains side facing windows, but a gap of 10m exists between the side elevation of no.316 and the application site boundary, so given this distance the light to and outlook from these windows would not be significantly affected by the development of the site.

No.310 is a bungalow, with a side lean-to that extends up to the side boundary with the application site. The lean-to contains obscure glazed windows. The illustrative plan currently shows a gap of 1.3m between the proposed side elevation of unit 2 and the side elevation of the lean-to, and a gap of 3.75m to the main dwelling. Given the use of obscure glazing within the side lean-to, outlook is unlikely to be affected; however there may be some impact on light at this distance. There is scope within the illustrative layout for proposed unit 2 to be moved further from the neighbouring boundary, and further reduce the impact upon this property if this were felt necessary within a future reserved matters application. The impact upon the properties fronting Canterbury Road is therefore considered to be acceptable at this stage.

Other properties that could be affected are those in Mill Row. Mill House, Mill Cottage and Mill Lodge are located on land adjacent to the rear of the application site, with their rear elevations and rear gardens backing onto the application site. There is a distance of approximately 6m between the rear elevation of Mill Lodge and Mill Cottage and the boundary of the site, and only a few metres to Mill House. The illustrative plan suggests that dwellings would be located on the south-western side of the site, with vehicular access adjacent to the north eastern site boundary, which forms the rear boundary to these three units. The illustrative plan suggests a distance of approximately 9m between the front elevation of the proposed dwellings, and the site boundary, resulting in an overall distance of approximately 15m to Mill Lodge and Mill Cottage. The nearest property to Mill House on the illustrative plan is 12m from the boundary, resulting in an overall distance of approximately 14m to the rear elevation of Mill House. These distances are considered to be acceptable to limit any significant harm on light to or outlook from these properties.

In terms of overlooking, concerns were raised with the potential for the overlooking of these neighbouring properties, and in response illustrative ground and first floor plans have been submitted showing the potential layout of these units, and how they could be designed so as to avoid the overlooking of neighbouring occupiers. The illustrative first floor plan shows that unit 6 and 5 could be designed so that all first floor habitable room windows are located in the south west elevation that faces away from the neighbouring units.

A new dwelling has recently been constructed to the south west of Mill Haven. Proposed units 8 and 9 are the closest units to this dwelling, with a minimum distance of approximately 16m. The illustrative first floor plan again shows that the first floor of unit 8 could be designed so as to avoid the presence of habitable room windows in the north east elevation facing the recently constructed neighbouring property.

Given the distances that are achievable to the proposed units, along with the ability to design the units so as to avoid direct overlooking, the impact upon the privacy, light and outlook of the neighbouring units, either in or served by Mill Row, is considered to be acceptable in principle, subject to detail in any reserved matters submission. A condition is also applied that will limit the scale of the units to 2-storeys, in order to reduce any impact to neighbouring amenity.

The presence of a new vehicular access to the rear of the neighbouring units may result in some noise and disturbance, however, the access will serve only a limited number of units, and a future reserved matters application for layout and landscaping would consider the existing and proposed boundary treatment, and whether new boundary treatment along with a landscape buffer needs to be installed in order to reduce noise and disturbance.

There appears to be a change in ground level between the application site and the neighbouring properties, with the application site at a lower ground level than the properties in Mill Row. A condition is considered necessary to require section plans to be submitted that incorporate the existing and proposed ground levels of the development in order to assess the impact. If the land level continues to fall below that of the properties in Mill Row the impact upon amenity is likely to be lessened.

At this stage of the proposal, which is in outline form only with no details to be approved for layout, scale or design, it is considered that the illustrative plans demonstrated that the impact upon neighbouring amenity can be adequately mitigated, through both the distance to the proposed dwellings, potential reduced ground level, and design of the units to avoid direct overlooking of habitable room windows.

The impact upon neighbouring amenity is therefore considered to be acceptable, and in accordance with Policy QD03 of the Thanet local Plan.

Future Occupiers

The proposed development is in outline form and therefore the specific arrangements for each unit are unknown at this time. The illustrative layout shows that 9no. Units can comfortably fit on the site with doorstep play space. A condition is proposed requiring that all units comply with the nationally described space standards. There is space for refuse storage and clothes drying facilities within the site.

The impact upon the living conditions of future occupiers is therefore considered to be acceptable at this stage, with further consideration to be given through the reserved matters submission.

Transportation

Vehicular Access

The proposal includes the provision of a singular vehicular access into the site from Canterbury Road. KCC Highways were consulted and raised concerns with the location of

the access, as the Kent Design Guide recommends a minimum junction spacing distance of 30m for left/right turns. In the case of the proposal a distance of 30m to Quex View Road, the nearest junction, is required. Amended plans have been submitted showing the access moved south-west, away from no.310 Canterbury Road, in order to achieve this minimum junction distance requirement.

Concern was also raised that visibility splays had not been demonstrated for the new access. Visibility splays of 2.4m x 43m are required in both directions, with no obstruction over 0.6m within the length of the splays. Amended plans have been submitted showing the visibility splays, which can be achieved within land under KCC ownership. Subject to a safeguarding condition requiring the maintenance of the visibility splays, a safe access into the site is considered to be achieved.

Tracking plans have not been submitted with the application, so KCC have requested plans demonstrating a swept path for 13m long refuse vehicles. Tracking plans have been submitted to prove that a 13m long vehicle can enter and leave the site in a forward gear. It is therefore accepted that waste collection can adequately be carried out within an impact to highway safety, and that emergency vehicles can safely access the site.

Whilst the layout of the proposed development is not being considered at this stage, KCC Highways have commented upon parking numbers and locations, advising that three parking spaces are required per 4-bed (or more) unit, and that 2no. visitor parking spaces are required for the 9no. units. At this stage no 4-bed units are proposed, and therefore two parking spaces per unit would be sufficient, which is what has been shown, along with the two visitor parking spaces. Electric vehicle charging point and cycle parking are also required for each unit. KCC have further advised that vehicular access onto Mill Row from the site is not considered acceptable.

Subject to safeguarding conditions, it is not considered that the provision of nine additional units will have a significant impact upon the highway network, and a safe access into the site can be achieved, with adequate space within the site for turning. The Impact upon highway safety is therefore considered to be acceptable.

Public Right of Way

A public right of way extends through the centre of the site, connecting Mill Row to the east, with Great Brooksend Farm to the west. Kent County Council Public Rights of Way team have been consulted on the application. They originally raised concerns with the proposal as the application had made no reference to the public right of way TM32, which would be directly affected by the proposal, with vehicles shown crossing the public right of way to gain access to the parking for units 5, 7 and 8. KCC also advised that the public right of way should be upgraded to a bridleway with shared pedestrian and cycle use to a width of 3m, and that this should then tie in with a continued bridleway within the adjacent development.

The amended illustrative layout plan shows how the retention of the public right of way could be accommodated within the development, with a raised table, bollards to restrict vehicular access onto the public right of way, and upgrade works. KCC has advised, in response to the amended plans, that the redesign of plots five and six has created a safer design for

members of the public using public footpath TM32 by providing a raised table at the point where the public right of way crosses the access road; however, KCC has queried whether the public right of way has been widened and has requested a hoggin surface with a wooden edge. The applicants have confirmed their agreement to the widening and resurfacing of the public right of way, and a safeguarding condition is proposed that requires details of this to be provided as part of the reserved matters submission.

Subject to a safeguarding condition requiring the retention and upgrading of the public right of way, the impact upon pedestrian and cycle movement is considered to be acceptable, with the works proposed improving pedestrian and cycle movement through the site. The proposal is therefore considered to comply with Policies TP02 and TP03 of the Thanet Local Plan.

Size and Type of Units

Policy SP22 requires an appropriate mix of housing sizes to be provided, along with a higher ratio of houses to flats.

The application is in outline form, and therefore the mix of units is not being agreed at this stage; however, an illustrative site plan has been submitted showing the potential location of units, along with an illustrative first floor plan. The plans are based upon a mix of units consisting of 5no. 3-bed, and 4no. 2-bed units. This achieves both large and smaller family units on the site, and is in keeping with the character of the surrounding area, which consists of units of a similar size.

Given the limited size of the site, the mix of units proposed is considered to be acceptable, and in accordance with Policy SP22 of the Thanet Local Plan.

Drainage

No drainage details were originally submitted with the application. Southern Water has commented and advised that a formal application for a connection to the public sewer needs to be made by the applicant or developer, and that their initial investigations indicate that there are no public surface water sewers in the area to serve the development.

Further details have been requested from the developer to understand how they intend to drain surface water from the site. The drainage consultant has advised that the intention is to discharge of surface water at the source, either through the use of shallow infiltration structures, or deep bore soakaways. The chosen design is dependent upon further investigation into the chalk density below ground. Permeable paving along with rain gardens will be used to achieve this. Full details of the surface water drainage is required by Southern Water prior to the commencement of development.

It is intended that the foul water would discharge to the nearby public sewer network. Southern Water have not raised this as a concern, and advise that they would require a formal application to be submitted for connection to the public foul sewer.

At this stage of the application process the drainage details provided are considered to be adequate, with further details to be submitted once the layout has been finalised within a future reserved matters scheme, and through a condition submission for full details of the foul and surface water drainage.

The proposal is considered to comply with Policy CC02 of the Thanet Local Plan, which requires the provision of suitable surface water management.

Ecology

Policy SP30 of the Thanet Local Plan requires development proposals to make a positive contribution to the conservation, enhancement and management of biodiversity.

No ecological scoping survey has been submitted with the application. KCC Biodiversity have been consulted and advised that the proposed development has limited potential to result in ecological impacts, and that they have based this view upon the fact the site is currently an actively managed arable field, so there is limited potential for habitats other than within boundary hedging, which the illustrative site plan is indicating as being retained, and which a landscaping condition could secure for retention, along with new boundary hedge planting.

The provision of additional boundary planting is encouraged by KCC, along with other enhancement features, with full details to be submitted via condition. They have also recommended the inclusion of a sensitive lighting plan to minimise impacts on commuting/foraging bat routes.

Whilst the site is agricultural field not included within a housing allocation, Natural England have raised no concerns regarding the impact upon breeding birds, and have not requested the submission of any further information.

Subject to these safeguarding conditions the proposed development is considered to comply with Policy SP30 of the Thanet Local Plan.

Habitat Regulations

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 £320 per 2-bed unit, £424 per 3-bed units, and £530 per 4-bed (plus) unit. The exact unit sizes are unknown at this time, so the signed unilateral

undertaking that has been submitted states the financial cost to be paid for each unit size provided. This mitigation means that the Council has accorded with the Habitat Regulations and an appropriate assessment has been undertaken which Natural England have confirmed no objection to. The applicant has agreed to the contributions, which have been secured through the submitted legal agreement. An acceptable appropriate assessment has been carried out on this basis.

Archaeology

Policy HE01 of the Thanet Local Plan requires the identification, recording, protection and enhancement of archaeological sites, with developers required to submit information with the application to enable an assessment of the site.

No archaeological details have been submitted with the application. KCC Archaeology has been consulted and advises that Thanet is rich in archaeological remains, and that the proposed development site lies in an area south of Birchington which has been the subject of recent assessment and investigations in connection with the strategic housing allocation site. The works have included examination of the extensive cropmark evidence in the area, the undertaking of an extensive geophysical survey and the excavation of a number of specifically targeted trial trenches to determine the impact on archaeology in this area.

The proposed development site was initially the subject of a geophysical survey carried out by SUMO Survey for Cotswold Archaeology in 2017. The area of the site was affected by ferrous / magnetic disturbance possibly due to the former allotment use of the area. Importantly, however, a large prehistoric monument, a double ditched circle, was identified just to the south of the proposed development. This monument and its surroundings have been identified in the proposed strategic development site as an area for archaeological preservation. The application site does not fall into the exclusion area, but falls immediately to the north of it.

The investigation of features further south has identified the remnants of a later prehistoric landscape. A Bronze Age funerary landscape occupies the ridge on the northern side of the Brooksend valley and is scheduled in two places though extends much wider than the designation. Notably a number of medieval settlements flanking routes across the site have also been identified and could extend in the direction of the present site.

KCC advise that the development is located in an area that has previously been either open fields or an area of allotments as shown on the historic mapping. Archaeological remains could lie buried within the site, mostly at shallow depth and could potentially be affected by development ground works throughout the site. Given the location of the housing on the fringe of the existing housing there is unlikely to be an impact on the setting of the Scheduled Monuments.

The development will not directly impact on the monument that has been identified for preservation in the proposed wider development site, and whilst housing will extend into an area forming its setting, the proposed houses would be no closer into its setting than the existing properties on Canterbury Road.

As such, no objections are raised to the proposed development subject to a safeguarding condition that requires an archaeological evaluation to be carried out, followed by mitigation and/or further investigation as appropriate. Subject to this safeguarding condition the proposal is considered to comply with Policy HE01 of the Thanet Local Plan.

Conclusion

The site, whilst unallocated, lies within the urban confines, and therefore the principle of housing development on the site complies with Policies SP01 and HO1 of the Thanet Local Plan, with the proposed dwellings contributing towards the Council's housing need, thereby offering significant social and economic benefits.

There will be some visual impact upon the landscape character area, but the allocation of the surrounding land as a strategic housing site, which indicates an intention for its development, will limit the visual harm from this application in long views. For the immediate area, the illustrative layout plan indicates that nine dwellings could be accommodated on the site without harm to the surrounding pattern of development, or the character and appearance of the surrounding area, therefore complying with Policy QD02 of the Thanet Local Plan.

At this outline stage the impact upon neighbouring living conditions is considered to be acceptable, with the illustrative layout plan and first floor plan showing how nine dwellings could be accommodated on the site without significant harm to neighbouring amenity.

A safe and suitable vehicular access into the site has been provided with adequate visibility splays, and the illustrative layout plan shows that adequate parking for the units could be achieved to meet minimum parking standards.

The proposal will result in the loss of best and most versatile land, however, the harm is considered to be limited given the restricted size and shape of the site, which is considered to be outweighed by the economic and social benefits of the development. The proposal is therefore considered to comply with Policy E16 of the Thanet Local Plan.

The proposal is considered to provide a sustainable form of development within the urban confines that will provide family dwellings of a potential scale and density that would be in keeping with the character of the area, with no significant harm identified. It is therefore recommended that Members approve the application subject to safeguarding conditions and the submitted signed legal agreement securing the SPA contribution.

Case Officer

Emma Fibbens

TITLE:

OL/TH/22/1586

Project

Land Between 310 And 316 Canterbury Road Birchington Kent

