

**D01**

**F/TH/21/1671**

PROPOSAL: Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure.

LOCATION: Land South Of Canterbury Road West RAMSGATE Kent

WARD: Cliffsend And Pegwell

AGENT: Mr Peter Atkin

APPLICANT: .

RECOMMENDATION: Defer & Delegate

Defer and delegate the application for approval subject to the transfer of the financial contributions in the agreed heads of terms and the following safeguarding 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:

Proposed Site Layout AA8931-2003 - Rev S  
Proposed Tenure AA8931-2004 - Rev V  
Proposed Roof Plan AA8931-2005 - Rev T  
Proposed Typology Plan AA8931-2006 - Rev T  
Proposed Parking Plan AA8931-2007 - Rev T  
Proposed Refuse Strategy AA8931-2009 - Rev S  
Proposed Building Materials AA8931-2010 - Rev S  
House Type Av1 AA8931-2100 - Rev C  
House Type Av1 and Bv1 AA8931-2101 - Rev B  
House Type Av2 AA8931-2102 - Rev C  
House Type Av3 and Bv1 Plans AA8931-2103 - Rev C  
House Type Av3 and Bv1 Elevs AA8931-2104 - Rev C  
House Type Av3 and E Plans AA8931-2107 - Rev D  
House Type Av3 and E Elevs AA8931-2108 - Rev C  
House Type Av4 AA8931-2109 - Rev C  
House Type Av5 Plans AA8931-2110 - Rev C  
House Type Av5 Elevs AA8931-2111 - Rev C  
House Type Bv1 AA8931-2112 - Rev C  
House Type Bv1 and Bv2 AA8931-2113 - Rev C  
House Type Bv3 AA8931-2114 - Rev C  
House Type C AA8931-2115 - Rev C  
House Type Cv2 AA8931-2116 - Rev C

House Type C and Cv2 AA8931-2117 - Rev C  
House Type D AA8931-2118 - Rev C  
House Type Dv2 AA8931-2119 - Rev C  
House Type Dv3 AA8931-2120 - Rev C  
House Type E AA8931-2121 - Rev C  
House Type G AA8931-2122 - Rev C  
Flat Block Plans AA8931-2123 - Rev E  
Flat Block Elevations AA8931-2124 - Rev E  
House Type Av3 and E Lowered Eaves AA8931-2125 Rev E  
House Type Bv3 Semi-Detached AA8931-2126 - Rev C  
House Bv3 and D AA8931-2127 - Rev C  
Schedule of Plots and House Types AA8931 - Rev C  
Schedule of Accommodation AA8931 - Rev L  
Street Scenes Block A, B AA8931-2200 - Rev A  
Street Scenes Block C, D, E AA8931-2201 - Rev C  
Street Scenes Block D, E AA8931-2202 - Rev A  
Street Scenes Block F, G AA8931-2203 - Rev B  
Street Scene Block F, G, H AA8931-2204 - Rev E  
Street Scenes - Clive Road/Southern Boundary AA8931-2205 - Rev J  
Street Scenes - Clive Road/Southern Boundary AA8931-2206 - Rev A  
Western Edge Street Scene  
Landscape Masterplan AL8931-02000 - Rev L  
Landscape General Arrangement Plan AL8931-02001 - Rev N

**GROUND;**

To secure the proper development of the area.

3 A. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

B. The archaeological investigation and recording shall be carried out in accordance with the agreed specification and timetable.

C. 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.

D. 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 advice contained within the National Planning Policy Framework.

4 Prior to the first occupation of the development hereby permitted a scheme of interpretation that includes information boards in public open space areas of the development should be agreed with the Local Planning Authority. The scheme should include the location for information boards, their content and timetable for their establishment. The interpretation boards will be established in accordance with the agreed scheme.

## **GROUND**

To ensure that the archaeological interest of the development site is appropriately interpreted and presented in the public realm, in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

5

No development shall commence until a site characterisation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria (a) Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include

- o A survey of the extent, scale and nature of contamination
- o An assessment of the potential risks to
- o Human health
- o Property
- o Adjoining land
- o Groundwaters and surface waters
- o Ecological system
- o An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.(b) Submission of remediation scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by

removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.(c) Implementation of Approved Remediation Scheme The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

### **GROUND**

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

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

### **GROUND**

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

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

### **GROUND**

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

8 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no

resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details

## **GROUND**

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

9 Within six months of works commencing (including site clearance), a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP will be based on the 'Landscape master Plan' (PRP October 2021) and include the following.

- a) Description and evaluation of features to be managed (including a native-species only landscape scheme);
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan, and;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

## **GROUND**

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

10 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.

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

## **GROUND**

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

12 Prior to the installation of the pumping station, details of its layout and design shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show the boundary of the pumping station a minimum of 15m from the nearest habitable room window within the nearest residential dwelling. The pumping station shall be installed in accordance with the approved details, and thereafter maintained.

## **GROUND:**

To protect the amenity of future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan.

13 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy report (08 October 2021). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

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

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

## **GROUND**

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

14 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for that phase, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

#### **GROUND**

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

15 Prior to the occupation of the development hereby approved, details of an acoustic barrier, to be erected along the southern boundary of the site, and the eastern boundary of the equipped play area adjacent to no. 17 Clive Road, including details of its ongoing maintenance shall be submitted to and approved by the Local Planning Authority and once approved this shall thereafter be installed and permanently retained.

#### **GROUND:**

To protect the amenity of existing neighbouring properties and the future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan.

16 Prior to the occupation of the development hereby approved, the recommendations as set out within the Acoustic Associates Sussex Report dated Oct 2021 shall be implemented and thereafter retained.

#### **GROUND:**

To protect the amenity of future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan.

17 Prior to the commencement of the development hereby permitted, , an emissions mitigation assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance shall be submitted and approved in writing by the Local Planning Authority. The emissions mitigation assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

#### **GROUND**

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

18 Prior to the commencement of the development hereby permitted, an air quality emissions statement that provides details of how the air quality damage costs, as calculated within the emission mitigation assessment reference dated , are to be used to achieve air quality improvements through the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND**

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

19 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.

20 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.

21 The area shown on the approved plan numbered AA893102007 Rev T for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

**GROUND**

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

22 Prior to the first occupation of the flat block hereby permitted, the secure cycle parking facilities, as shown on approved drawing no. AA8931-2003 Rev S shall be provided and thereafter maintained.



## GROUND

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

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

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

## GROUND

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

24 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered AA8931-2007 Rev T, shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

## GROUND

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and the advice as contained within the NPPF

25 Prior to the first occupation of each residential unit, the associated vehicular access shall be provided and maintained with pedestrian visibility splays of 2m x 2m, with no obstructions over 0.6m above carriageway level within the splays.

## GROUND:

In the interests of highway safety.

26 Prior to the first occupation of the development hereby permitted, a full Travel Plan and a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The agreed programme shall thereafter be implemented in full.

## GROUND

To facilitate the use of alternative means of transport in accordance with Policies TP01 and SP43, and the advice contained within the NPPF.

27 No vehicular access shall be gained from Clive Road other than by emergency service vehicles, and retractable bollards installed prior to the first occupation of the development as shown on the approved plan numbered AA8931-2003 Rev S.

## GROUND:

In the interests of highway safety.

28 Prior to the first occupation of the 70th unit within the development hereby permitted, a pedestrian/cycle connection point shall be provided onto the existing pedestrian/cycle path through the eastern boundary adjacent to unit no.141, as shown on plan numbered AA8931-2003 Rev S.

**GROUND:**

To provide pedestrian and cycle connections, and improve sustainability, in accordance with Policies TP02 and TP03 of the Thanet Local Plan.

29 Prior to the first occupation of the block of self-contained flats, the doorstep playspace area associated with that block shall be made available for use, and fully enclosed with boundary treatment to a minimum height of 1.5m, with details to be submitted to and approved in writing by the Local Planning Authority. The doorstep playspace and boundary treatment shall thereafter be maintained.

**GROUND:**

In order to provide a safe doorstep play area in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

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

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway
- o walls, fences, other means of enclosure proposed

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

**GROUND**

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

31 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/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.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

**GROUND**

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

32 Prior to the first occupation of the development hereby permitted, full details of the local equipped area for play, as shown on plan numbered AL8931-02000 Rev N, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include how the play area is laid out, details of the equipment (to include a minimum of six pieces), and details of the boundary treatment. The equipped play area shall be provided in accordance with the approved details, and be operational and made available for use prior to the occupation of no more than 20% of the dwellings.

**GROUND:**

To provide an adequate equipped play space to serve the development, in accordance with Policy GI04 of the Thanet Local Plan.

33 The public right of way enhancement works to PROW TR32 within the site shall include its widening to 3m, and its resurfacing with a hoggin surface, or alternative as otherwise agreed by the Local Planning Authority. The PROW shall maintain this agreed surface material through the turning head in order to prioritise the PROW in the interest of pedestrian safety. The enhancement works shall be carried out prior to the first occupation of the development hereby permitted.

**GROUND**

To enhance pedestrian movement and improve sustainability, in accordance with Policy TP02 of the Thanet Local Plan.

34 Prior to the provision of the community garden, details of the shed, planters, boundary treatment, and management plan shall be submitted to and approved in writing by the Local Planning Authority. The community garden shall be provided in accordance with the approved details and thereafter maintained in accordance with the management plans.

**GROUND:**

To provide community growing space, and to protect visual amenity, in accordance with Policies GI04 and QD02 of the Thanet Local Plan.

35 Prior to the commencement of development hereby permitted, an Open Space specification shall be submitted to and approved in writing by the Local Planning Authority, to accord with principles shown in the landscape masterplan numbered AL8931-02000 Rev N. The Open Space Specification shall:

- Identify the location and extent of the main areas of formal and informal open space to be provided;
- Outline local play space to be provided;
- Detail how the relevant areas of public open space and play areas are to be laid out, paved, planted or equipped ; and

- Identify space for allotment use within or adjacent to the orchard area (or provide a justification as to why this provision is not achievable);

The landscaped areas, open space and play space in any phase shall be laid out and implemented in accordance with approved details and shall be permanently retained thereafter and used for and made available for public amenity and play space purposes only.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, and provide local play space, in accordance with Policies QD02, GI04 and GI06 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

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

**GROUND:**

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

37 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

**GROUND**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

38 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

39 The first floor kitchen/lounge window in the side elevation of the development serving flat 1.3 hereby approved shall be non-opening below 1.73m above the finished internal floor level, and provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent; and shall be installed prior to the first occupation of the development hereby permitted and permanently retained thereafter.

**GROUND**

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

40 The refuse storage facilities for the flats as specified upon the approved drawing numbered shall be provided prior to the first occupation of the flats and kept available for that use at all times.

#### **GROUND**

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

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

#### **GROUND**

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

42 Prior to the installation of the windows and doors hereby approved, details and manufacturer's specification of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### **GROUND**

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

43 All new window and door openings shall be set within a reveal of not less than 100mm

#### **GROUND**

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

#### INFORMATIVES

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

**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/>**

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.

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.

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/>

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.

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

## SITE, LOCATION AND DESCRIPTION

The site is located to the north of Cliffsend on agricultural land. The site lies south of a recently approved housing scheme for 62no. dwellings, allocated within the Local Plan, which is currently under construction. The site lies north of Parkway Station, with the A299 running parallel to the southern boundary of the site. Public Right of Way TR32 adjoins the western and southern boundaries of the site. To the east of the site are existing residential properties, which are predominantly detached units that are either single storey or 2-storey in height. The existing residential properties front Cliff View Road and Clive Road. Clive Road extends up to the boundary of the site. To the west of the site is agricultural fields and a section of the A299.

## RELEVANT PLANNING HISTORY

No relevant planning history for this site, although the adjacent development on the site to the north, which has the same applicant, had the reference OL/TH/17/0152, and was for the

erection of 65no. dwellings. The applicant has referred to this scheme as Phase 1 in many of the supporting documents.

## PROPOSED DEVELOPMENT

The proposal is a full application for the erection of 141no. dwellings, including 8no. 1-bed flats, 60no. 2-bed dwellings, 59no. 3-bed dwellings, and 14no. 4-bed dwellings. Dwellings are 2-storey in height, and a range of detached, semi-detached and terraced units are proposed, along with a single 2-storey flat block.

Access to the site is via the adjacent housing development, and onto Canterbury Road West. An emergency access is provided onto Clive Road. Parking is provided in the form of 288no. private parking spaces, and 47no. visitor parking spaces.

Soft landscaping buffers are provided to the southern and western boundaries of the site, along with a community growing garden, open amenity playspace, an equipped play area, and a wild flower park with picnic areas.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

SP01 - Spatial Strategy - Housing  
SP02 - Implementation  
SP13 - Housing Provision  
SP14 - General Housing Policy  
SP22 - Type and Size of Dwellings  
SP23 - Affordable Housing  
SP24 - Development in the Countryside  
SP26 - Landscape Character Areas  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds  
SP35 - Quality Development  
SP38 - Healthy and Inclusive Communities  
SP41 - Community Infrastructure  
SP43 - Safe and Sustainable Travel  
SP45 - Transport Infrastructure  
HO1 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
GI06 - Landscaping and Green infrastructure  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
HE01 - Archaeology

CC02 - Surface Water Management  
CC04 - Renewable Energy  
CC05 - District Heating  
SE04 - Groundwater Protection  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
CM01 - Provision of New Community Facilities  
TP01 - Transport Assessments and Travel Plans  
TP02 - Walking  
TP03 - Cycling  
TP04 - Public Transport  
TP06 - Car Parking

### NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. 21 letters of objection have been received raising the following concerns:

- Loss of agricultural land,
- Impact on health service, local doctors surgery oversubscribed,
- Infrastructure can't support further development,
- Insufficient drainage capacity,
- No primary school in village, increased vehicle movements and traffic for children from development to get to school,
- No shop in village,
- S.106 contributions aren't benefiting the village,
- Impact on nature reserve,
- Impact on quiet village atmosphere, loss of narrow roads and country lanes,
- Assessment of needs survey has not been carried out,
- Two years of breeding surveys are required,
- Impact on neighbouring property from adjoining proposed park, noise, privacy, security,
- Impact on adjacent residents from construction works,
- Vehicular access is in dangerous location,
- Density of housing too great,
- Emergency access onto Clive Rd won't work, needs access gate to prevent use other than during emergencies,
- Contractors should not use Clive Road,
- Lack of footpath connections, making pedestrian movement unsafe,
- No decent bus service and no shelters,
- Impact on wildlife,
- Impact on air quality from additional traffic,
- Size and scale of the development is inappropriate,
- Surrounding properties are mainly 1.5 storeys high, consideration has not been given to this when creating the design,
- Blocks of flats are not appropriate,
- No need for the homes within the local plan,



- Impact on highway safety, cars already speed along the roads, so accidents will be likely,
- Clive Rd will become a noisy thoroughfare, road is narrow and there is insufficient parking, resident permit parking needs to be provided,
- Lack of bungalows, not in keeping with village character,
- Lack of landscaping,
- Features in ponds should be provided to limit mosquito breeding sites,
- Contamination of water source (aquifer),
- No allocation in the Local Plan for this site,
- Play area next to residential properties will cause anti social behaviour and overlooking,
- Cliffsend is being overdeveloped,
- Bollard on Clive Rd will create a divide between communities.

## **Cliffsend Parish Council -**

### 1. Introduction

1.1 This document is written and submitted on behalf of the Cliffsend Parish Council. It contains the unanimous response from the Council to the planning application F/TH/21/1671. The application is described as "Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure - land south of Canterbury Road West, Ramsgate" We note that the actual application that has been submitted is for 145 dwellings.

### 2. Omission of Consultation and Necessary Adjustments to Important Dates

2.1 The Local Planning Authority (LPA) has a statutory requirement to consult the Parish Council for planning applications. The government publication "Consultation and PreDecision Matters - statutory consultees, Table 2" refers. Thanet District Council (TDC) is the LPA for this application. The TDC website states that their planning department consulted the Parish Council on 23/11/21 and 2/11/22 but received no response. This is incorrect. It has been confirmed by the Cliffsend Parish Council Clerk that no consultations were received on these or any other dates. The reason for this needs to be investigated as we believe this is not an isolated occurrence. This document aims to correct that omission for F/TH/21/1671 by proactively submitting a response. This will enable the application to be considered according to statutory requirements.

2.2 It is noted that no decision has been made on the planning application and the agreed expiry date is currently set as 11/8/23. We maintain that any decision must be deferred until this document has been fully considered and there is the opportunity to call it in by a District Councillor, if considered necessary. This may require TDC to adjust some dates, to meet their statutory obligations.

2.3 We look forward to working collaboratively with TDC to consider this application, either by email or dialogue. We are confident that our views represent the great majority of the residents in Cliffsend. Such collaborative working would obviate the need for a great many individual residents to contact the TDC planning department separately - which would save time and effort all round. In any case, we look forward to receiving your response prior to any decision, according to The Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 25.

### 3. 29% Recent Growth in Cliffsend Dwellings

3.1 Cliffsend is included in the Thanet Local Plan with sites allocated for new house building, as specified in Policy HO9. Most of those houses have now been completed, with the last site nearing completion. Policies HO13, HO14 and HO15 refer. This growth in dwellings is quantified in the Band D figures published by the TDC Council Tax department. They show growth from 718 (in 2019/20) to 863 (in 2023/24). These figures exclude the last site (HO13), which is expected to be complete within the next few months. The imminent inclusion of these dwellings will increase the Band D figure to 928. That is an increase of 29% over a five-year period. Few locations, if any, have grown by such an amount over such a short period of time. This must be taken into account when considering any further proposal to build yet more houses.

### 4. 49% Increase in Dwellings - The Quantifiable Impact of F/TH/21/1671

4.1 Although the planning application is titled as 141 dwellings, the actual submission being considered is for 145 dwellings. If planning permission was granted, it would cause Cliffsend Parish to grow from 29% to a total of 49% over a period of 5 or 6 years. This is a staggering increase that would cause irreparable harm to the village, its residents, and the environment. It would contravene several of the Thanet Local Plan policies, as outlined later in this document. This is illustrated in figure 1 below, the aerial view of Cliffsend: -

4.2 It also needs to be highlighted that the planning application for these additional houses is not part of the Thanet Local Plan. Indeed, the site and housing quantities were considered and excluded when the Plan was drawn up, agreed, and adopted in July 2020. There is no good reason to unilaterally change the plan now to increase the numbers unnecessarily, based purely on a developers' proposal.

### 5. Infringement of Relevant Policies (Reference: TDC Local Plan, Adopted July 2020)

5.1 Policy SP01 states that the primary focus for new housing development in Thanet is in the urban area. Cliffsend is not in the urban area. The site being considered for F/TH/21/1671 is Grade 1 agricultural land. SP01 recognises this as the "best and most versatile agricultural land". The same policy states the importance of any housing development to be "of a size and scale commensurate with the size of the relevant settlement". An increase in dwellings from 29% to 49% is not.

5.2 The application for additional dwellings is over and above the housing provision set out in policy SP13. That policy meets the National Planning Policy Framework. There is no reason or agreement to increase the SP13 figures. Indeed, any such increase would be a unilateral decision by TDC in direct contravention of the statutory requirements for agreeing the Local Plan.

5.3 Policy SP14 states the importance of assessing the cumulative impact on heritage assets. Cliffsend (and Pegwell Bay in particular) is a rich heritage site, recognised with national and international designations. This ranges from pre-historic and archaeological sites to the first UK landing of the Romans, the arrival of the Vikings, the arrival of Christianity (St Augustine), and through to the more recent history of the strategic importance in WW1 and WW2. Few sites have a richer heritage. Over development, albeit incrementally, does not safeguard or preserve this heritage or conform to SP14.

5.4 The National Planning Policy Framework (NPPF) states that local plans must recognise the intrinsic character and beauty of the countryside. The Local Plan supports this by stating "There is a presumption against development in the countryside as the sites allocated in this

plan meet the development needs of the district". For the avoidance of doubt, F/TH/21/1671 is not a site allocated in The Plan. SP24 lists the criteria for the only permissible exceptions to this policy. F/TH/21/1671 meets none of the listed criteria. Furthermore, policy H09 states the specific housing developments that are permitted in Thanet's rural settlements. This planning application is not included. Lastly, policy HO16 lists the only permissible exceptions to the rural housing development sites. This planning application meets none of the exception criteria.

5.5 Policy SP26 requires the conservation of Thanet's landscape character and local distinctiveness. Additionally, the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. This planning application meets neither of those requirements. Although the site is not directly on the Pegwell Bay shoreline, it does provide for a wide and sweeping view from Canterbury Road West to the Bay and onwards to the Straits of Dover and France. This is recognised in SP26. This view would be obscured or even lost all together by building 145 additional houses. This is illustrated in photos 1 to 3 below.

5.6 The planning application is in direct contravention of policy E16. The policy states "planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land". An additional 145 dwellings are "significant". The land is "best and most versatile" by definition, because it is classified as Grade 1 agricultural land. 5.7 Granting planning permission would also contravene GI01, GI02 and GI03. Please see section 7.1 below for further details.

## 6. Further Planning Applications and "Creeping" Over-Development

6.1 The developer has indicated that this current planning application will not be their final one. Their overall plan is to incrementally build several hundred houses in Cliffsend, adjacent to and extending from their 65 dwellings currently nearing completion (TDC policy HO15). Please see Figure 1 above, for details. F/TH/21/1671 is just the first of their additional applications. Consideration of F/TH/21/1671 needs to take this bigger picture into account, including the likelihood of setting a precedent for the creeping over-development of Cliffsend and other Thanet villages. This would not be compliant with TDC policy or NPPF.

## 7. Other Considerations

7.1 Environmental and Increased Pollution The environmental, wildlife and biodiversity value of Pegwell Bay is recognised nationally and internationally. It includes: -

- o A National Nature Reserve (which is categorised as "Kent's most important coastal nature reserve" by The Kent Wildlife Trust).
- o A Special Area of Conservation (SAC) for conservation of natural habitats and wild flora and fauna (ref: Natural England)
- o A Special Protection Area (SPA) for the conservation of wild birds (ref: Natural England) including a bird hide overlooking Pegwell Bay.
- o A Site of Special Scientific Interest (SSSI) as designated by the UK Wildlife and Countryside Act.
- o A Thanet Coast Marine Conservation Zone
- o An international Ramsar site, listed as "A Wetland of International Importance".
- o The winter home for the following birds that migrate from the arctic - Brent Goose, Curlew, Dunlin, Golden Plover, Grey Plover, Lapwing, Oyster Catcher, Purple Sandpiper, Redshank, Ringed Plover, Sanderling, Turnstone (reference "East Kent Bird Wise")
- o Priority countryside stewardships for lapwings, redshank and snipe (reference Natural England)

o Pegwell Bay is also home to a seal colony.

Southern Water has insufficient infrastructure capacity to treat sewage from the current number of houses, particularly when it rains. When this occurs, Southern Water discharge sewage into the sea. Pegwell Bay contains two outfalls that Southern Water use to discharge the sewage (see figure 1 above, for details). The additional houses in the planning application would worsen this problem and undoubtedly result in more frequent sewage discharges into Pegwell Bay. Granting planning permission will increase the pollution. It is unnecessary, harmful and could be considered as irresponsible for such a sensitive and important biodiversity site. It would also contravene policies GI01, GI02 and GI03.

## 7.2 Pedestrian Safety.

Cliffsend amenities all lie in the south of the village. They comprise the village hall, playground and recreational field. The planning application is sited in the north of the village. The only access to these amenities from the north of the village is via one road (Foads Hill) over the railway line. Most residents walk to these amenities because the distance is small and there is very limited car parking. Foads Hill passes over the main high-speed railway line (Thanet Parkway station is nearby) via an unmanned level crossing. It is a narrow, single-track road that descends from the level crossing to the village amenities. Crucially, it has no footpath. It currently represents a safety risk for pedestrians, including parents and children attending the village hall activities (sometimes with prams/pushchairs), elderly or other people unsteady on their feet, and wheelchair users. The addition of another 145 houses and their occupants would increase the number of pedestrians having to make this journey. This would increase the associated risk significantly.

## 8. Conclusion

8.1 The entire Parish Council of Cliffsend maintain that planning permission for F/TH/21/1671 should not be granted. There are multiple grounds for not granting permission. This document has identified many.

### (Supplementary Comment)

#### 1. Introduction

1.1 This response is written and submitted on behalf of Cliffsend Parish Council (CPC). It supplements the Parish Council's first response, which was submitted on 1/8/23 and posted onto the TDC planning website on 2/8/23. The planning application F/TH/21/1671 is described as "Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure - land south of Canterbury Road West, Ramsgate" We note that the actual application that has been submitted is for 145 dwellings.

1.2 The first response from Cliffsend Parish Council focussed on the TDC Local Plan policies and identified several of those policies that would be contravened if the application gained approval. This second response focusses on the requirements of the National Planning Policy Framework (NPPF).

1.3 It is noted that the NPPF "provides a framework within which locally-prepared plans for housing and other development can be produced." In the case of Thanet, the locally-prepared plan is the TDC Local Plan, which was adopted in July 2020. Furthermore, "planning law requires that applications for planning permission be determined in accordance with the development plan..." and "The National Planning Policy Framework... is a material

consideration in planning decisions." Therefore, there is a statutory obligation to comply with the NPPF and the TDC Local Plan.

1.4 The following table in this document refers to the titled sections of the NPPF. The statements in italics are copied from the NPPF. The right-hand column assesses the planning application against the NPPF requirements and clarifies whether the application conforms to or contravenes the NPPF. The table assesses the policies in the order they appear in the NPPF, not necessarily in priority order for this planning application.

## 2. Summary

The planning application contravenes the National Planning Policy Framework in many instances. On these grounds, it should not gain approval. Details are given in the table below.

The main NPPF contraventions are summarised as:

- o The houses are in excess of those identified in the adopted TDC Local Plan. They are not needed.
- o The application builds on, and destroys, Grade 1 agricultural land.
- o The application creates unsafe conditions for pedestrians walking to the Cliffsend village communities - especially for children, the disabled, people with reduced mobility, and people pushing prams or buggies.
- o The application does not conserve or enhance the natural environment or characteristic of the village. On the contrary, it partially destroys an iconic Thanet landscape.

The NPPF economic objective is not relevant or applicable to F/TH/21/1671), as the planning application is for dwellings only. There is no contribution to the economy in Cliffsend or Thanet.

The NPPF social objective requirement is fully met by the TDC Local Plan, with some 17,000 new dwellings and locations identified. The TDC Local Plan includes a significant number of new houses in Cliffsend, which have been or are being built. Application F/TH/21/1671 is in excess of those requirements. It is purely a commercial venture by a property development company. There are no material considerations to override or contravene the TDC Local Plan or this NPPF requirement.

F/TH/21/1671 contravenes this because it is not in accordance with the development plan.

The proposed development land is Grade 1 agricultural land. Converting that into a housing estate directly contravenes this NPPF policy. It is also adjacent to a Source Protection Zone 1 chalk aquifer. In addition, destroying the agricultural land and surrounding hedges works against TDC's declared strategy to achieve net zero carbon emissions by 2030.

Cliffsend is classified as a Rural Area in Thanet. There is no local need, either in Cliffsend or Thanet, for these additional houses because they are in excess of the identified housing requirements in the TDC Local Plan. Furthermore, the local residents do not want this Grade 1 agricultural land to be built on. Proceeding with the development would not reflect local needs. As such, it would contravene this NPPF policy.

The planning application does not achieve this. It does not propose a safe plan. In fact, it will increase the risk of serious injury for pedestrians and cyclists. This is because the only connection from the proposed site to the amenities in Cliffsend (i.e. the recreation ground, the village hall, and the only shop/convenience store in the village) is via a narrow, single-track

road, downhill, with no footpath or verge on either side (Foads Hill). This already represents a serious risk. Pedestrians have to stop and stand sideways on the road to avoid being struck by a passing vehicle. A wheelchair user, or someone pushing a pram/buggy, does not have sufficient safe space if a large lorry or commercial vehicle is travelling down the road at the same time. Now consider increasing this risk. A significant number of additional pedestrians and cyclists, from the 145 houses in the planning application, would need to make this journey to get to the village amenities. There is nothing in this planning application, or in the developer's previous application to build 65 houses (which is nearing completion on an adjacent site) to avoid exacerbating this safety issue. In total the developer is applying to build 210 houses without any mitigation. This contravenes the NPPF. Cliffsend Parish Council recommend a site visit to understand the very real risk this presents. We also recommend taking appropriate safety precautions, such as wearing high-viz clothing.

As described above, the planning application is in direct contravention of this policy.

The application simply does not meet most of these requirements.

## CONSULTATIONS

### **KCC Highways -**

(Final Comment)

Further to previous comments dated 13 October 2023, clarification was sought with regard to the layout in relation to PROW TR32. Public Rights of Way and Access Officers have confirmed a Section 106 contribution, which is appropriate.

Tracking for a fire tender has been submitted in line with previous comments, which is acceptable.

A Landscape MasterPlan has been submitted, whereby all planting should not obstruct internal visibly splays.

The provision of visitor parking is considered appropriate and distributed accordingly.

In line with previous comments, I concur with that the proposal will not have a severe impact on the local highway network. I 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. Further to previous comments dated 31 December 2021, 10 June 2022 and 20 December 2022, additional information has been submitted.

Cycle and Pedestrian Links

Public Rights of Way Officers have been consulted appropriately, and the layout plans have been updated to ensure that PROW TR32 is illustrated. The layout has been amended with the footpath route remaining the same, with a 3 metre wide footpath provided. The footpath is to be upgraded and improved to provide a link up to Thanet Parkway and the newly implemented Cycle Track N of the station. However, I require clarification of this as it is not immediately clear on the submitted plans.

#### Traffic Regulation Order

A TRO for double yellow lines along the spine road should be secured by way of a suitable condition.

#### Tracking

Updated tracking has been submitted for a 13 metres long refuse freighter. Overrun takes place at the turning area between Plots 39/4. Overrun takes place at the turning area between Plots 44/60. Overrun takes place at the bend opposite Plots 138/139. These issues remain from comments dated 20 December 2022. This could be addressed as part of a landscaping strategy. Suitable turning for a fire tender is required at Plots 1-4, 12/13 and 141. Fire tender tracking was requested in response dated 10 June 2022.

#### Parking

I note that the overall provision of visitor parking has been reduced from 50 to 47 spaces. Two spaces have been removed in the south west area of the site to enable to routing of PROW TR32. This represents an additional 13 spaces compared to the originally proposed 34 visitor spaces.

There is a large proportion of tandem parking within the overall scheme design. As previously outlined, this requires an additional 0.5 visitor spaces per tandem arrangement to provide some offset and prevent haphazard parking on the highway that tandem parking can often create.

There is no visitor parking along the spine road between Plots 27-37. However, double yellow lines along this stretch of highway would be sufficient to address this and prevent on street parking.

#### Traffic Impact Assessment

Previous correspondence outlined traffic impact assessments for Canterbury Road West / A256 roundabout, which indicates that the junction will operate within capacity during the AM and PM peak periods.

The Hengist Way / Canterbury Road West roundabout sees an increase of 20 two way trips in the AM peak and 17 two way trips in the PM peak where no further assessment was considered necessary.

#### Conclusions

Confirmation of the exact parameters of the PROW TR32 are required. I suggest that the routing and surfacing of the footpath is secured by way of a suitable condition. This should offer a tangible route for all users to Thanet Parkway Station and Cliffsend.

Overall I raise no objection to the proposal on highway safety grounds, and am minded to accept that there will not be severe impact on the highway network.

The transport evidence should identify opportunities for encouraging a shift to more sustainable transport usage. The development proposals offer no alterations to the network to encourage or enable modal shift to walking, cycling or public transport to and from the site. I suggest a Travel Plan is secured by way of a suitable condition to reduce dependency on the private car.

(Interim Comments)

Comments have previously been provided on 31 December 2021 and 10 June 2022. Further details have been submitted respond to these comments.

Cycle and Pedestrian Links

Public Rights of Way colleagues have maintained a holding objection, where it is critical that engagement is made to progress the application. It is noted that the revised Masterplan does not show the route of TR32 and the alignment would appear to be incorrect.

Adoptable Highway

The spine road is outlined to be offered for adoption, and will be subject to a separate S38 Agreement.

Traffic Regulation Order (TRO)

As previously noted, a TRO for double yellow lines should be applied for along the length of the spine road. This would prevent ad hoc parking in close proximity to Thanet Parkway station. This can be Conditioned by way of best endeavours with a Section 106 contribution towards consultation, advertising and implementation. Confirmation is required from KCC TRO Coordinator.

Tracking

Updated swept path illustrations have been submitted to show a 13 metres refuse freighter accessing and turning in the site. The turning areas have trees that obstruct the turning (Plots 44/60 and Plots 4/39). The planting / landscaping will need to be addressed as part of a separate condition.

Overrun takes place adjacent to Plot 96 and opposite Plot 138/139.

Overrun takes place at the bend at Plot 113.



## Parking

An additional 16 visitor parking spaces have been provided to offset the number of tandem spaces.

All parallel spaces should measure 6 metres in length, and ensure that planting / vegetation does not obstruct doors opening.

Parking along the western boundary (Plots 1, 40-43 and 61-65) requires a 1 metres margin to the western boundary to enable vehicles to manoeuvre.

Plot 1 - There does not appear to be sufficient space for vehicles to turn. Visitor spaces will also require this area to turn sufficiently.

Plots 39 and 40/41 - There appears to be a conflict between the on plot parking and frontage parking. Any overhang of Plot 39 parking would see parking Plot 41 unusable.

Plot 25 - Visitor parking immediately abuts an area of landscaping and planting.

Plots 52-55 - Parking is at an angle to the highway, where planting obstructs visibility.

Plots 76-81 and 102-112 - Planting obstructs visibility at accesses.

Pedestrian visibility splays of 2 metres x 2 metres are required on either side of accesses and driveways. This can be secured by a suitable condition.

### (Interim Comments)

Further to previous comments dated 31 December 2021, additional information has been submitted by WHA in response to a number of outstanding issues previously raised.

Full details of cycle and pedestrian links.

Full details of the extend of adoptable highway.

Details of any proposed TRO should be outlined whereby a contribution may be considered appropriate.

Tracking is required for refuse and emergency vehicles.

Tandem parking will require an additional 0.5 parking spaces.

An assessment of the local highway junctions should be completed to establish the impact on the surrounding junctions.

### Canterbury Road West / A256 Roundabout:

To enable the impact of Phase 2 traffic, an assessment of Canterbury Road West / A256 has been undertaken. This suggests that the junction will operate within capacity during the AM and PM peak period.

### A299 Hengist Way / Canterbury Road West

It is acknowledged that during the Phase 1 application, it was accepted that 30% of traffic would travel from the west (A299 Hengist Way / Canterbury Road West roundabout), which

equates to 20 two way trips in the AM peak and 17 two way trips in the PM peak. Therefore, no further junction assessment is considered necessary, which is accepted.

#### Pedestrian & Cycle links

Connection to the south of the site to connect with the existing cycle way via upgrades to PRow TR32 would provide a connection over the A299 to become a key route for residents accessing Thanet Parkway Station. This may be possible by the upgrade of the existing connection between Clive Road and footway/cycleway. This could be secured by way of a suitable Condition.

#### Adoptable Highway

The proposed spine road associated with Phase 1 is proposed to be adopted. It is considered appropriate to introduce a Traffic Regulation Order (TRO) to implement double yellow lines along the spine road. Similarly this would prevent parking within Phase 2 from commuters utilising Thanet Parkway train station. This should be secured by way of a suitable Condition and a Section 106 contribution towards the consultation, advertising and implementation of the TRO.

Additional tracking and indication of the adoptable highway has been provided. In line with Thanet DC refuse strategy, tracking for a 13 metres refuse freighter is required.

I note there is potential overrun at the turning area at Unit 44 / 60. Overrun takes place at Unit 9 and the bend at Unit 55. Again, overrun takes place opposite Unit 84.

An additional 1 visitor space has been provided. However, this does not fully address the large amount of tandem parking with very little visitor parking proposed to mitigate this. Guidance outlines an additional 0.5 spaces per tandem arrangement. While it is acknowledged that this may not be entirely necessary or appropriate, an increase in visitor parking to mitigate this is required to prevent ad hoc parking on the highway.

#### (Initial Comments)

A Transport Assessment has been submitted to support the proposed development of 145 dwellings at Canterbury Road West, Cliffsend, Ramsgate, referred to as Phase 2. Land immediately to the north has an extant consent (TH/17/0152) for up to 65 residential dwellings.

The proposed 145 dwellings are proposed to utilise the vehicular access established as part of 'Phase 1' at Canterbury Road West via a priority junction. The Phase 1 layout includes a 'spine road' which leads directly to the current application site to the south. Canterbury Road West provides direct access to the Thanet Way A299 and A256 and the wider highway network.

Canterbury Road west is subject to a 30mph speed limit in the vicinity of the approved access. Road narrowings and priority working has been introduced between the Hengist Way A299 roundabout to the west of the site, creating a gateway feature to Cliffsend.

#### Pedestrian and Cycle Links

The site connects to the wider footway in Canterbury Road West. Phase 1 ed a pedestrian crossing point near Arundel Road to improve access to the existing eastbound bus stop in Canterbury Road West. The development should make a financial contribution for a footpath connection between the site and Thanet Parkway Station, thus providing suitable pedestrian access and encouraging travel by non car modes. The TA outlines that Thanet Parkway has the potential to significantly change travel habits for future residents, and acknowledges the increased increase in bus and rail services that will be provided. No details have been provided as to how Phase 2 will further encourage cycling and walking to the station.

Para 3.18 states that there will be provision on the application site for buses to stop. Discussions will need to be held with KCC Public Transport and the bus provider to understand the viability and whether any financial contribution is required. This will require the access to be suitably wide enough (6.75 metres) to accommodate buses through the site.

A further cycles way connection is sought towards the south of the site to connect with the existing cycleway that crossed A299 Hengist Way.

#### Access

The area of proposed adoptable highway is required.

Parking controls will need to be considered to ensure commuter parking does not occur within the site. This will take the form of a Traffic Regulation Order (TRO). which is subject to a separate application process and consultation exercise.

The proposal seeks to utilise the existing priority junction via Canterbury Road West. This sees a total of 210 dwellings utilising the access. An emergency access is proposed at the eastern boundary of the site to connect with Clive Road.

Kent Design outlines that developments of between 50 and 300 dwellings should have two points of access, or is a loop with a short connection to a single point of access and a secondary emergency access link.

The Phase 1 development provides a 'loop' which has shared surfaces and remains private whereby it will not be adopted by the highway authority. The main street / spine road to the current application site has pavements of either side and is adoptable.

As noted, Phase 1 provides a suitable loop arrangement. The suitability of the existing junction to accommodate the increased traffic demand has been assessed.

Tracking is required fro refuse freighters and emergency vehicles. Suitable turning areas do not appear to be available at the end of the proposed cul-de-sacs within the development.

Pedestrian visibility splays of 1 metres x 1 metres with no obstruction above 0.6 metres are required behind the footway on each side of the access. Forward visibility around bends should be illustrated.

## Parking

In line with Interim Guidance Note 3 (IGN3), parking has been calculated as follows:

In line with Interim Guidance Note 3 (IGN3), parking has been calculated as follows:

1 bedroom Flat 8	1 space per unit = 8
2-bedroom House 62	1.0 spaces per unit = 94
3-bedroom House 61	1.5 spaces per unit = 116
4-bedroom House 14	2 spaces per unit = 42
Visitor Parking 145	0.2 spaces per unit = 34

The proposal seeks a total of 294 parking spaces for the proposed 145 units.

Tandem parking will require an additional 0.5 visitor parking space.

Cycle parking is proposed where each plot will have on-plot cycle parking in the form of a shed, while flats will have communal cycle parking provision for 1 space per unit.

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

## Trip Generation and Distribution

TRICS has been interrogated to understand the proposed trip rates associated with the development. This sees 67 two way movements in a AM peak and 58 two way movements in the PM peak.

The TA utilises the distribution split as agreed at Phase 1, which established 70% development traffic travelling eastbound and 30% travelling westbound on Canterbury Road West. The secondary access is proposed for emergency vehicles only, whereby all development traffic will enter and exit the site via Canterbury Road West.

PICADY has been utilised to understand the likely impact of the proposed development on the existing highway network. Tempro has been utilised to calculate the growth projections. This considers two scenarios of the year of the site being built and occupied (2023) and a future 5 years assessment (2028).

This data indicates the maximum queue lengths and looks at whether the individual junctions are considered to operate with any capacity. This outlines that the Canterbury Road West / Site access junction operates within capacity.

Assessment should be included at the A299 Hengist Way / Canterbury Road West roundabout and the Canterbury Road West / A256 roundabout. The impact on the approaches to the site from either direction have not been considered.

Para 7.1 states that the assessment demonstrates that there is unlikely to be any significant impact as a result of Phase 2 development on the local network. Without further junction assessments, it is not possible to fully assess this impact.

#### Travel Plan Framework

A full Travel Plan should be conditioned should planning permission be granted. This will be subject to a monitoring fee of £948.

#### Conclusions

The following details are required to enable a full assessment:

Full details of cycle and pedestrian links.

Full details of the extend of adoptable highway.

Details of any proposed TRO should be outlined whereby a contribution may be considered appropriate.

Tracking is required for refuse and emergency vehicles.

Tandem parking will require an additional 0.5 parking spaces.

An assessment of the local highway junctions should be completed to establish the impact on the surrounding junctions.

#### **KCC PROW -**

(Final Comment)

. Public Footpath TR32 is directly affected by and abuts the proposed development. The location of the path is indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the Public Right of Way (PROW) is a material consideration.

KCC PROW can now provide a detailed costing for our s106 request, to mitigate the increase of use, impact on and reflection of the strategic connectivity provided by Public Footpath TR32 off site from Canterbury Road West south to the redline boundary of the proposed development :

376m x £48 per metre hoggin surface x 2m width = £39,096

376 x £20 per linear metre wooden edging = £ 7,520

10% PROW Management fee

TOTAL = £47,977

(Initial Comment)

Thank you for the consultation letter regarding the above application TH/21/1617. Public Footpath TR32 would appear to be directly affected by and abuts the proposed development. The location of the path is indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the Public Right of Way (PROW) is a material consideration.

As a general statement, the KCC PRoW and Access Service are keen to ensure that their interests are represented with respect to our statutory duty to protect and improve PRoW in the County. The team is committed to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP). This aims to provide a high-quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

KCC PROW place a holding objection on the application, and request engagement with the applicant to resolve at which point the objection could be lifted. Reason: safety of public user of Public Footpath TR32.

Engagement to cover the following, which would be requested as a condition prior to a determination of the application:

- A scheme of access / construction is agreed to clarify the path alignment, surfacing, width and signage
- Delivery of this agreed scheme before construction commences.
- The applicant considers the improvements detailed below regarding the wider improvements to the PROW network. We request that the applicant also investigates providing monetary contribution towards this provision. This would enable improvements onsite and offsite to mitigate the impact of this application and make it more sustainable

#### Impact on Public Footpath TR32

The PRoW network is a valuable resource that provides significant opportunities for outdoor recreation and active travel. We would request that the applicant clarifies the alignment of the site boundary in relation to the route of TR32, as there are conflicting plans and references within the documents of the application. KCC PROW request early engagement and would be happy to attend on site if necessary.

We welcome the intention to provide improvements to TR32, (ref. Visual and Impact Assessment, Construction Management Plan, Landscaping Details), although we query why only the route on the Western boundary is mentioned as TR32 runs along /on the southern boundary as well. KCC PROW would propose upgrading through the site on the Western side and along the southern boundary to a Public Bridleway, allowing pedestrian and cycle use, providing active travel connectivity towards Thanet Parkway station and existing residential communities. TR32 is the main off-road link to the new station and a full Cycle Track is to be created alongside the Footpath from a new link at Clive Road to the station. This therefore would provide a significant link in the surrounding network.

As mentioned in the Landscaping Details 1.6-1.7, the route offers great pedestrian access, but the above upgrade would provide full Active Travel access. Within the development, the route through the Wildflower Park is unclear as to where the PROW is and should be. We would advise that this stretch is included within the upgrade, giving pedestrian and cycle rights throughout.

TR32 appears to cross an area of driveways, (see above, the route is not shown on the Wildflower Park plan) and this would not be acceptable due to user safety. Again, we request engagement with the applicant.

KCC PROW and Access would not accept the proposed 3m high acoustic fence along the southern boundary as this goes against our policy of routes being in open, safe and attractive green corridors. Hence the need to discuss this section alignment and status as a matter of immediacy.

#### Impact on wider PROW network

KCC policy is to meet future demand by providing well planned new provisions, including green infrastructure to facilitate sustainable travel patterns. The PROW network provides an important element of this infrastructure and to this end, we examine all applications with regard to the wider area. It is therefore imperative that we use this opportunity to provide sustainable access from the site to transport, employment, school and recreation for pedestrians and cyclists.

Please make the applicant aware that any proposed work on the surface of the paths must be approved and authorised by the Highway Authority, in this case Kent County Council's Public Rights of Way and Access Service. PROW diversions or extinguishments should be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the path network as soon as possible. It is important that Thanet District Council are able to make the necessary Orders at the point at which consent is given.

Finally, KCC PROW policy is to request early and direct engagement with the applicant and any future developer to discuss the matters highlighted in this response and in this case to enable the holding objection to be lifted.

Comments are made in reference to the following planning policy. National Planning Policy Framework 2019.

National Policy Framework paragraph 98, states that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

National Policy Framework paragraph 104, states that Planning policies should provide for high quality walking and cycling networks

National Planning Policy Framework paragraph 107, local planning authorities must have regard to planning policy guidance about coastal access. Efforts to improve public access and enjoyment of the coast should be encouraged where possible.

Kent County Council Rights of Way Improvement Plan

Thanet District Local Plan 2018-2031 H15/TR11/TR12/TR14/TR15/D1/SR8/SR9/SR17

This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of Public Rights of Way and Countryside Access matters relating to the application.

## **KCC SUDs -**

(Final Comments)

Kent County Council as Lead Local Flood Authority understand that since our previous consultation response on the 15th of December 2021, alterations to the proposed housing types and layout have been made. As a consequence, the Flood Risk Assessment and Drainage Strategy report (September 2022) has been updated to reflect these changes. The LLFA have reviewed this updated report and have no additional comments to make on these changes. We would therefore refer back to our previous consultation response (15/12/2021), containing our recommendations and conditions moving forward.

(Initial Comments)

Kent County Council as Lead Local Flood Authority have reviewed the drainage scheme set out within Flood Risk Assessment and Drainage Strategy (October 2021) and raise no objections to the principles contained within.

The report details that the proposed housing development would manage surface water through the creation of five infiltration basins on the southwestern corner of the site. It is noted that the northern site of phase 1 (approved under a separate application) will also be contributing to this network.

Permeable paving and geo-cellular tanks are also proposed on site to provide additional water treatment and storage. It is also stated that filter drains will be installed at various locations around the site to intercept any runoff because of the gradient changes on site. This approach is welcomed and will minimise any possible overland flows during extreme events.

It is evident that future design work will be required, for which it is our recommendation that a pre-commencement detailed design condition is attached to this application. The wording to this condition and our verification report condition can be found at the end of the consultation response. For the future detailed design stage, we would seek consideration of the following:

In-situ infiltration testing at the proposed basin locations and respective depths. Ideally, the BRE:365 methodology should be applied for each of these locations, notably the requirement to undertake the test three times. Furthermore, it may be required that a second additional pit may need to be undertaken within some of these basins due to their scale/ length.

In addition to the infiltration testing on site, it would also be advised to undertake groundwater monitoring in the locale of the future basins to confirm depths to any groundwater.

As mentioned above, it is noted that filter drains are proposed to be situated in the gardens of some properties. The purpose is to intercept runoff from the gradient changes present on site. Whilst this approach is agreeable to us, we would urge consideration is applied to possible contributions from green space areas flowing into the highway and into the subsequent drainage system. This may increase the amount of flows entering into the drainage network and as such this may need to be included within the drainage modelling.

## **KCC Biodiversity -**

(Final Comment)



We have reviewed the updated landscaping plan and the submitted Habitat Regulations Assessment and we advise that the advice we provided in November 2022 is still valid.

We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

#### North Kent Sites

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

A 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 SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

#### Breeding Bird Informative

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

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

#### Bats and Lighting

To mitigate against potential adverse effects on bats (and other nocturnal wildlife), and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting

design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission. Suggested wording:

#### Biodiversity and Ecological Enhancement

Under section 40 of the NERC Act (2006), and paragraph 180 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

We are satisfied that if the wildflower grassland (as within depicted the Landscape Master Plan) is implemented and managed correctly, the loss of biodiversity can be mitigated for. We also recommend that all landscaping consists of native species only and that bird/bat bricks are integrated into the new builds.

#### (Interim Comment)

We have reviewed the submitted wintering bird survey (including scrutinisation of the methodology and restraints) and concur with the conclusion, i.e., "The bird assemblages recorded on Site during the WBS visits do not match species assemblages known within the Thanet Coast and Sandwich Bay SPA. The qualifying features of this SPA include internationally important wildfowl assemblages, none of which were seen utilising the Site habitats".

As none of the species listed within the qualifying features were documented on-site, we take the view that the site is not functionally-linked to the Thanet Coast and Sandwich Bay SPA. However, it is important to note that works for the approved development immediately to the north were carried out during the time of the surveys, and this is likely to increase the chances that wintering birds would have been absent for the survey period.

We advise that the development must still account for the putative increase in recreational pressure via the SAMMS and that comments in our previous advice note (13th December 2021) remain valid.

#### (Initial Comments)

We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

#### North Kent Sites

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

A 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 SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

#### Breeding Bird Informative

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

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

#### Bats and Lighting

To mitigate against potential adverse effects on bats (and other nocturnal wildlife), and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission.

#### Biodiversity and Ecological Enhancement

Under section 40 of the NERC Act (2006), and paragraph 180 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

We are satisfied that if the wildflower grassland (as within depicted the Landscape Master Plan) is implemented and managed correctly, the loss of biodiversity can be mitigated for. We also recommend that all landscaping consists of native species only and that bird/bat bricks are integrated into the new builds. Suggested condition wording:

**KCC Archaeology** - Thank you for consulting on the above residential development proposed on land to the south of Canterbury Road West. This area is particularly rich in archaeology which had been recognised in pre-application discussions and has been subject to both geophysical survey by Wessex Archaeology and more recently evaluation trenching by SWAT Archaeology.

An initial, but incomplete draft of the evaluation report has been submitted. I have reviewed that report in detail and am providing comments below on areas that need to be addressed to provide an appropriate description and assessment of the archaeology on the site. I did monitor the evaluation trenching works over a number of weeks between November 2021 and January 2022 so am familiar with the findings and their wider context.

#### Archaeological Potential.

The proposed development site lies in a very rich archaeological landscape on the southern slopes of the Isle of Thanet overlooking the former Wantsum Channel. The topography of the present site is extremely important as it sits astride a north to south orientated valley that runs down the scarp slope towards the former St Augustine's Bay. Early maps show that a trackway ran northwards through this valley and archaeological evidence from both the East Kent Access Road investigations and those at Thanet Parkway, as well as further south at Cottington Road have demonstrated that the valley was used a track from prehistoric times with substantial activity flanking it including Iron Age and Roman settlement and Saxon settlement later. The valley itself is filled with colluvial soils (washed from the sides) which both seal and contain archaeological remains adding to the complexity of the site. The evaluation identified substantial depths of colluvium running through the centre of the site and has presented a preliminary model.

Either side of the valley, aerial photographs show evidence for neolithic and Bronze Age monuments and funerary activity. The Kent HER records a Beaker burial within the field near to Clive Road and excavations for East Kent Access confirmed the funerary and monumental landscape of the Neolithic and Bronze Age on Foads Hill which forms the eastern flank of the present site. Within the present site a burial, probably crouched was found and is likely to be a Beaker type. This was left unexcavated.

The investigations to the south of the site for East Kent Access and Thanet Parkway have revealed an extremely complex arrangement of trackways flanked by enclosures, settlement and cemeteries of Iron Age and Romano-British date. These extend both north/ south and north west/south east into the southern areas of the present site. The archaeology is generally shallow buried, very complex and intensive throughout the southern area of the application site. Evidence for enclosures, a track and sunken buildings are included within the findings of the evaluation. The overall articulation of the archaeology is difficult to follow in the report but it seems that the archaeology found to the south extends into the site at similar levels of complexity. More work is needed to map the features within the site and provide a phased interpretation and characterisation but activity has been identified that extends from the neolithic through to the medieval period. The activity extends up the site and is found within the colluvial deposits in the valley. 55 of the 63 trenches excavated revealed archaeological deposits.

## Advice

The evaluation (and previous assessments including desk based study and geophysical survey) was undertaken to inform any planning application coming forward for the site. The present development site generally shows housing and roads infrastructure over the valley and land on its eastern side with attenuation areas in an area to the south west. Given the sloping nature of the site it is likely that substantial ground works will be needed to level areas for development, attenuation and services. Archaeological remains, including this buried at depth are likely to be affected.

While there is complex, intense and significant archaeology throughout most areas of the site I have not identified any areas that require exclusion from development works. Mitigation can be addressed through archaeological investigation and recording but it needs to be fully understood that given the complexity, quantity and significance of the archaeology such works are likely to be extensive and require significant resources and investment to undertake. Given the potential impacts it is difficult to see how archaeological preservation, other than in the deeper buried deposits in the valley can be achieved.

I would therefore recommend that in any forthcoming consent provision is made for archaeological investigation and recording, post excavation assessment, analysis, reporting and archiving through condition.

To enable the scope of the archaeological investigations to be agreed, the evaluation report needs to be revised in accordance with my appended comments. An impact assessment, taking account of the development ground excavations should also be developed to inform the written scheme of investigation. As with the investigations to the south both for the East Kent Access Road and Thanet Parkway, a programme of community engagement should be included within the scope of the archaeological written scheme.

Given the richness and extent of the archaeology within the site there is an opportunity for interpretation within the public realm. It would be appropriate to require a scheme of interpretation through information boards as part of the development. I would recommend that a condition is included that secures an appropriate scheme of archaeological interpretation.

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

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

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

**Environment Agency** - This site is in a sensitive setting for Groundwater protection, being in an Source Protection Zone (SPZ) 1/2 for a nearby water abstraction.

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

In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a relevant drainage design details and a discovery strategy for contamination, carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

We note reference to the adjacent infilled chalk pit and also note this has been assessed by an adjacent development proposals. Further regard to available information on the planning portal should therefore be taken to assess any risk from infill materials and whether any buffer zones are required to ensure stand off of hard development from the fill is required in the proposed development layout.

The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

We note from the reporting that brick structures were identified on site, these could relate to strategic infrastructure for surface water drainage from the airport. The wayleaves and any infrastructure should be suitably protected from disturbance by any construction activities if this proposal is granted permission.

**Southern Water -**

(Final Comment)

Southern Water have reviewed the revised Flood Risk and Drainage Strategy and the surface water quality treatment measures are now deemed sufficient. Southern Water's previously apply planning condition can be discharged from this planning application.

All other comments in our response dated 30/11/2022 remain valid for the amended details.

(Interim Comment)

Further to our response dated 25/08/2021 and additional information provided by the developer, Southern Water would have the following comments to make: Southern Water have reviewed the provided response and hydrocarbon treatment details are not clearly presented in either the response or FRA report. At present FRA Section 9 states "It is considered that oil separators (interceptors) will not be required for the roads on site, due to the small area covered; drainage should however be routed via trapped gully pots" indicating the method of hydrocarbon treatment will be via gully pots, which are generally used for sediment treatment and not for hydrocarbon treatment. In your response you note infiltration basins will be vegetated and will be designed in accordance with chapters 22 and 23 of the CIRIA 753 SuDS manual. It would be useful to expand Section 9 to include text in reference to the detention basin and/or wetland basin hydrocarbon treatment to alleviate our concerns. Southern Water are pleased that deep bore soakaways will not be used for this site.

The document (Dwg. No. AA8931-2002\_A) indicating a 6 metre easement to 500 mm public water trunk main and a 4 metre easement to 915 mm surface water sewer is acceptable by Southern Water.

However, it appears that there are proposed tree plantings located within the standoff distance of 630 mm public water main to the south of the development site. No excavation, mounding, or new tree planting should be carried out within the standoff distance without consent from Southern Water.

All other comments in our response dated 30/11/2022 remain unchanged and valid.

(Interim Comment)

Further to our response dated 23/11/2022 regarding the above planning application consultation and additional comments added below,

Southern Water have reviewed this planning application and risks to groundwater and our abstraction (including adits) are not considered. The site is located approximately 400m from adits which provide large quantities of water and rapid transit pathways to our public groundwater supply.

Given the site being located adjacent to an SPZ1 and presence of adits in the area we believe additional mitigations should be adopted to protect against future water quality risks. Therefore, Southern Water request oil interceptors be installed on the surface water network prior entering soakaway features to prevent hydrocarbon discharge to the principal Chalk aquifer.

Please see the attached extract from Southern Water records showing the approximate position of our existing public water trunk 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.

(Interim Comments)

Further to our recent response dated 10/02/2022 and the submitted additional documents please find our below comments. The submitted document (Dwg.no: AA8931-2002\_A)

indicates 6 metres easement on the either side of public water trunk main which is acceptable by Southern Water. No excavation, mounding or tree planting should be carried out within provided standoff distance without consent from Southern Water. All other comments in our response dated 13/12/2021 remain unchanged and valid for the amended details.

(Initial Comments)

The attached plan shows that the proposed development will lie over an existing public water trunk main, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the water trunk main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Please note:

- The 500 mm public water trunk main requires a clearance of 6 metres on either side of the water trunk main 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 soakaways should be located within 5 metres of a public water main.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](https://southernwater.co.uk/media/3011/stand-off-distances.pdf). Please note: There is 915 mm private surface water sewer within the site.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" ([southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf](https://southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf)) and the Sewerage Sector Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents/](https://water.org.uk/sewerage-sector-guidance-approved-documents/)) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

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



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

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 here: [water.org.uk/sewerage-sector-guidance-approved-documents/](http://water.org.uk/sewerage-sector-guidance-approved-documents/)

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

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

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

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise

generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

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

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

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

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

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

### **Natural England -**

(Final Comment)

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

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], North Kent Special Protection Area (SPA). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

(Interim Comment)

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

#### European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

(Interim Comments)

#### SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Thanet Coast and Sandwich Bay Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Further consideration as to whether the proposed development site is likely to support the qualifying features of the Thanet Coast and Sandwich Bay SPA, and is therefore Functionally Linked Land.
- Consideration of potential Functionally Linked Land as part of a Habitats Regulations Assessment.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

#### Additional Information required

In our previous response dated 08 December 2021 we advised that the site of the proposed application be assessed as to its potential to be functionally linked to the above site. We note that a 'Wintering Bird Survey' has now been submitted which advises that, although the site does provide habitat for some bird species, none of the species assemblages known within Thanet Coast and

Sandwich Bay SPA were present during the seven surveys. Therefore it is concluded that it is unlikely that the proposed site is functionally linked to the above designated site and the development should not have an impact.

We have previously advised that, with regard to site-based surveys, we typically expect at least two years of survey data when determining whether land is functionally linked to a designated site. The submitted wintering bird survey has only covered one season, from November 2021- March 2022. Unless the report can be supplemented with additional Wetland Bird Survey (WeBS) data from recent wintering seasons demonstrating that the land is not functionally linked, then we will require another season of monitoring to achieve certainty. At this point, as long as no qualifying features of the SPA are present during these further surveys, likely significant effect can be screened out.

#### Final Comments

Further general advice on the protected species and other natural environment issues is provided at Annex A.

#### (Initial Comments)

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES As submitted, the application could have potential significant effects on Thanet Coast and Sandwich Bay Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: o Consideration as to whether the proposed development site is likely to support the qualifying features of the Thanet Coast and Sandwich Bay SPA, and is therefore Functionally Linked Land. o Consideration of potential Functionally Linked Land as part of a Habitats Regulations Assessment. Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

#### Additional Information required

Habitats Regulations Assessment:

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required.

#### Functionally Linked Land:

The Thanet Coast and Sandwich Bay SPA spans the north and east Kent coast stretching from Swalecliffe to Deal, and is internationally important for its over-wintering and breeding birds. Areas of land outside of the SPA, that are likely to support the qualifying features (i.e., foraging sites) should be considered to be functionally linked to the SPA by providing supporting habitat. Due to its location and general habitat composition, Natural England would advise that there is a likelihood that the site of the proposed application could be regularly used by the species associated with SPA, and as such, it could be considered Functionally Linked Land (FLL). Any potential loss of FLL and/or impacts to the SPA, should therefore be considered as part of a Habitats Regulations Assessment.

Natural England advise that a habitat suitability assessment should be undertaken by the applicant, in order to determine the likelihood of the site being FLL. We recommend that this should include consideration of: the distance from the SPA, site characteristics (i.e., cropping regime, visibility and areas of seasonal flooding), the size of the site and any existing factors that may affect its suitability (i.e., heavy usage of footpaths by people and/or dog-walkers, proximity to built up areas etc).

If the habitat suitability assessment does not clearly demonstrate that the application site (and surrounding land) is unsuitable for the qualifying features of the SPA, the applicant should undertake a desk based assessment. This should collect existing bird data/information from various sources. If there is an absence of records, the assessment should explain whether this is thought to be due to an absence of birds, or an absence of recording.

Where a desk based assessment determines that the site is suitable to be used as FLL and there is insufficient existing bird data available, we would advise that bespoke site specific surveys should be undertaken. When conducting site-based surveys, we advise that the following should be considered: frequency of surveys (at least two surveys per month (October

- March), tidal state and whether this is likely to impact the use of the site, timings of the surveys based on the associated species (i.e., dusk and dawn surveys, and nocturnal surveys of golden plover) and the cropping regime of the site. We would also advise that we would usually expect at least two years' worth of survey data when determining whether a site is considered to be FLL or not.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

**TDC Environmental Health** - Thank you for consulting Environmental Protection on the above planning application for which we have considered the potential for environmental health impacts offer the following comments and recommended conditions.

#### Noise

A noise impact assessment has been submitted with the application. The assessment was carried out by Acoustic Associates Sussex Ltd dated Oct 2021. The comprehensive assessment indicates that properties along the southern boundary will be significantly impacted by road noise from the A299. The report details extensive mitigation required to ensure reasonable internal noise levels are achieved, particularly at first floor level. It is important that all recommended measures are implemented and the following conditions are recommended:

Prior to the occupation of the development hereby approved, the recommendations set out in Acoustic Associates Sussex Report dated Oct 2021 must be implemented and thereafter be retained.

#### Air Quality

The site adjoins the urban air quality management areas and is classed as major development and so safeguarding conditions apply.

#### **TDC Waste and Recycling** -

(Final Comment)

No objections to this now

(Initial Comment)

We have been unable to find the vehicle tracking documents for this development. As with all new developments we wish to be kept advised of progress. As always we have concerns around access, parking, street furniture placement and residents being moved onto the site prior to building works being completed. For us to collect we will need to see proof of vehicle tracking, site completion and will need to make a site visit prior to collections starting.

**TDC Arboricultural Officer** - The aerial photos suggest there are no trees of significance on the site, if any at all. I saw reference somewhere to previous Arb Officer comments dated 23.11.2021, but I couldn't find them amongst the documents available on line.

I scanned through the recently submitted documents, i.e. dated 31.10.22, and the only ones I saw of any relevance to trees were the Landscape Statement, Masterplan and General Arrangement.

The Landscape Statement provides proposed tree planting details at pages 32/3, and proposed details for two different hedges at page 39:

Trees are subdivided into a number of categories:

- Feature trees - Beech

Beech can make very large specimens and require adequate space to mature without impacting adjacent properties and dominating various amenity areas. They generally thrive best on chalk soils; the site assessment reports geological mapping as showing the majority of the site underlain by chalk but with clay deposits at the extreme southern end, where a number of Beech are shown around a wild flower park. Hornbeam, tolerant of both clay and chalk soils, and proposed elsewhere on site as one of the proposed street tree species and as a formal hedge, may be a more appropriate species to use. The canopy of the upright growing clone "Fastigiata", suggested as a street tree, can reach up to 10m wide in middle age and may be more appropriate in the "Feature tree" locations than the standard native "type" which like Beech can become very large.

- Boundary Native tree mix I'm happy to accept the proposed mix of species.

- Street trees: I'm happy with Rowan but, as noted above, the Fastigiata clone of Hornbeam can spread once middle-aged. The cultivar Fastigiata Frans Fontaine keeps a narrow crown (around 3m wide) and may be more appropriate.

- Street trees to Greens: The Wild Cherry can make a medium to large tree but the standard native Small Leaf Lime can become very large, potentially reaching well over 20m at maturity and is unlikely to be suitable for this development. The photo palette of trees at page 32 shows a smaller upright clone, Tilia cordata Greenspire which may be more appropriate.

- Ornamental trees and Fruiting & Orchard trees: I'm happy to accept the species proposed. The proposed planting sizes across all categories are appropriate.

Hedges

- Formal native single species hedge: Carpinus betulus (Hornbeam) Hornbeam makes a good single species hedge, and should be suitable for the site conditions. Although deciduous, when managed as a hedge the plants tend to hold the brown leaves through most of the winter. The plans appear to show this hedge type around only two areas, the Community Growing Garden in the upper north west corner of the site and the Formal & Communal Garden to the flats. It would also be suitable in other locations within the site, e.g. as an alternative or replacement for residential defensible space hedge planting where a slightly less suburban hedge was considered desirable.

- Boundary Native Hedge mix The proposed species mix, size at planting and density are all acceptable. If I had to make any comment it would be to specify a double staggered row of plants, with 300mm to 400mm between the rows, to give the hedge more depth and body.

**TDC Strategic Planning Manager** - Although the current shortfall in the 5-year housing land supply is acknowledged, the following points should be taken into account when coming to a decision.

NPPF paragraph 7 sets out the three dimensions of sustainable development: economic, social and environmental. NPPF paragraph 8 goes on to state that these roles should not be undertaken in isolation, because they are mutually dependent and therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The adopted Local Plan sets out a broad strategy to focus development largely at the urban areas, close to a wide range of services and better public transport links, to support a sustainable pattern of development. Some small allocations were made at the villages to provide for an element of natural growth within the wider development strategy (Policy SP01), but "village confines" (Policy SP24) were also applied to limit further significant growth that would undermine the overall strategy. These allocations were made after an examination of service levels in the villages, and the scale of development allocated in the villages is broadly proportionate to availability of local, easily accessible services and the size of each village.

As part of this wider strategy, some sites were allocated in Cliffsend. Cliffsend is a settlement with limited services that was not considered suitable for a significant level of housing growth.

The Inspectors' Report says the following about housing development at Cliffsend:

"51. It is possible that some Villages could have accommodated more housing development, including Cliffsend which will benefit from improved accessibility due to the proposed Thanet Parkway railway station. However, the rural settlements only comprise around 4% of Thanet's population, the majority of which is focused in the Urban Area, along with key services, facilities and jobs. Significant additional growth in the Villages would therefore undermine the Plan's strategy which seeks to focus development towards sustainable extensions to the Urban Area. The scale of development proposed in Cliffsend is commensurate with its role and function at this present time.

"52. In summary therefore, directing growth to the Urban Area, strategic sites on the edge of the Urban Area and Villages with the highest number of services is justified, and consistent with national planning policy which seeks to direct significant new development to locations which are, or can be made sustainable. The submitted Plan is the most appropriate strategy for Thanet given the options available."

Any assessment of Cliffsend as a sustainable settlement that could support greater levels of housing will take place through the LP review/update process. However, that would have to be considered alongside a comprehensive review of an appropriate range of services to be delivered alongside any housing, given the limited range of services currently available in Cliffsend.

The Parkway Station is now operational. However, this alone does not create a sustainable location for increased levels of development, and this is acknowledged by the Local Plan Inspectors. I understand that there is an intention for a shop to be provided in Cliffsend (on a



separate site), but this is not yet built, and cannot be guaranteed. In any event, it is only part of the solution in terms of service provision.

I note that in addition to the application site, a number of other sites in Cliffsend have been submitted to be considered in the Local Plan process. If they also came forward ahead of the Local Plan, without the provision of a greater level of local services, this risks reinforcing an unsustainable pattern of development.

**TDC Strategic Housing Officer** - The above extract proposes a new mix of units as set out in the Schedule of Accommodation dated 02/06/23, revision L, which states the following:

The above proposal veers away from the initial proposed contribution of 30% affordable housing which equated to 42 no units, which met the requirements of Local Plan Policy SP23.

The revised affordable housing proposes 31 no units which equates to a loss of 11 no units; therefore, it is not compliant with the requirements of Policy SP23 and cannot be supported by TDC's Strategic Housing department.

Whilst I understand that a viability assessment has brought about these changes, I strongly suggest that this is once again reviewed by an external independent assessor to ensure that further affordable rented units cannot be incorporated into this development.

The proposed affordable housing mix is not completely reflective of the overall housing target mix for the district. The Strategic Housing Market Assessment (SHMA) (updated August 2021) recommends the following appropriate mix of affordable and market homes. This takes into account the ageing demographic and changes within households over a long term 20 year period:

The table below illustrates the proposed affordable housing mix for this site against the SHMA's (updated 2021) Affordable Housing Target Mix.

The proposed scheme indicates a higher number of 2 bed units and a lower number of 3 bed units against the SHMA's (updated 2021) Affordable Housing Target Mix recommendations.

Although the housing mix figures are not necessarily prescriptive, to ensure a future balanced delivery of units within the district, it would be advisable to closely align the housing mix against these figures, particularly on a large strategic site such as this one; therefore, it would be prudent to use these as a set of guidelines and where a housing mix significantly differs from these figures, it requires appropriate justification.

The Schedule of Accommodation states that it should be read in conjunction with Drawing no: AA8931-2006. This drawing shows the layout of the site and the integration of different tenure units throughout the development. The proposed First Home units and the Shared Ownership unit are integrated with the Market Sales units. The affordable rented units are mainly congregated to the South West corner of the site and would benefit from being dispersed throughout the development.

**Clinical Commissioning Group** - The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests: 1. Necessary 2. Related to the development 3. Reasonably related in scale and kind We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

**Network Rail** - Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland, and Wales. As statutory undertaker, Network Rail is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Consequently, any third-party proposal that impacts Network Rail's ability to deliver a safe operational railway is a concern.

We have been consulting internally with the Train Operating Company, South Eastern Railway. Due the expected increase of demand this development will have on the upcoming Thanet Parkway Station (expected May 2023), Network Rail are requesting contributions from the developer so that rail travel remains an attractive option. This point is also acknowledged by the developer, as the trip generation figures quoted in the Transport Assessment seem to be based on Ramsgate and Minster Stations only, recognising the new station located 400m from the site will change the travel habits of residents.

At present, customer facilities at the station are rather basic and as such, would benefit from improvements. Network Rail would like to see funding go towards shelters for the Ticket Vending Machines as a start. This would help to ensure rail passengers are shielded from the elements.

In addition, connectivity from the development to the Thanet Parkway Station is poor for pedestrians and there is a need to improve access. We would like to see funding towards a pedestrian and cycle path that connects the two points. A bus service that serves both of the locations would also be helpful. These improvements would ensure the integration of rail as a vital form of sustainable travel.

Network Rail supports the development in principle but recognises the additional usage of Thanet Parkway would require station improvements. We are open to engaging with the developer to discuss these requirements in the run-up to the station opening.

We would be looking for approximately £9000 (VAT inclusive) - which is the cost for 2x TVM shelters.

While I wasn't able to ascertain why there weren't included in the original application, these shelters help to enhance passenger experience by providing protection from the elements. The increase in use of the TVMs due to the new development means there is a need to make them sufficiently robust. Furthermore, considering Thanet Parkway is a new station, there is a need to incentivise passengers to use it instead of the surrounding stations. Maximising value

by providing shelters ultimately contributes in creating a more welcoming environment and encourages sustainable means of travel, as well as easing the burden on surrounding stations, which has community benefits.

**Kent Police** - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF). We request a condition for this site to follow SBD Homes 2019 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

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

2. Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line. I note on the plan that side access gates are towards the rear of the properties, therefore I recommend an additional gate shared by both occupiers is installed towards the front of the building line.

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

4. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or sold secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting - the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.

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

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

7. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

8. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS

201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

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

10. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.

11. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

12. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB. 13. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats. We advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area and sheds of dwellings.

14. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. For the houses, we recommend SBD TS008. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

15. CCTV is advised for all communal entry points and to cover the mail delivery area.

## COMMENTS

The application has been called to the planning committee by Cllr Rattigan on the grounds of concern about lack of amenities to support the new homes.

### **Principle**

#### *- Policy Background*

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

Policy SP01 of the Thanet Local Plan sets out the spatial strategy for the district. It states that the primary focus for new housing is the district's urban area, and that limited development is already allocated to Cliffsend through the Local Plan process, with housing allocations made on a proportionate basis given the small range of local services and public transport connections that serve the village.

The supporting text to the policy explains that the strategy has been determined by the size and geography of the district with the largest settlements following the coast forming the urban area. It also reflects constraints such as international and national wildlife designations and the presence of predominantly grade 1 agricultural land beyond the urban area. Whilst it is noted that the Council is currently reviewing submission of sites as part of strategic planning to 2040, the application falls to be considered under the Thanet Local Plan 2020.

The proposed development lies outside of the district's urban area, and does not fall under one of housing allocation sites within the village. The proposed development would therefore fail to comply with the objectives of Policy SP01.

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

Policy SP24 (Development in the Countryside) of the Local Plan states that development on non-allocated sites in the countryside will be permitted for either: 1) the growth and expansion of an existing rural business; 2) the development and diversification of agricultural and other land based rural businesses; 3) rural tourism and leisure development; 4) the retention and/or development of accessible local services and community facilities; or 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings. Isolated homes sites in the countryside will not be permitted unless they fall within one of the exceptions identified in the National Planning Policy Framework. All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated. The proposal for housing development does not fall within the list of permitted development within the policy, and as such the proposal does not comply with the objectives of the policy.

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The site lies outside of the urban area, and is not an allocated housing site, and therefore the proposal fails again to comply with the objectives of Policy HO1 of the Thanet Local Plan.

The NPPF seeks to 'boost significantly the supply of housing' and requires Local Planning Authorities to demonstrate that they have a 5 year supply of deliverable housing sites to meet their objectively assessed needs. Local Planning Authorities are also subject to an annual housing delivery test, in which the number of new homes built in each Local Authority area is centrally calculated as a percentage of the number of homes needed there over the previous three years. The Local Planning Authorities position regarding their 5 year housing supply, and outcome of the housing delivery test affects whether or not the Local Authority falls within the 'presumption in favour of sustainable development'.

The November 2021 Housing Delivery Test results for the Council were published on 14 January 2022 which showed that the District has achieved a measurement of 78% and is no longer in presumption under the Housing Delivery Test, and as a result will need to produce an action plan (which was produced in 2019 and updated in 2020) and apply a 20% buffer to housing land supply. The current published position of the housing land position is within the

Annual Monitoring report 2022 (published 31st March 2022). Although the Council is no longer in presumption under the Housing Delivery Test, it is unable to demonstrate a 5 year supply of housing when applying the 20% buffer, with a supply of 2.91 years from the published data. No subsequent Housing Delivery test results have been published or an Annual Monitoring report for 2023.

Therefore paragraph 11d) of the NPPF applies, with the important development plan policies considered out of date (footnote 7). Therefore planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused".

Given the lack of 5 year housing supply, the most important Policies of the Local Plan are considered to be out of date. However, the policies in the plan were recently adopted (2020) and are considered to be in accordance with the policies outlining the NPPF. Policy SP01 remains the strategic direction of the Council for housing development to be focused either within the urban area, or through the expansion of the urban areas utilising strategic and localised allocated sites. In addition notwithstanding the Council's current position on 5 year supply, it is the Government's stated intention within "Levelling-up and Regeneration Bill: reforms to national planning policy" published 22nd December 2022 to remove the requirement for local authorities with an up-to-date plan, (which in this case means where the housing requirement as set out in strategic policies is less than 5 years old), to demonstrate continually a deliverable 5-year housing land supply. In addition, the 20% buffer applicable as a consequence of less than 85% of the HDT being achieved is proposed to be removed. As a result of these proposed changes, full weight would be applicable to all policies in the 2020 Thanet Local Plan (subject to planning permissions in place to meet the identified housing need. Whilst the consultation responses to the changes to the NPPF are being considered, the process identifies the direction of travel in government policy.

Therefore, in terms of the principle development, the proposal would not comply with the requirements of Policies SP01, SP24 and HO1, however at this point in time, the weight attached to these policies is limited and the tilted balance under paragraph 14 is engaged.

- *Sustainability*

Cliffsend village is located between the village of Minster and the urban area of Ramsgate. The village contains limited facilities and services. There are no educational or health facilities within the village, with the closest to the site being either Minster Doctors Surgery and Minster Primary School, Newington Community Primary School and Newington Road Doctors Surgery in Ramsgate, or Chilton Primary School in Pegwell, Ramsgate. The facilities that do exist within the village include St.Mary's Church, Cliffsend Village Hall (which contains a hairdressers and space for a number of recreational classes that are advertised on the information board), Njord cafe (a new cafe/bar to the south of the village), a petrol station with convenience store, the Viking Ship cafe (seasonal opening), MOT garage, and Cliffsend Recreation Ground (including the equipped play area).

A bus stop is located within Canterbury Road West, to the north of the site, and this service can be used to access the centres of Minster Village, Monkton Village, and Ramsgate, including the Nethercourt Estate.

To the south of the site is Parkway Station, which is directly accessed from the site by a recently resurfaced pedestrian link. The station allows for access to Ramsgate within 5 minutes, and from Ramsgate Station Ellington Infant School in a 9 minute walk, and St.Laurence-in-Thamet Junior Academy and Dashwood Medical Centre are a 10 minute walk (the application site lies within the surgery's catchment area).

In addition to this there is an extant planning permission for a convenience store on the recently completed housing development on the corner of Foads Hill and Cliffsend Road (along with a new pending application for the convenience retail unit); and there is an planning permission for a new primary school, and community hall on a nearby development site Manston Green, which will be within a 20-25 minute walk from the edge of Cliffsend (with full pedestrian links), and a 5-10 minute bike ride. The pedestrian links through the Manston Green development will also provide a more direct route to Manston Tesco, which currently cant easily be accessed by foot due to the existing lack of pedestrian links along Manston Road.

The application site lies adjacent to the village confines, which are to both the north and east of the site. Whilst the village has limited facilities and services, the recent construction and opening of Parkway Station means that the village now has good connection with the urban area, and can easily access facilities and services within Ramsgate. Extant permissions for nearby development, if implemented, will also improve accessibility to local primary school provision from Cliffsend, and see the provision of a new convenience store within the village.

The Council's Strategic Planning Manager has commented on the application, and has queried whether Cliffsend is the appropriate location for housing growth, beyond the sites already allocated. He has made reference to the Inspector's Report from the Local Plan examination where the Inspector commented that significant growth within the villages could undermine the Plan's strategy to focus development towards sustainable extensions to the Urban Area, with the Inspector concluding that the scale of development proposed in Cliffsend is commensurate with its role and function at the present time. This view is acknowledged, however, it was provided prior to the construction and opening of Parkway Station and without knowing if works were going to commence on the Manston Green development. Furthermore, whilst this is a reasonable view to have when considering future housing allocations within the Local Plan, the planning considerations when making site allocations differ to the planning considerations for assessing planning applications. When assessing planning applications with paragraph 14 of the NPPF engaged, the main consideration is whether the proposed development will result in demonstrable harm that would outweigh the benefits from the development. Whilst Cliffsend is not the Council's preferred location for housing development, some weight needs to be applied to the positive sustainability aspects of this location that have been raised above. Again, the decision to be made is whether the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole, and substantial weight needs to be afforded to the 141no. housing units being provided, which would make a significant contribution to housing supply in the district.

In determining whether the proposed development of the site for housing would represent 'sustainable development' as set out within the NPPF, the benefits of the development would need to be balanced against the impact of the development on the countryside, the visual impact upon the character and appearance of the Landscape Character Area and local environment and the impact upon the surrounding highway network, together with other factors including loss of agricultural land, archaeology, biodiversity, contamination, among others.

### **Loss of Agricultural Land**

The NPPF states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. It is noted that the glossary of the NPPF defines best and most versatile land as land in grades 1 (excellent quality), 2 (very good quality) and 3a (good quality) of the Agricultural Land Classification.

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. The area of land to the north of the site previously formed part of that same agricultural holding, but has since been allocated for housing, planning permission granted, and the development constructed.

The remaining agricultural land, which includes this application site, is constrained through the presence of the A299 to the west and south, and Canterbury Road West to the north.

An Agricultural Land Classification and Soil Resources document has been submitted with the application. The document confirms that assessment of the land quality has been carried out, with all of the agricultural land at the site classified as Subgrade 3a. Grade 3 land has moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield, and is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land)). The land is therefore defined as best and most versatile agricultural land.

A sequential assessment has been submitted with the application, which considers agricultural land quality. It provides details of historic agricultural land quality mapping, which provisionally show the majority of agricultural land within Thanet to be either Grade 1 or Grade 2, with Grade 3 in areas closer to the River Stour, where it is not suitable for development. The assessment concludes that any development within Thanet is likely to involve the loss of best and most versatile agricultural land, which in most cases would be of at least very good quality, when compared to the good quality that makes up the application site. The assessment therefore



concludes that the application site represents some of the lowest quality land available in the district.

The development of the site would not sterilise the remaining site, as agricultural access into the remaining site will continue to exist to the north of the site onto Canterbury Road West, and the remaining area of land is large enough to enable the continued farming of Winter Wheat, with the rotation of Rape Seed and Beans during other seasons.

The proposal will result in the loss of best and most versatile agricultural land, and therefore the acceptability of the development is solely dependent upon whether the benefits of the proposal outweigh the harm resulting from the loss of the agricultural land.

### **Impact on Countryside and Surrounding Area**

#### *- Impact on Landscape Character Area*

The site falls outside of the urban confines and within the Wantsum North Shore 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 Wantsum North slopes form a distinct area of sloping land on the north shore of the former Wantsum Channel. The key characteristics of the Wantsum North slopes, as set out within the Council's Landscape Character Assessment report (August 2017), include sloping arable fields; regular, rectilinear field pattern with few defining boundary features between fields creating a large scale and open landscape; St Augustine's Cross, a stone memorial with carvings of significant Christian figures and events near to the village of Cliffsend; and long views over the marshes into Dover and Canterbury Districts as well as sea views from the elevated ground and cliff tops over Pegwell Bay and the English Channel.

The key sensitivities and qualities of the character area include the long, uninterrupted views from the south facing slopes across the flat landscape of the adjacent marshes and over Pegwell Bay and the sea that contribute to the scenic quality; strong cultural associations, including links to the historical landing sites of St Augustine in the adjacent Pegwell Bay (LCA F1); and its role in providing a rural backdrop and largely undeveloped ridgeline and slopes to the adjacent marshes (LCA E1).

The guidelines for the landscape strategy within the landscape character area include conserving and enhancing the cultural heritage and assets including their landscape setting; conserving the managed farmland character including opportunities to reinstate field patterns through hedgerow planting and enhance biodiversity; enhancing the public right of way network with better footpath connections between villages, areas of historic interest and with the wider landscape; consider opportunities for integration of the major A roads that cut through on the boundaries of this landscape, including minimising night time light spill and boundary planting; maintaining the sense of separateness and identity of the distinct settlements resisting development that could result in physical/visual merger along connecting roads; and conserving the mostly open rural character and long uninterrupted views across the adjacent marshes and the role of this area as a rural backdrop and skyline to views from the marshes and beyond.

The application site forms an expansion of the village to the west, with the site infilling between previously approved housing development to the north (which is under construction), which fronts Canterbury Road West, and existing residential development to the east fronting Clive Road and Cliff View Road. No part of the application site extends beyond the western boundary line of the existing dwellings that front Canterbury Road West. As such, the proposed development could be viewed as a natural expansion of the village, rather than an isolated extension into the countryside. There would be limited southern views from Canterbury Road West towards Pegwell, as the views are screened by the previously approved development. The greatest impact would therefore be from Canterbury Road West to the north-west, and the A299 to the west, the south-west and south. All other views are screened by existing development.

A Landscape and Visual Impact Assessment has been submitted as part of the application in order to examine the visual impact of the proposed development on the immediately surrounding area, as well as on long views of Pegwell and Sandwich Bay, given the location of the site within a Landscape Character Area.

The assessment describes the application site as being situated on the edge of a large arable field on the north western side of the settlement of Cliffsend. A public footpath passes the site on the western boundary, and the site is overlooked by a number of properties. The site has a rural character with a regular agricultural field pattern with few defining boundary features, which is strongly visually influenced by presence of settlements, golf courses, railway line and busy road corridors (which also provide visual and audible disruption and a sense of movement in the landscape). The site does not possess any unique or rare features, although does form a landscape setting to Cliffsend. Longer views to the south occur due to the sloping nature of the site, but adjacent settlement limits views to the east, and south east.

The assessment has considered seven viewpoints from a number of different directions around the site, and has been undertaken on the basis that a variety of soft landscaped mitigation is incorporated into the final design, including:

- Strengthening of on-Site boundaries with planting to create an appropriate landscape structure with proposed hedgerow, shrub and tree planting to help soften the development and provide an attractive settlement edge along the western boundary;

- Establish visual connections from north to south via landscape corridors, with long vistas towards the sea maintained and enhanced southwards along north/south and north west/south west orientated roads to ensure the development is permeable and to maintain intervisibility with the coastline;
- Use landscape to transition the built development into the open green space and rural landscape to the west providing a cohesive and attractive landscape structure;
- Tree planting and landscape structure within the built development to focus on key locations where vistas are created at key junctions, main entrances, corners and boundaries of the built development. Tree planting within rear gardens as well as on street planting;
- Enhancing of existing pedestrian links alongside the site;
- Ongoing maintenance of the planting during the establishment phase and subsequent landscape maintenance and management to ensure that the structure planting establishes and matures to form a setting for the proposed development;
- Minimise additional lighting of roads and housing by using directional lighting.

The viewpoints have been assessed with this mitigation in mind, and the visual impact has been considered at three stages, at the point of construction, at year 1 following completion of the development, and at year 15 following completion of the development.

From a pedestrian viewpoint, Viewpoint 1 - from Clive Road, Viewpoint 2 - from PROW TR32 to the north-west of the site, and Viewpoint 3 - from the PROW on the south-west boundary of the site, have been identified as having the greatest impact, with a 'major effect' during construction and year 1, which reduces to a 'moderate effect' at year 15 (with the only exception being the view from Clive Road, which has a 'major/moderate effect', but this is inevitable being on the site boundary with the urban area).

From Canterbury Road West the assessment considers that whilst the proposal would not introduce development uncharacteristic of the view, it would form an extension to Cliffsend, continuing the settlement edge further right within views towards the A299 (Hengist Way). As such, development would occupy a slightly greater proportion of the horizontal proportion of the view, but long distance views towards the coastline and out to sea would still be possible beyond the development.

At Year 15, the in-curtilage tree planting, open space planting and structure planting along the Site boundary would have started to mature, and the visual effects of the housing would be softened, which would not affect the experience of the road user to a significant level.

From the A299 the assessment considers that despite the close proximity, an earth embankment alongside the southern stretch limits views to the development, in particular along the most easterly section where the road is cut descends below the level of the Site. Along the other stretches roadside boundary hedgerows also limit some views of the Site. From more open sections, Viewpoint 6 demonstrates where visible the Proposed Development would be seen within the context of a busy road corridor and associated road infrastructure. The extent of visible development would appear to link with the existing residential development at the western edge of Cliffsend. As the structure planting and in-curtilage planting matures, and planting within the south western area of open space matures, effects would reduce. This is a fast road and therefore views of the Proposed Development

would be seen at speed, largely at oblique angles of views and in part filtered by the roadside embankment and vegetation, and therefore the effects on route users would be limited.

All of the units proposed will not exceed 2-storey in height, and amendments have been sought to reduce the scale and density of the units adjacent to the southern boundary of the site by increasing spacing, hip the roof, and reduce the ridge and eaves level in views from the A299. The submitted landscaping plans show substantial planting along the western and southern boundaries of the site, which will fall outside of private ownership and therefore enable substantial landscape buffers to become established. The street elevation plan for the southern boundary shows the planting at the point of construction, and how it is expected this will develop over a 15 year period. With the change in design of the units and the drop in eaves level, it will be mainly the roof slope that will be visible above the existing/proposed landscape strip along the southern boundary. Once the landscaping has established over the 15 year period the street elevation plan, which has been produced by the applicant's landscape architect, suggests that the majority of the development when viewed from the south will be screened by soft landscaping.

The Landscape and Visual Impact Assessment report concludes that an effect on visual amenity of the landscape is an inevitable consequence of development, but the development has been designed so as to minimise any adverse effects by not maximising 2-storey in height, and by strengthening the settlement edge through new tree and other planting. Whilst there would be some major and significant effects at construction and during year one, this is due to the proximity of these particular viewpoints to the development, and that time is needed for landscaping to establish. By year 15 the maturing of the planting will lessen the visual effect. In terms of views towards Pegwell, direct views of the north are already affected by the adjacent housing development, and views from the north west have a backdrop of existing development. Furthermore, with the drop in ground level and the associated drop in build level across the site, the long distance views of Pegwell are unlikely to be affected. The assessment concludes that whilst there will be adverse landscape and visual effects, the overall effects of the development would be limited and more localised, with long views of the coast neither lost or interrupted.

- *Impact on Character of the Area*

Policy QD02 of the Local Plan outlines that the primary planning aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The site has a number of site constraints, with a gas main easement running north west to south east through the site, a trunk main easement adjacent to the eastern boundary of the site, a PROW falling just outside of the western and southern boundary of the site, a pumping station lying just outside of the northern boundary of the site, and the site including an area that formed the sustainable drainage system for the development to the north, that now needs to be relocated. Adjacent to the south eastern boundary of the site, south of Clive Road, a new

shared footpath/cyclepath has also been created to provide access to Parkway Station. These constraints have impacted on the proposed site layout in that buildings can't be located over the gas main or trunk main easement, connections are needed to the PROW and other pedestrian links without causing a diversion of the PROW, and drainage for the whole development is required, with restrictions on how close development can be placed to pumping stations.

The proposed layout follows the same pattern of development approved on the adjacent site to the north. The main access road that extends north to south through the adjacent neighbouring site to the north continues down into the application site, with this forming the main access to the site, which is served by Canterbury Road West. An emergency access into the site is provided from Clive Road, with the plans annotated showing retractable bollards or similar across this access. A number of access roads extend off the main north-south route, each of which form cul-de-sacs, other than the road to the south which loops round forming a through route. Parking is provided in the form of 1-space per flat, 2 spaces per 2-bed and 3-bed house, and 3 spaces per 4-bed house, with 46no. visitor parking spaces distributed around the site.

A number of green spaces have been provided within the development, with the main locally equipped area of play located at the intersection of the gas and trunk main, just north of Clive Road. Other open spaces provided include a community growing garden with raised planters and shed in the north west corner of the site, an informal open space with picnic areas to the centre of the site, an orchard next to the play area, and a wild flower park with picnic desks and seating areas to the far west of the site above the drainage area. The open space requirement for the site as set out within Policy GI04 of the Thanet Local Plan requires 0.2 ha of amenity greenspace, 0.08 ha of equipped playspace, 0.07 ha of allotments/community orchard, 1.1 ha of natural and semi-natural greenspace, and 0.27 ha of public parks and gardens. The cumulative total required is 1.72 ha. The open space provided is approximately 3.6 ha, which significantly exceeds the requirement. The proposal therefore complies with Policy GI04 of the Thanet Local Plan. The open space provision provides an attractive setting for the development, with community benefits offered to future residents, as well as existing residents of the village who may wish to use the play area or picnic areas etc. The open space also provides the opportunity for biodiversity enhancements. Full details of the play area have been provided on the Landscape General Arrangement Plan, and include a basket swing, stepping log, jumping disc, hammock, basket ball hoop, table tennis table, and fitness equipment. Whilst this is not typically the equipment expected within a play area, a large play area that contains equipment for smaller children is provided within the development site to the north, so this alternative equipment for older children will complement this and provide a beneficial alternative that will again also benefit existing residents.

In terms of scale, all of the units are 2-storey in height. A range of units types have been proposed. They are all traditional in design, and similar to the design of units approved to the development site to the north. They have pitched roofs, some with gable fronts and others are hipped. A range of materials are proposed including three different bricks, tile hanging, black cladding, and three different roof tiles. Some are provided with porch canopies. Street elevations have been submitted for a number of different roads within the development. They show that the level of the properties drop with the ground level, and that there is good spacing between the units. Whilst a variety of unit types are proposed, this doesn't come across in the

street elevations, where many of the dwellings appear quite similar, showing that the variations between the unit types are quite minor. A greater variation in the unit types would have been preferable given the village location of the site, but given the presence of similar building types on the development to the north, the proposed design is considered to be acceptable. Within the immediately surrounding area buildings are typically pitched roof, and single storey, although 2-storey properties are present. Some properties are hipped and some have gable frontages, and there is a mix of materials including brick, render and cladding. The proposed development would therefore not conflict with the vernacular of the surrounding area.

A range of unit types has also been proposed, including two blocks of terraced units to the centre of the site to the west, a flat block to the east of the site, and the remainder of the units are either semi-detached or detached. This arrangement will appear in keeping with the typical pattern of development within Cliffsend where properties are usually semi-detached or detached properties.

During the course of the application the number of units has reduced from 145no. units to 141.no units. This followed concerns raised regarding the density of the development along the southern boundary, where groups of terraced units were originally provided. Concern was raised that views into the site from the A299 to the south would be affected, with the development appearing overly dense and out of keeping with the rural character of the area. A lower density development with greater spacing between units was recommended. The plans have been amended and the terraces replaced with nine pairs of semi-detached units. The type and spacing of these units is now considered to be acceptable.

In addition to the spacing, concern was raised with the height of the units to the south. The provision of bungalows along this southern boundary was recommended in order to improve the variety of units within the scheme, appear in keeping with the village where bungalows are more characteristic, and reduce the dominance of the buildings in the views from the south. The applicant was not keen to change to this unit type, but has agreed to amendments that reduce the ridge and eaves height of the buildings. The amended elevation and street elevation show that the rear eaves level of these units is now at 1.5 storeys, with the eaves level with the centre line of the first floor windows. This has further reduced the dominance of these buildings from the south, creating units that are more characteristic of the modest building styles within the village.

The flat block is 2-storey in height, with four flats to each floor. There are gables to the front and rear, with the central hallway sections setback. The building has windows to each elevation, and is broken up with brick to ground level and black cladding to first floor level to each elevation. The flat block is set away from the neighbouring property in Clive Road, and is set within a spacious setting, with soft landscaping around the building, including doorstep play space to the rear.

A Landscape Masterplan and Landscape General Arrangement Plan has been submitted with the application. It shows a landscape buffer to the southern boundary with tree planting, tree planting around the edge of the wild flower park to the west, a 2.5m landscape strip with hedge and tree planting along the western boundary, tree planting and new hedgerows around the edge of the play area and informal play space, and tree planting to the front of properties in grass verges creating tree lined streets, which the NPPF encourages. Tarmac is proposed

for the main road accesses and footways, but block paving has been used for parking spaces and the smaller turning heads. Boundary treatment consists of fence and walls, with the walls located in the more prominent visual locations. Within the community growing garden a shed and glass house is proposed, along with planters. Details of this have not been provided, but can be covered by condition. Overall the landscaping is considered to be acceptable, providing visual enhancement within the development, whilst also helping to soften the appearance of the development in longer views.

The Council's Arboricultural Officer has been consulted on the application. There are no existing trees on site, so his comments are in relation to the proposed planting strategy. He advises that the feature Beech trees can make very large specimens and require adequate space to mature without impacting adjacent properties and dominating various amenity areas, and that they generally thrive best on chalk soils. Clay deposits are present in the wild flower park, and therefore the Beech trees should establish in this location.

Hornbeam is tolerant of both clay and chalk soils, and is proposed elsewhere on site as one of the proposed street tree species and as a formal hedge. The canopy of the upright growing clone "Fastigiata", suggested as a street tree, can reach up to 10m wide in middle age and the Arboricultural Officer has advised that these may be more appropriate in the "Feature tree" locations than the standard native "type" which like Beech can become very large.

The Arboricultural Officer supports the Native tree mix boundary, the Rowan street trees, the Ornamental, fruiting and Orchard trees, but suggest the Fastigiata clone of Hornbeam may become too large, and should be replaced with a cultivar Fastigiata Frans Fontaine with a narrower crown. The Small Leaf Lime can become very large, potentially reaching well over 20m at maturity and is unlikely to be suitable for this development, with a smaller Tilia cordata Greenspire being more appropriate.

The formal native single species hedge: *Carpinus betulus* (Hornbeam) Hornbeam makes a good single species hedge, and tends to hold the brown leaves through most of the winter. Along the western boundary it's suggested that a double staggered row of plants, with 300mm to 400mm between the rows, to give the hedge more depth is provided.

A landscaping condition is attached requesting the submission of a plan that covers these points raised. These recommendations will be required to be accommodated within the landscaping plans, and therefore no concerns are raised. Any tree planted in the development would be required by planning condition to be replanted within a minimum of 5 years from completion of the development if they die, are removed or become seriously damaged or diseased.

In terms of hard surfacing, the hard surfacing plan shows the provision of tarmac roads, but also the use of block pavers for parking spaces, which will help to break up the hard surfacing, improving visual amenity. To the east of the plan, tarmac is proposed to the parking spaces around the play area, and to the units that lie adjacent to the eastern boundary, and opposite the play area. The agent has confirmed that more paving to these spaces could be introduced, and therefore this plan is not being approved at this stage, with a revised hard surfacing plan to be submitted via condition which would resolve officer concerns.

Kent Police has raised a number of comments on the application, including the surveillance of parking courts and green spaces, boundary treatment meeting a minimum height of 1.8m, the installation of locked gates, installation of pavements to avoid conflict between pedestrians and motorists, tree planting designed to not affect lighting or surveillance, ground floor windows to have defensible space, cycle and bins stores to be lit and locked, and CCTV to be provided to communal entry points. Most of these points are quite minor, but the applicant has responded to them with the intention to address the points raised through the next stage of Secure By Design, or through future landscaping and lighting plans. Where surveillance has been mentioned, windows exist that will look over the parking courts and green spaces.

The proposed development follows the surrounding pattern of development, and provides a traditional form of development that does not significantly detract from the character of the area. Whilst a greater number of unit designs would have helped to have better integrated the development into the rural character of the village, the proposed development would appear in keeping with the development to the north, and the design of the southern boundary has been amended to try to reduce the scale of dwellings in long views from the south, whilst also introducing a unit design of 1.5 storeys in height that appears more in keeping with the existing bungalows in the area. Landscaping has been used to soften and screen the development in long views from the west and south, and the open space provision exceeds the minimum requirement, with an additional park, picnic areas, orchard, and community growing garden provided. The proposed materials are also in keeping with the palette of material in the area. On balance, the impact upon the character and appearance of the area is considered to be acceptable, and in accordance with Policy QD02 of the Thanet Local Plan.

## **Living Conditions**

- *Neighbouring occupiers*

Policy QD03 of the Thanet Local Plan states that 'all new development should be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure; be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04; include the provision of private or shared external amenity space/play space, where possible; provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass'.

The main neighbouring properties affected would be those properties in Cliff View Road and Clive Road. Properties in Cliff View Road are a mix of bungalows and 2-storey properties. The proposed development backs onto their rear boundary, however, given the presence of an existing public water trunk main within the site adjacent to the eastern boundary, there is a need to push proposed dwellings away from the boundary to make sure there is clearance of 6m either side of the water trunk main. This has resulted in a minimum distance of 33m between the rear elevations of proposed development and the closest rear elevation of the nearest neighbouring dwellings. This distance is considered acceptable to minimise loss of light and outlook, and to prevent a significant loss of privacy to neighbouring occupiers from first floor windows in the proposed development.



In Clive Road the nearest neighbouring property lies adjacent to the proposed play area. The neighbour has raised concerns regarding security and noise, as the existing boundary treatment is quite low. The submitted Landscape General Arrangement Plan shows that the intention is to provide hedgerow along this boundary. There is also the ability to provide new fencing for security, which could be in the form of acoustic fencing to limit noise transfer. The indicative plan for the layout of the play area suggests that the main equipment will be approximately 25m from the boundary, which should also limit noise impact. The applicant has agreed to a condition requiring the erection of an acoustic fence adjacent to no.17 Clive Road.

To the south of Clive Road the nearest neighbouring property lies adjacent to the proposed flat block, however, the existing pedestrian/cycle link to Parkway Station is positioned between the neighbouring property and the proposed flat block, so the proposed side elevation of the flat block is 21m from the side elevation of the neighbouring property. Given this distance the impact upon light to and outlook from the neighbouring property is considered to be acceptable. In terms of overlooking, the proposed flat block contains four windows at first floor level in the side elevation, two serving a lounge/kitchen area, and two serving a bedroom. Three of the windows face the side elevation of the neighbouring property, but the window furthest to the rear, which serves the lounge/kitchen area, directly faces the rear garden of the neighbouring property. Whilst the neighbour has a garage and some boundary vegetation, there could be the potential for overlooking, therefore given that this window is a secondary window it can be obscure glazed to prevent overlooking. The applicant has agreed to an obscure glazing condition restricting this kitchen/lounge window.

To the north are existing properties that have been constructed, but have not yet been occupied. Given the distance, the proposed development is not considered to affect the living conditions of the future occupiers of the neighbouring development.

Subject to safeguarding conditions as suggested above, the impact upon neighbouring amenity is therefore considered to be acceptable, and in accordance with Policy QD03 of the Thanet Local Plan.

- *Future Occupiers*

Within the proposed development the units have been assessed against Policy QD04, which states the minimum space requirements of the units in relation to the nationally described space standards. The smallest 1-bed unit is 50.2sqm, which meets the minimum requirement of 50sqm; the smallest 2-bed is 79sqm, which exceeds the minimum requirement of 61sqm; the smallest 3-bed is 96.3sqm, which exceeds the minimum requirement of 84sqm; and the smallest 4-bed unit is 108.8sqm, which exceeds the minimum requirement of 97sqm.

There is a requirement for each property to be required with secure doorstep playspace, as required by Policies QD03 and GI04 of the Thanet Local Plan. Each dwelling is provided with a garden area, and the block of flats is provided with a communal garden area. The proposal is considered to comply with Policies QD03 and GI04 for doorstep playspace.

Within each dwelling plot there is space for refuse storage. For the flats an outbuilding has been provided to secure the refuse storage and cycle parking. Further details of this have

been requested by condition, along with a requirement that the refuse is stored within the approved location and thereafter maintained.

Policy QD05 requires 10% of new build developments to be built in compliance with building regulation part M4(2) accessible and adaptable dwellings; and 5% of the affordable housing units on housing developments to be built in compliance with building regulations part M4(3) wheelchair user dwellings. The submitted accommodation schedule shows that 15no. units will comply with building regulation part M4(2), which exceeds the 11no. required, and 2no. units comply with building regulations part M4(3), which meet the requirement. The proposal therefore complies with Policy QD05 of the Thanet Local Plan.

A noise impact assessment has been submitted with the application that looks at the impact on the future occupiers from transportation noise, including road and rail transport. Sound level metres have been used along the southern boundary and a rail survey was undertaken. The report concludes that the measured data was entered into a noise model which was subsequently calibrated and then used to predict the likely sound pressure levels for a number of the worst-case properties in Blocks A through to H of the proposed new development. The noise model demonstrated that the greatest impact is on properties on the Southern and Western boundaries at first floor levels. The building forms and massing on these facades act as a barrier, disrupting the sound energy as it passes further into the development site where sound pressure levels are considerably reduced. The dominant sound source is that of the A299 Hengist Way to the South which is 4 lanes of fast-moving traffic set in a deep cutting. The results of the detailed assessment indicated that the standard two storey properties are capable of using standard thermal double glazing and through frame/through wall passive trickle vents in order to limit the impact to an acceptable level. In addition an acoustic fence along the southern boundary is recommended, at a minimum height of 2.5m, as this was demonstrated in the modelling to reduce noise impact from the road and railway.

Environmental Health has been consulted, who advise that the extensive mitigation detailed within the report needs to be achieved, particularly at first floor level, and therefore it is recommended that all of the mitigation measures stated within the report are secured via condition, including the window and ventilation design and the acoustic fence. Subject to a safeguarding condition securing this mitigation, the impact upon future occupiers of the development from transportation noise is considered to be acceptable, and in accordance with Policy SE06 of the Thanet Local Plan.

Subject to these safeguarding conditions the impact upon the living conditions of the future occupiers is considered to be acceptable, and in accordance with Policies QD03, QD04, QD05 and SE05 of the Thanet Local Plan.

## **Transportation**

### *- Trip Generation*

Policy TP01 states that 'development proposals would have significant transport implications shall be supported by a Transport Assessment and where applicable a Travel Plan. These should show how multi-modal access travel options will be achieved, and how transport infrastructure needs arising from the expected demand will be provided'.

A transport assessment has been submitted with the application. The assessment looks at the trip generation during AM and PM peak hours from the proposed development, and whether the existing access onto Canterbury Road West, through the adjacent housing scheme, can accommodate these additional vehicle movements.

The assessment expects the proposed development to provide a total of 67no. two-way vehicle movements in AM peak and 58no. two-way vehicle movements in PM peak. The trip distribution previously agreed for the adjacent development to the north, and previously the Jentex development opposite the site entrance, was that 70% of development traffic leaving the site is likely to travel east, and 30% west. The junction onto Canterbury Road West has been assessed, with the assessment stating that the priority junction will continue to perform well within operational capacity during AM and PM peak periods. This is justified due to the low traffic flows that currently use Canterbury Road West with through traffic preferring to utilise the more suitable A299 route.

KCC Highways has been consulted, and advised that the assessment should include the impact upon the approaches to the A299 Hengist Way/Canterbury Road West roundabout, and the Canterbury Road West/A256 roundabout.

Additional information has been submitted to support the transport assessment that assess the impact on these two roundabouts. The report concludes that the results suggest that the existing roundabout junctions will continue to perform well within operational capacity during the AM Peak and PM Peak periods in 2028 taking into account increased background traffic growth and the Phase 1 development traffic, and as such the proposed development would not have an adverse affect on the highway network.

KCC Highways have been re-consulted and advise that they accept that the impact would be acceptable and that no further junction assessment is required.

It is therefore concluded that the vehicle movements resulting from the proposed development will not have a severe impact upon the highway network in terms of the free flow of traffic from the capacity available and on safety grounds. Therefore the principle of the 141no. units is considered to be acceptable in highway terms.

#### - *Vehicular Access and Parking*

The main access to the site will be from Canterbury Road West, through the adjacent housing development. A secondary vehicular link has been included on the eastern boundary of the site to connect with Clive Road which will be used for emergency vehicles only. Whilst this secondary route would create more a desire line for residents wishing to access village facilities, Foads Hill is a narrow road with no pavements, and contains an at-grade Level Crossing which can cause journey delays. Both accesses have adequate visibility, and will therefore provide safe access into the site for vehicles.

Within the site the access road leads to a number of cul-de-sacs, with a loop road towards the bottom of the site. When consulted on the application KCC Highways raised concerns with the

lack of tracking plans for the cul-de-sacs, to prove that vehicles can enter and leave the site in a forward gear.

In response to this comment tracking plans have been submitted to prove that emergency and refuse vehicles can turn within the cul-de-sacs. KCC have commented that the submitted tracking plans are acceptable, and as such the road layout as proposed is considered to be acceptable.

In terms of parking, 294no, spaces were originally proposed. The transport assessment states that based upon Interim Guidance Note 3, there would have been a requirement for 217no. spaces (based upon the original 145no. units). The assessment confirms that instead, 294no. spaces have been provided, which exceeds the requirement.

KCC in their consultation commented on the number of tandem spaces that had been provided within the development, and requested that the parking numbers be increased to accommodate an additional 0.5 visitor parking spaces per property with tandem spaces. The amended submission provides for 288no. private parking spaces, and 47no. visitor parking spaces, an increase of 28no. private parking spaces, and 34no. visitor spaces when compared to the original submission. Four units of accommodation have also been lost since the original submission. KCC have been re-consulted and advise that the parking provision being offered through the amended plans is sufficient to serve the number of dwellings proposed.

The transport assessment states that as part of any mitigation strategy, a Controlled Parking Zone should be introduced for this development to prevent commuter parking occurring in relation to the new Thanet Parkway Station. KCC has commented that they agree parking controls will need to be considered to ensure commuter parking does not occur within the site, and that this should be in the form of double yellow lines through the spine road. This can be controlled via a Section 38 Agreement under the Highway Act with KCC, which will be advised via an informative.

#### - *Travel Plan*

In order to reduce the effects of private car journeys by residents and visitors a draft Framework Residential Travel Plan has been submitted as part of the planning submission to provide a long-term strategy for reducing the dependence of residents and visitors on travel by private car, and to encourage sustainable transport modes.

The travel plan looks at the existing public transport provision in the area. It states that the existing bus stop, which is on Canterbury road West, is 150m walking distance of the site. Details of the timetable and frequency of the service are provided, which states that buses serve Cliffsend every 30 minutes to 60 minutes.

In terms of the rail network, Parkway Station is located to the south of the site, and is within comfortable walking distance of the application site.

PROW TR32 lies adjacent to the western boundary of the site, which will provide pedestrian access to Canterbury Road West, and there are further pedestrian and cycle links to Clive Road.

The travel plan identifies an action plan, which includes measures of implementation, monitoring and review, with the target being the reduction of private car users by 6% by increasing sustainable travel.

The measures proposed within the action plan include:

- Prepare and site travel notice boards in convenient locations,
- Provide residents with travel information welcome pack, including:
  - Contact details of TPC;
  - Objectives of Travel Plan
  - Benefits of sustainable travel (including health information);
  - Established walking and cycling routes;
  - Public transport routes / timetables and updates on Thanet Parkway Rail Station
  - Local facilities / home shopping details;
  - Details of car sharing database;
  - Details of local Car Club vehicles;
  - Walking and cycling organisations in the area;
- Conduct baseline travel survey,
- Undertake follow-up travel surveys,
- Promote and support local and national events/campaigns

KCC has advised that the travel plan will require monitoring, with a financial contribution required to fund the work of the Travel Plan Monitoring Officer. KCC's guidance identifies a fee of £948 for residential developments of 100-199 homes, which is based upon the hourly fee of a monitoring officer to cover an expected 30 hours of monitoring time.

The applicant has agreed to this financial contribution, which will be secured within the legal agreement. The monitoring work will make sure that the targets of the travel plan are complied with (as much as possible) in order to reduce travel by private car, and increase the use of sustainable transport. Subject to the financial contribution and the submission of a final travel plan via condition, which will follow the framework of the submitted draft Travel Plan, then the proposal is considered to comply with Policy TP01 of the Thanet Local Plan.

- *Public Right of Way*

Policy SP43 of the Thanet Local Plan states that the Council will 'work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient means of transport. Development applications will be expected to take account of the need to promote safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car'.

Policy TPO2 states that 'new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children. The Council will seek to approve proposals to provide and enhance safe and convenient walking routes including specifically connection to and

between public transport stops, railway stations, town centres, residential areas, schools and other public buildings'.

PROW TR32 extends from Canterbury Road West to the south of the site. It lies adjacent to the western boundary of the site, and extends through the application site itself, through the wild flower park.

When application ref: OL/TH/17/0152 for the housing development to the north were approved, a request was sought by KCC for a financial contribution to provide a new pedestrian link from the southern boundary of the site to Clive Road, to enable a pedestrian link to the future Parkway Station at the time. A financial contribution of £43,815 was secured, which has not yet been spent, but is earmarked for the resurfacing of a footpath to provide improved connectivity with Parkway Station.

KCC PROW were consulted on this application. The original layout plan submitted showed the diversion of the existing public right of way where it extends through the application site. KCC have visited the site and met with the developer, and requested that the existing line of the PROW be maintained. Amended plans have been submitted showing the PROW extending through the site on its existing line, with a diversion no longer proposed. Where the PROW extends through the site it will be resurfaced and widened to 3m, to improve this part of the PROW and to encourage greater use of the PROW. There is some conflict between the location of the PROW and the access to the pumping station on the southern boundary, which crosses over the PROW; but subject to the material of the PROW differing to the access surface in order to highlight priority of the pedestrian movement across this access, the impact to pedestrian safety is considered to be acceptable, especially given the limited use of this access that will take place (which is solely for maintenance of the pumping station).

Outside of the site, it is intended that the financial contribution secured through the adjacent housing development application could be used for the resurfacing of the entire PROW, up to Canterbury Road West. KCC PROW have provided a costing for the resurfacing works and advise that a total contribution of £47,977 is required for the provision of a 2m wide hoggin surface with edging. When removing the contribution of £43,815 already secured, a financial contribution of £4,162 is required through this development to enable the delivery of the PROW improvement works. The applicant has agreed to this contribution, which will be secured through the legal agreement.

The resurfacing and upgrading of the PROW will provide a full pedestrian link from Canterbury Road West to Parkway Station. From Parkway Station a further financial contribution was secured through planning application ref: OL/TH/17/0151 (Cottington Road North) for £38,352, which will provide a new path to the Cottington Road North housing development that has been completed, and onto Cottington Road. From the Cottington Road North development a full footpath connection is provided to the centre of the village, where the community hall, recreational ground etc are provided. This application, alongside the previously approved applications, will therefore secure a full footpath connection to be delivered by KCC from Canterbury Road West to the north of the village, to the village services within the south of the village. This is considered a significant benefit given the lack of footpath connections that exist along Foads Hill, which make this existing route unsafe, especially for those in wheelchairs or with small children and buggies. The Parish Council have requested the provision of a footpath

to the south of the railway to the east of Foads Hill, but this land is outside of the control of the developer or KCC, and therefore the delivery of a footpath in this location would not be achievable. Furthermore, there is no footpath along Foads Hill north of the railway, so this provision would still not achieve a full safe pedestrian link between the north and south of the village.

The proposed improvement works through the application, in addition to the financial contribution for PROW improvement works outside of the site, are considered to significantly improve pedestrian connections within the village, to the benefit of the existing and future community. Subject to the securing of the necessary financial contribution within the legal agreement, the proposed works are considered to provide safe and convenient movement by pedestrians, which will improve sustainable transport, in accordance with Policies SP43 and TP02 of the Thanet Local Plan.

- *Railway*

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure. They've been consulted and have assessed the application, and consider that the proposed development will increase demand on Parkway Station, with the proximity of the station likely to change travel habits, as identified within the transport assessment.

Network Rail have advised that the customer facilities at the station are rather basic and as such, would benefit from improvements. They have identified a project for two shelters above the two Ticket Vending Machines, which would help to ensure rail passengers are shielded from the elements.

In addition, they've advised that connectivity from the development to the Thanet Parkway Station is poor for pedestrians and there is a need to improve access, however, since this initial comment was made a new footpath/cyclepath that extends from Clive Road to Parkway Station has been provided by KCC, and further pedestrian improvements that are being secured have been set out within the public right of way section of this report above. has been provided.

Network Rail have further requested a bus service that serves both of the locations, but this is not considered to be reasonable given that there is an existing bus stop to the north of the application site, and the pedestrian route to the south will provide the quickest access to the station, with future residents of the development unlikely to use a bus service to access the station.

Network Rail has advised that the costs of two ticket machine shelters would be £9,000. These improvements will help to improve sustainable transport provision, along with mitigating harm to air quality (covered within the air quality section of this report), and achieving a benefit for the existing residents of Cliffsend. The applicant has agreed to this financial contribution, which will be secured through a legal agreement.

Subject to the securing of the financial contribution within the legal agreement, which will help to encourage the use of public transport, the proposed development is considered to comply with Policy SP43 of the Thanet Local Plan.

## **Affordable Housing**

Policy SP23 of the Thanet Local Plan (as updated by the First Homes - Interim Policy Statement, April 2022) states that 'residential development schemes for more than 10 dwelling units, including mixed use developments incorporating residential and developments with a combined gross floor area of more than 1,000 square meters shall be required to provide 30% of the dwellings as affordable housing.

25% of the affordable housing shall be First Homes, at a minimum discount of 30%, or at the discount levels set out in Table 1, 70% shall be Social/Affordable Rent and 5% shall be Intermediate products, unless these levels are amended by successive assessments.

The affordable housing shall be provided in proportions set out in the Strategic Housing Market Assessment or successive documents. The above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable'.

Whilst 30% affordable housing was offered through the initial planning application submission in 2021, with the time that has passed and the change in finances, viability concerns are now being raised by the applicant regarding the provision of affordable housing on this site. A viability assessment has been submitted, which has been independently reviewed, and is detailed within the viability section of this report. The viability assessment proves that 30% affordable housing cannot be achieved on this site, and concludes that the 22% affordable housing offered by the applicant is a reasonable offer.

The Housing Strategy Officer has been consulted, who raises concerns with the drop in affordable housing provision. The original proposal for 30% affordable units equated to 42no. units on site. The reduction in affordable provision to 22% equates to 31no. units. The Strategic Housing Officer raises objections to this reduction in affordable units, which is not in compliance with the requirements of Policy SP23 of the Thanet Local Plan.

Policy SP23 states that 'the above requirements will only be reduced if meeting them would demonstrably make the proposed development unviable'. As such it is possible to comply with the policy if a submitted viability assessment demonstrates that the provision of affordable housing on the site is not a viable option.

The affordable housing is being offered in the form of 65% affordable rent units (20no. units), 32% first homes (10no. units), and 3% shared ownership (1no. unit). This split does not accord with the split as set out within the updated policy, with the first homes provision exceeding the percentage required, and both of the affordable rent and shared ownership falling short of the percentage required. The agent has confirmed that change is a result of the viability issues on the site. If the split were met, with a greater number of affordable rent units, and less first time homes, then the overall percentage of affordable housing on the site is likely to have reduced.

The Schedule of Accommodation states that it should be read in conjunction with the proposed Typology plan. This drawing shows the layout of the site and the integration of different tenure units throughout the development. The proposed First Home units and the Shared Ownership unit are integrated with the Market Sales units, but the affordable rented units are mainly



congregated to the South West corner of the site, and the Strategic Housing officer suggests that these would benefit from being dispersed throughout the development.

The applicant has commented that in their view the affordable units have been appropriately spread, with 8no. units in the South West corner, 8no. units in the South East corner, 2no. units in a block to the north west and 2no. units in a block at the entrance to the site from the north. The applicant has further added that as a Registered Housing Provider, the provision of affordable homes in small groupings of eight units is sensible from a management approach.

In officers' view this justification is accepted, with the location of the affordable units not considered to be overly concentrated to result in harm affecting the creation of a mixed a balanced community.

Subject to the viability justification being accepted, the proposal for 22% affordable housing on the site, in the split provided, would comply with Policy SP23 of the Thanet Local Plan. The viability justification is set out within the viability section of this report.

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

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

A recent Local Housing Needs Assessment (Aug 2021) has been carried out that seeks to update the current recommendations for local housing need. It recommends the appropriate mix of affordable and market homes, and takes into account the ageing demographic and changes within households over a long term 20 year period. The assessment has identified a shift in housing requirements, with a reduction in the need for 1-bed and 2-bed market units, and an increased need for 3-bed and 4-bed market units. For the affordable units the need remains very similar to the previous recommendation, with a very slight reduction in the smaller 1-bed units, and a slight increase in all other unit sizes. This assessment provides the most up to date evidence relating to housing need.

In terms of the private units the proposal offers 43 no. 2-bed (39%), 53no. 3-bed (48%) and 14no. 4-bed (13%). Within the Local Housing Needs Assessment it is suggested that 25-35% 2-bed, 40-50% 3-bed and 15-25% 4-bed be achieved. The proposal is close to these ranges, with the 2-bed provision slightly exceeding the suggested range, and the 4-bed provision falling short of the suggested range; but overall a good mix of units sizes and types has been offered, and for the market units it's usually accepted that the unit mix is depend upon the market circumstances at the time.

For the affordable units, 8 no. 1-bed (26%), 17no. 2-bed (55%), and 6no. 3-bed (19%), are proposed, with no 4-bed units. Within the Local Housing Needs Assessment it is suggested that 20-40% 1-bed, 30-45% 2-bed, 20-30% 3-bed, and 0-15% 4-bed be achieved. The proposal complies with the 1-bed provision and 4-bed provision, and is only 1% short for the

3-bed provision. The 2-bed provision exceeds the recommended range by 10%, meaning that overall there are less larger family units on the site than recommended within the needs assessment.

The Strategic Housing Officer has advised that the proposed affordable housing mix is not completely reflective of the overall housing target mix for the district, and that whilst the housing mix figures are not necessarily prescriptive, to ensure a future balanced delivery of units within the district its advisable to closely align the housing mix against these figures, particularly on a large site such as this one. Should a housing mix significantly differ from these figures, she therefore recommends that it requires appropriate justification.

The affordable housing mix has been clearly set out within the viability assessment, with the viability review assessed by Dixon Searle carried out on the basis of this mix of unit sizes. The applicant has confirmed that the mix is driven by viability, and any change in the mix could affect the provision of affordable units. As the provision does not significantly differ from the need as set out within the Local Housing Needs Assessment, and still achieves the provision of a range of unit sizes to meet the needs of the district, the proposed size and mix of units is considered to be acceptable, and in accordance with Policy SP22 of the Thanet Local Plan.

## **Biodiversity**

### *- Ecology*

A Preliminary Ecological Appraisal has been submitted with the application. The report has considered whether there are any existing habitats and species on site. The arable field was considered to be of low ecological value, along with the field margins that cover only a small area and are low growing, and the trees, of which there are only three small sycamores. The field is still actively farmed.

The report considers that amphibians are unlikely to be present on site, as farmland is of low suitability for amphibians, as it doesn't provide suitable foraging and sheltering opportunities.

No evidence of badger activity including sett entrances, latrines or foraging indicators were identified on or adjacent to the site.

In terms of bats, no trees or structures were present on site in which bats could potentially roost; and there were no linear features within the Site that provided suitable foraging or commuting habitat for bats. There is a hedgerow to the south of the site, but this lies outside of the application site and is not being affected by the development.

The arable habitat within the site is unsuitable for reptiles, as there is low potential for reptiles to use the field margins for dispersal between suitable habitats in the wider area.

Records show that there have been four recent records of hedgehog within 2km of the site, but there is low potential for hedgehogs to use the site for foraging and dispersal, with limited habitat available for resting hedgehogs. There was potential for them to be present within the residential gardens bordering the site.

In terms of birds, the Kent and Medway Biological Records have returned 47,465 recent bird records comprising 318 different species within 2 km of the Site. Of these species 70 were listed in Schedule 1 of the Wildlife and Countryside Act 1981 (WCA). A number of ground nesting bird species including skylark and woodlark were included within the records, the closest records originated from Pegwell Bay which provides high quality habitat for a large number of bird species. The site provides potential habitat for ground nesting birds, and there is the potential for birds to nest in the shrubs within gardens bordering the Site. Due to the potential for birds to nest within the Site, the large number of bird records and the proximity of high quality habitat (Pegwell Bay and Thanet Coast), nesting birds are considered a receptor to this site. A wintering bird survey and breeding bird survey were therefore recommended to be carried out.

A wintering bird survey has been carried out. A total of 25 bird species were recorded, including five red listed species, eight amber listed species, and ten green listed species, which were recorded on site across the seven survey visits. The red listed species included Curlew, Herring gull, Linnet, Skylark, and Starling; the amber listed species included Black-headed Gull, Common Gull, Lesser Black-backed Gull, Kestrel, Redshank, Rook, Woodpigeon, and Wren.

Overall the survey advises that both the species diversity record and the overall number of birds recorded at the site are low, with the exception of the Herring Gull and Black-Headed Gull. No large flocks of farmland birds, gulls or waterbirds were recorded within the site.

The site is considered to be of site level importance for the red listed species, which were recorded in low numbers, and are generally associated with the arable, boundary hedgerows and field margins, or were flying over the site. The site is likely to be important to wintering Herring Gulls at the local level only, due to the number record and the suitable habitat for foraging within the site during winter. However, there is also suitable wintering habitat to the west and south of the site in the form of arable farmland, and the report considers it likely that the herring gull will utilise this land during winter when looking for food resources.

The Wintering Bird Survey has provided recommendations for mitigation and enhancement. No mitigation is required for the Herring Gull and Black-Headed Gull, at the local level, due to the presence of adjacent arable land that they can use. For other species, landscaping proposals through the application will mitigate the impact caused by habitat loss at the site, including the creation of a meadow, orchard, Wildflower Park, and 'central green' with trees and wildflowers. The wildflower park is also designed to include attenuation ponds. The landscaping provision is considered sufficient to mitigate the impact upon wintering birds, and as such no off-site compensation is considered necessary. The wildflower grassland creation, native and fruit-bearing tree and shrub planting would benefit a range of bird species, and the introduction of attenuation ponds will bring a wider diversity of invertebrate prey for bird species and may encourage waterfowl to use the site.

KCC Biodiversity has been consulted. They advise that as habitats are present on and around the site that provide opportunities for breeding birds, any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built, and recommend an informative covering this.

To mitigate against the potential adverse effects on bats, a safeguarding condition for the external lighting design for the site is recommended in order to make sure sensitive lighting is incorporated that will limit impact on bats. KCC also recommends the provision of bird/bat bricks integrated into the new builds, which can be secured via condition.

The impact upon protected species is therefore considered to be acceptable, subject to safeguarding conditions requiring the provision of the landscaping as proposed, and ecological enhancements and a sensitive lighting design.

- *Functionally Linked Land*

The Wintering Bird survey advised that the bird assemblages recorded on site during the survey visits do not match species assemblages known within the Thanet Coast and Sandwich Bay SPA. The qualifying features of the SPA include internationally important wildfowl assemblages, none of which were seen utilising the site habitats. As well as, internationally important populations of golden plover, little tern, and turnstone. None of these species were documented during the site visits, and therefore the survey concluded that there is no evidence that the site is functionally linked land to the Thanet Coast and Sandwich Bay SPA and the development is unlikely to impact the SPA bird population.

KCC Ecology have agreed with this view, commenting that as none of the species listed within the qualifying features were documented on-site, the site is not likely to be functionally-linked to the Thanet Coast and Sandwich Bay SPA; although, they have caveated this with a comment that the survey results could have been affected by the development of the site to the north at the time of the surveys.

Natural England have been consulted, and prior to the submission of the wintering bird survey they had commented that due to its location and general habitat composition, there was a likelihood that the site of the proposed application could be regularly used by the species associated with the Special Protection Area, and as such, it could be considered Functionally Linked Land.

Following the submission of the survey they also agreed that whilst the site provides habitat for some bird species, the survey has not shown evidence of any of the species assemblages known within the Special Protection Area, but Natural England has advised that they would usually expect to see two years of survey data to prove that the site is not functionally linked land. As the survey has only covered one season Natural England has asked that the survey be supplemented with an additional Wetland Bird Survey data form recent wintering seasons demonstrating that the land is not functionally linked, and then another season of monitoring to achieve certainty. Subject to no qualifying features of the Special Protection Area being present during these further surveys, Natural England has advised that it's likely that a significant effect can be screened out.

An updated Winter Bird Survey has been submitted, which includes the Wetland Bird Survey data requested by Natural England. The results show that even within Special Protection Area land, the winter populations of golden plover are not very high, which in turn greatly reduces the likely potential that individuals would contemplate the need to forage or roost on a highly

disturbed urban fringe site such as the application site. The data for the local area supports the 2021/22 on-site winter bird survey results, in that numbers of golden plover are generally low and that a second year of surveying would not provide further data on golden plover on-site or indeed locally. Further information has also been provided on recently approved housing developments and their surveys, which also showed no evidence of golden plover, with a comment within an ecological report for a nearby site suggesting that golden plover seeking foraging and roosting grounds at high tide would likely favour the larger and less disturbed agricultural fields away from human settlement, such as those to the north of Ash Levels and west of the Pegwell Bay estuary.

In response to this additional report Natural England has confirmed that they consider the proposed development will not have significant adverse impact on statutorily protected nature conservation sites or landscapes, and as such they have no objections to the proposed development, accepting that the proposal will not impact upon Functionally Linked Land within the Special Protection Area.

- *SPA and HRA*

Policy SP28 of the Local Plan requires a Habitats Regulations Assessment (HRA) to be undertaken for proposals likely to have a significant effect on an SPA, SAC and RAMSAR to assess whether there will be a likely significant impact, either alone or (where relevant) in combination on the integrity of the international site.

Any potential loss of Functionally Linked Land and/or impacts to the SPA, are required to be considered as part of a Habitats Regulations Assessment.

A shadow HRA appropriate assessment has been undertaken by Ecus Limited, following a request by Natural England, to inform the competent authorities of the proposal. This is covered later in this report, along with the mitigation requirements for new development.

Overall, subject to safeguarding conditions, the impact upon protected species and biodiversity is considered to be acceptable, with the proposal not considered to have a likely significant cumulative effect.

- *Biodiversity Net Gain*

Policy SP30 of the Thanet Local Plan requires a Preliminary Biodiversity Net Gain Assessment to be undertaken to evaluate whether a net gain in biodiversity assets can be achieved on this site, with recommendations for achieving biodiversity net gain. However, no specific target for biodiversity net gain has been set through the policy and 10% biodiversity net gain is not yet a statutory requirement.

The submitted landscaping plan provides for large areas of soft landscaping, that include wildflower grassland and hedgerow. KCC Biodiversity has advised that if the wildflower grassland (as within depicted the Landscape Master Plan) is implemented and managed correctly, and if all new landscaping consists of native species, the loss of biodiversity can be mitigated for.

The proposal is therefore considered to comply with Policy SP30 of the Thanet Local Plan.

### **Drainage and Flood Risk**

Policy CC02 of the Thanet Local Plan states that 'new development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible'. A flood risk assessment and surface water drainage strategy has been submitted with the application.

A flood risk assessment and drainage strategy has been submitted with the application. The site lies within Flood Zone 1, which is the lowest flood probability zone as defined by the Environment Agency. The site is therefore not at risk from fluvial or tidal flooding.

The report comments on sewer flooding, which is an issue that has been raised by residents. The report states that there are no recorded incidents of flooding shown in the vicinity of the site which have been attributed to a failure of the local drainage system. Sewer plans show that there is a public combined sewer in Canterbury Road West, to the north of the site, so there could be a risk from water surcharging from the sewer flowing onto the site, however, the upstream end of the sewer is located adjacent to the site, so the impact from this is negligible.

In terms of risk to the site from surface water flows generated off site, the topography of the land means that the site slopes towards the south. The adjacent site to the north is mostly of permeable surface, with the remainder positively drained, so during rainfall events surface water flows are less likely to be generated due to rainwater directly infiltrating or being intercepted by the drainage, and therefore won't reach the application site. The report therefore concludes that the site is not at significant risk of flooding from surface water flows generated off site.

In terms of surface water flows generated on site, the existing site is greenfield, and is currently used as arable farmland. The proposal is for the development of the site, including large areas of hard surfacing, and therefore greater volumes and rates of surface water run off will result when compared to the existing situation. An acceptable surface water drainage scheme is therefore required that will prevent off-site surface water flooding from the site. The proposed drainage will also need to accommodate the drainage serving the development to the north, as the application site will cover the area that contained the approved drainage for that development.

#### *- Foul Drainage*

In terms of the foul drainage, sewer plans show that there are no public water sewers located within the site, with the nearest sewer being a combined sewer located within Canterbury Road West, to the north of the site. The development to the north has its foul water pumped to this location. A second sewer is present beneath Clive Road, 20m to the east of the site, but due to the site levels only a maximum of 30no. units can drain to this sewer via gravity. The remaining 111no. units will require a new pump station, which is located to the south of the site, south west of the proposed dwellings.

Southern Water has advised that their investigations indicate that they can facilitate foul sewerage disposal to service the proposed development. They've further commented that if the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd, and should include a secure compound that large vehicles can access, which will need to be 100 square metres in area, or less if found to be operationally satisfactory. In order to protect the amenity of prospective residents, no habitable rooms should be located within 15 metres of the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations.

A condition requiring full details of the proposed foul drainage system as set out above is attached.

- *Surface Water Drainage*

In terms of the surface water drainage, infiltration basins are proposed, which the assessment considers to provide sufficient capacity to attenuate surface water discharge from the development during all events up to a 1 in 100 year plus 40% climate change rainfall event whilst infiltration takes place. Five infiltration basins are proposed, which are located within the wild flower park to the west of the site. Underground cellular storage tanks have been provided to ensure that no overground flooding occurs, which are located within the open space areas, below the equipped play area and informal open space. Smaller filter drains have also been proposed within rear gardens to prevent ponding from occurring.

KCC SUDs have commented that this approach is welcomed and will minimise any possible overland flows during extreme events. They've advised that a safeguarding condition requiring the submission of a detailed drainage strategy will be required, with consideration needing to be given to in-situ infiltration testing at the proposed basin locations and respective depths, groundwater monitoring in the location of the future basins to confirm depths to any groundwater (currently expected at a depth of greater than 7.5m), and that consideration is given to the green spaces and whether these areas could increase surface water flow onto roads, and subsequently into the drainage network.

KCC SUDs have raised no objections to the proposed surface water drainage strategy, and consider that the proposed strategy would satisfactorily prevent any surface water runoff from the site. The proposal for surface water drainage is therefore considered to be acceptable, and in accordance with Policy CC02 of the Thanet Local Plan.

- *Water Supply*

Southern Water initially raised concerns that the proposed development would lie over an existing public water trunk main, however, the proposed dwellings have been shown set away from the water main, which lies adjacent to the eastern boundary, and the applicant has confirmed that there will be a 6 metre easement either side of the water main, which Southern Water has confirmed is acceptable.

Southern Water has reviewed the planning application and risks to groundwater. The site is located approximately 400m from adits which provide large quantities of water and rapid transit pathways to the public groundwater supply. Given that the site is located adjacent to an Source Protection Zone 1, and the presence of adits in the area, Southern Water recommended additional mitigation to protect against future water quality risks, and suggested the installation of oil interceptors on the surface water network prior to water entering the soakaway features, to prevent hydrocarbon discharge to the principal Chalk aquifer.

The applicant has updated the pollution prevention section of the flood risk assessment, which now advises that prior to the entry of the infiltration basin a bypass separator has been specified within the gravity inlet pipe. Southern Water has advised that the surface water quality treatment measures are now deemed sufficient and therefore the oil interceptor condition they'd previously recommended is no longer required.

The impact upon groundwater and the existing public water trunk main is therefore considered to be acceptable.

In terms of a water supply to the site, Southern Water has advised that they can facilitate a water supply to service the proposed development, and that they require a formal application for a connection to the water supply to be made by the applicant prior to any connections.

## **Contamination**

Policy SE03 of the Thanet Local Plan states that 'development proposals that would enable contaminated sites to be brought into beneficial use will normally be permitted, so long as the sites can be rendered suitable for the proposed end use in terms of the impact on human health, public safety and the environment, including underlying groundwater resources. Development on land known or suspected to be contaminated or likely to be adversely affected by such contamination will only be permitted where:

- 1) an appropriate site investigation and assessment (agreed by the Council) has been carried out as part of the application to establish whether contamination is present and to identify any remedial measures necessary to ensure that the site is suitable for the proposed end use;
- 2) the proposed remedial measures would be acceptable in planning terms and would provide effective safeguards against contamination hazards during the development and subsequent occupation of the site. Planning conditions will be attached to any consent to ensure that remedial measures are fully implemented, before occupation'.

A phase 1 Geo-Environmental Site Assessment has been submitted with the application. The assessment has identified the presence of a series of potentially active pollution linkages associated with the previous recorded use of the site and surrounding areas which are considered to have the potential to present a risk to identified receptors at the site based on the proposed development. The area of the site most affected by the potentially active pollutant linkages is the northern extent of the site associated with petroleum storage units, alongside the infilled chalk pit to the south east. Due to its current land use, agricultural fields, herbicides and pesticides present a potentially active source of pollutants across the entirety of the site.



The assessment concludes that an intrusive site investigation be undertaken focussing on the northern limits and the infilled chalk pit to investigate the potential pollution linkages identified by the conceptual site model and determine the potential risks posed to future site users. Given the proposed end use as a residential with homegrown produce end use it is recommended that further investigation should comprise trial pitting to attain near surface samples from across the site. The site investigation should include chemical and geotechnical testing of soil samples for a suite of determinants representative of the potential sources identified within the CSM. Upon return of chemical testing results a Tier 1 Risk Assessment should be undertaken to determine whether the encountered soils have the potential to present a significant risk to the identified receptors. This would then enable mitigation measures to be formulated, if required.

Environmental Health and the Environment Agency have been consulted.

The Environment Agency has commented that the site is in a sensitive setting for groundwater protection, being in an Source Protection Zone (SPZ) 1/2 for a nearby water abstraction, but they are confident that the reports submitted in support of this planning application show it is possible to suitably manage the risk posed to controlled waters by this development.

The Environment Agency therefore raise no objections to the proposal, but request safeguarding conditions requiring the submission of drainage design details and a discovery strategy for contamination. Subject to these safeguarding conditions the Environment Agency confirm they are satisfied that the proposed development won't cause or be put at unacceptable risk from water pollution.

Environmental Health recommends a safeguarding condition that requires the submission of a preliminary risk assessment, an assessment of potential risks, and an appraisal of remedial options.

There are considered to be no concerns regarding contamination of groundwater subject to the safeguarding conditions recommended and as such the proposal is considered to comply with Policy SE03 of the Thanet Local Plan.

### **Air Quality**

Policy SE05 of the Thanet Local Plan states that 'all major development schemes should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality. Development will be located where it is accessible to support the use of public transport, walking and cycling. New development must ensure that users are not significantly adversely affected by the air quality and include mitigation measures where appropriate. All developments which either individually or cumulatively are likely to have a detrimental impact on air quality, will be required to submit an Air Quality and/or Emissions Mitigation Assessment, in line with the Air Quality Technical Planning Guidance 2016 and any subsequent revisions'.

An air quality assessment has not been submitted with the application, although a travel plan has been submitted. The travel plan includes measures to encourage walking, cycling, the use of public transport, and car sharing, which will help to reduce reliance upon the car.

A parking plan has also been submitted that shows the provision of one electric charging point per dwelling, and one electric vehicle charging point for visitors per ten spaces.

Environmental Health have been consulted, and have advised that the size of the site would not have triggered an air quality assessment, and the site is in an area of low background pollution so the site is unlikely to cause an exceedance of objectives, and therefore reports are not required upfront. However, Environmental Health has recommended safeguarding conditions that require the submission of an emissions mitigation assessment, and an associated emissions statement that demonstrates how the air quality damage costs identified within the emissions mitigation assessment will be used in the development for air quality improvements. One cost that the air quality damage costs will be used towards is the provision of the ticket machine shelters, as discussed in the transportation section of this report. The provision of the shelters will make the use of the station more desirable, which could increase the use of this public transport, and reduce travel by motor vehicle, contributing to the mitigation of emissions created by this development. The financial contribution of £9,000 for the two ticket machine shelters will be secured through the legal agreement.

Environmental Health has raised no objections to the proposed development subject to safeguarding conditions, including the implementation of mitigation works that are to be identified within an air quality damage cost assessment, and the provision of electric vehicle charging points, and the submission of an environmental construction management plan. Subject to these safeguarding conditions the impact upon air quality is considered to be acceptable, and in accordance with Policy SE05 of the Thanet Local Plan.

## **Archaeology**

Policy HE01 of the Thanet Local Plan states that 'the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation. Developers should submit information with the planning application that allows an assessment of the impact of the proposal on the significance of the heritage asset. Where appropriate the Council may require the developer to provide additional information in the form of a desk-based or field assessment. Planning permission will be refused without adequate assessment of the archaeological implications of the proposal'.

A phase 2 evaluation report for archaeological investigations has been submitted with the application. KCC Archeology has been consulted and advise that the area is particularly rich in archaeology which had been recognised in pre-application discussions they've had, and has been subject to both a geophysical survey by Wessex Archaeology and more recently evaluation trenching by SWAT Archaeology.

The report submitted is an initial and incomplete draft of the evaluation report, and KCC in their response have advised that they have commented on the areas within the description and assessment that are missing and that need to be addressed within the final report.

KCC has advised that the proposed development site lies in a very rich archaeological landscape on the southern slopes of the Isle of Thanet overlooking the former Wantsum Channel. The topography of the present site is extremely important as it sits astride a north to south orientated valley that runs down the scarp slope towards the former St Augustine's Bay. Early maps show that a trackway ran northwards through this valley and archaeological evidence from both the East Kent Access Road investigations and those at Thanet Parkway, as well as further south at Cottington Road have demonstrated that the valley was used as a track from prehistoric times with substantial activity flanking it including Iron Age and Roman settlement and Saxon settlement later. The valley itself is filled with colluvial soils (washed from the sides) which both seal and contain archaeological remains adding to the complexity of the site.

The evaluation report has identified substantial depths of colluvium running through the centre of the site and has presented a preliminary model. Either side of the valley, aerial photographs show evidence for neolithic and Bronze Age monuments and funerary activity. The Kent HER records a Beaker burial within the field near to Clive Road and excavations for East Kent Access confirmed the funerary and monumental landscape of the Neolithic and Bronze Age on Foads Hill, which forms the eastern flank of the present site. The investigations to the south of the site for East Kent Access and Thanet Parkway have revealed an extremely complex arrangement of trackways flanked by enclosures, settlement and cemeteries of Iron Age and Romano-British date. These extend both north/ south and north west/south east into the southern areas of the present site. The archaeology is generally shallow buried, very complex and intensive throughout the southern area of the application site. Evidence for enclosures, a track and sunken buildings are included within the findings of the evaluation. KCC advise that the overall articulation of the archaeology is difficult to follow in the report but it seems that the archaeology found to the south extends into the site at similar levels of complexity.

The figures within the report show that 67no. trenches have been excavated within the site, including the areas of the proposed housing and drainage.

KCC advise that more work is needed to map the features within the site and provide a phased interpretation and characterisation but activity has been identified that extends from the neolithic through to the medieval period. The activity extends up the site and is found within the colluvial deposits in the valley. 55 of the 63 trenches excavated revealed archaeological deposits.

The evaluation (and previous assessments including desk based study and geophysical survey) was undertaken to inform any planning application coming forward for the site. The present development site generally shows housing and roads infrastructure over the valley and land on its eastern side with attenuation areas in an area to the south west. Given the sloping nature of the site it is likely that substantial ground works will be needed to level areas for development, attenuation and services. Archaeological remains, including this buried at depth are likely to be affected. While there is complex, intense and significant archaeology throughout most areas of the site KCC advise that they have not identified any areas that require exclusion from development works. Mitigation can be addressed through archaeological investigation and recording but it needs to be fully understood that given the complexity, quantity and significance of the archaeology such works are likely to be extensive and require significant resources and investment to undertake. Given the potential impacts it

is difficult to see how archaeological preservation, other than in the deeper buried deposits in the valley could be achieved with the proposed development of the site.

KCC therefore recommends that in any forthcoming consent provision is made for archaeological investigation and recording, post excavation assessment, analysis, reporting and archiving.

To enable the scope of the archaeological investigations to be agreed, the evaluation report needs to be revised in accordance with KCC's comments. An impact assessment, taking account of the development ground excavations should also be developed to inform the written scheme of investigation. As with the investigations to the south both for the East Kent Access Road and Thanet Parkway, a programme of community engagement should be included within the scope of the archaeological written scheme. Given the richness and extent of the archaeology within the site there is an opportunity for interpretation within the public realm. It would be appropriate to require a scheme of interpretation through information boards as part of the development, and therefore a condition that secures an appropriate scheme of archaeological interpretation is suggested.

The extensive comment from KCC shows that whilst the site is rich in archaeology, the excavations that have been carried out within the site have not identified anything significant enough to warrant retention on site, and as such, KCC have not recommended any archaeological exclusion zones within the development. Safeguarding conditions have been recommended requiring further archaeological investigations, and information boards, and therefore subject to these safeguarding conditions the impact upon archaeology is considered to be acceptable and in accordance with Policy HE01 of the Thanet Local Plan.

### **Special Protection Area Mitigation and Appropriate Assessment**

European sites are afforded protection under the Conservation and Habitats and Species regulations 2010 (as amended the Habitat Regulations) and there is a duty placed upon the competent authority (in this case TDC) to have regard to the potential impact that any project may have on those sites.

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. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) an appropriate assessment for every application proposing an increase in residential units must be undertaken and a financial contribution is required for all additional residential development to contribute to the district wide mitigation strategy. This approach is set out in the Local Plan under Policy SP29 (Strategic Access Management and Monitoring Plan (SAMM)).

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £202 per 1-bed unit, £320 per 2-bed unit, £424 per 3-bed units, and £530 per 4-bed (plus) unit, resulting in a total of £53,252. The applicant has agreed to these contributions, which will need to be secured through a legal agreement.

The site has been assessed within the appellant's Ecological assessment and shadow HRA as to whether it constitutes Functionally Linked Land in connection with the designated sites. The submitted survey results, which has proven a lack of golden plover on the site, along with survey data on wetland birds, the nature of the site, and the activity that exists from adjacent residential development, are considered sufficient to conclude that the site does not act as functionally linked land for golden plover or other birds associated with the Thanet Coast and Sandwich Bay Special Protection Area, and the Thanet Coast SSSI.

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

Having considered the proposed mitigation and avoidance measures to be provided in perpetuity in addition to the scale of onsite open space provision proposed (and to be secured by condition) and drainage provisions, the conclusion of the assessment is that with mitigation and imposition of safeguarding conditions, the project will have no adverse recreational or other effects on the integrity of the identified European sites alone or in-combination with other proposed development.

Natural England have raised no objections to the HRA and therefore the proposed development, subject to the mitigation measures set out, is not restricted by the Conservation of Habitats and Species Regulations 2017. It is recommended that the shadow HRA (appended at Annex 5) is adopted by members.

## **Viability**

Decisions on planning applications must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Paragraph 58 of the National Planning Policy Framework outlines that it is up to an applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage, and the weight to be given to a viability assessment is a matter for the decision maker having regard to all the circumstances in the case.

Assessing viability requires a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market, and should be based on current costs and values. A site is viable if the value generated by its development, the Gross Development Value (GDV), exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. The accepted methodology for assessing this is the residual land value method. This calculates

the estimated GDV from the development, subtracts the development cost (including the developer's profit at an agreed level) and compares this residual land value against a Benchmark Land Value (BLV). The BLV is established on the basis of the existing use value of the land plus a premium for the landowner, with the premium required to provide a reasonable return to induce a landowner to sell the site for development or develop the site whilst reflecting the implications of site-specific infrastructure costs.

The application originally included the provision of 30% affordable housing and some agreement to financial contributions, although the justification for these has been questioned by the applicant. Following a number of discussions with KCC and the CCG on the contribution requests, the applicant has submitted a viability assessment for review. The viability assessment set out the concerns of the applicant regarding the costs of constructing the scheme, with specific concern raised with the £2,463,000 financial contribution requests of KCC, CCG and TDC. The report set out that the Gross Development Value for the scheme was £42,712,000 based on residential sales values and affordable housing transfer pricing, and the total scheme cost was £42,913,000, resulting in a residual land value of -£201,000. As the Benchmark Land Value of the site had been assessed as £2,077,000 (based on the existing use value plus a premium), the residual land value is shown within the report as having a shortfall of £2,278,000. As such the assessment concluded that the proposed scheme cannot support the financial contributions being sought, in addition to other anticipated costs associated with the development, including affordable housing. The assessment is provided at Annex 1.

The viability assessment has been independently reviewed by our consultants Dixon Searle (appended at Annex 2). In considering the Benchmark Land Value, the applicant's viability consultants have considered the Existing Use Value of the site to be £131,000, which has been multiplied by 15.8 (which they consider to be an appropriate premium) to achieve the Benchmark Land Value of £2,077,000. Dixon Searle have questioned this premium, which they advise is frequently assumed to be between 10 and 20 times the Existing Use Value, which equates to a minimum Benchmark land Value for the site of £1,457,300.

The Gross Development Value was initially based upon a scheme with 30% affordable housing. The submitted prices ranged from £320,000 for the smallest 2-bed house to £427,000 for the largest detached house. Having researched the sales values of nearby developments in the CT12 postcode within the last two years, Dixon Searle has advised that the submitted values are broadly within the expected range; however, the new build properties in the area differed in size and were not therefore considered to be direct comparisons. When the values were compared to second hand properties in the area the submitted values only exceeded them by approximately 5%, which appeared too low, as a premium is usually attached to new build properties. However, whilst a cautious estimate has been used, Dixon Searle are of the view that given the large size of the scheme, the lack of individuality of the units, and that house prices are expected to fall, Dixon Searle have accepted these values and do not suggest adjustments.

For the affordable units, the shared ownership has an initial sale of 40% of the properties stated market value, with a rent on the unsold equity of 2.5% and a yield of 4.5%. Dixon Searle considered these values to be appropriate. For the affordable rent units, values have again been based upon 40% of market value, with a deduction of £20 per week for service charges

for apartments and £5 for houses. Dixon Searle considers the service charges to be high, as the costs have already been incorporated into the rent costs (maintenance and repairs 30% of rent), and have therefore increased the value of the affordable rent units within the appraisal. First Home units have not been included, and therefore it was recommended that they are included within the housing mix to meet policy requirements, which could impact upon viability.

In terms of the build costs, Dixon Searle considered the cost figures used within the appraisal to meet the tolerance expected. An increase in costs has been applied to cover inflation during works, which is not acceptable, as the appraisal needed to be based upon current day rates, and therefore this additional cost has been removed.

The appraisal includes 5% for design fees and 5% for professional fees, which has been applied to the total build cost. This exceeds allowances, especially given the limited number of house types, and therefore Dixon Searle reduced this down to 4%.

In terms of profit, a fixed input of 17.5% of Gross Development Value was used, with profit on affordable housing at 6%. These profit levels are considered to be acceptable, and within the accepted range set out within the National Planning Practice Guidance.

In summary, Dixon Searle has advised that when making the adjustments indicated, a residual value of £794,397 is indicated, which falls below Dixon Searle's suggested minimum Benchmark Land Value for the site of £1,457,300 (11.23 times the Existing Use Value); however, when adjusting the profit level margin to 15.7%, and applying the minimum Benchmark Land Value, Dixon Searle advised that a policy compliant scheme would be achievable.

In response to this review, the applicant has submitted a revised viability assessment that addresses the points raised by Dixon Searle (Annex 3). Amendments have also been made to the tenure mix, to provide 22% affordable housing provision (31no. units), including 20no. affordable rent units, 10no. first homes, and 1no. shared ownership unit.

In terms of the service charges and rent values for the affordable units, the applicant's viability consultants have sought further information on rent and management/maintenance costs, and taken into account rising interest rates. In terms of the concerns raised regarding lack of first homes, these have now been included in the assessment.

For build costs the inflation sum has been removed from their figures and build costs have been amended to reflect the increase in costs, resulting in a build cost assumption of £30,379,000.

In terms of developer profit, 17.5% was retained as the necessary return, which in the applicant's view represents the lower end of a range of requirements from funders in the current market.

In terms of the Benchmark Land Value, further discussion was provided around the premium to be applied to the Existing Use Land Value. Evidence is provided of viability assessments on other sites in Kent, and the premium applied in those cases that ranged from 15.7 to 20

times the Existing use Value (EUV), or included the EUV with an additional amount per hectare, all of which exceeded the premium Dixon Searle has suggested by applied of 11.23 times the EUV. On the basis of this evidence the applicant's viability consultants consider their proposed premium of 15.8 times the EUV to be a reasonable, and potentially conservative, assessment, and as such they've maintained the Benchmark Land Value of £2,077,000 within their assessment.

The applicants viability assessment concludes that they disagree with the conclusions of Dixon Searle's report, and consider the suggested drop in profit margin and Benchmark Land Value suggested to be unreasonable, and would not enable the development to come forward. The applicant maintained the 17.5% profit margin and their previously identified Benchmark Land Value through this review, but dropped the level of affordable housing to 22%, in the tenure split shown. The applicant's assessment concludes that the proposed scheme does not support the financial contributions sought by the Council; however, the applicant has agreed to the financial contributions on the basis that they are a social business focused on providing housing.

Dixon Searle has reviewed this revised viability assessment (Annex 4). They've considered the applicant's rebuttal on the Benchmark Land Value issue and do not agree with the evidence they've submitted to argue the premium applied, which involved looking at other viability cases in Kent. Officer's concur with the view that each site has specific viability issues, and therefore weight should not be applied to the assessments made on other sites when considering the premium to be applied in this instance. Dixon Searle maintain their view that a reasonable Benchmark Land Value is £1,457,300.

When looking at the Gross Development Value, some of the housing units have reduced in size, which has reduced costs. An updated review of house sale prices has been carried out, but these remain roughly the same, and therefore the assumptions provided in the applicant's report are accepted. In terms of affordable rents, the higher values has been tested to stress-test the viability.

Dixon Searle accepted the need to increase costs due to inflation, and this uplift has been included within their assessment, which is 0.77% since their previous review. An increase in the interest rate assumption to 7.5% has been made, and they've also updated the S.106 costs, which have reduced since the previous review due to the drop in unit numbers. The profit assumptions on affordable units have been amended to 12% GDV for first homes.

As a result of these changes to build costs (which are increasing), without a similar uplift in sales values, the costs have increased by £2,472,821, with professional fees increased by £218,654 (as a percentage of build costs). The 1.0% increase in interest rates on borrowing has also increased finance costs by £191,972. Overall this has resulted in approximately £3 million more cost in the appraisal but no increase in sales values, viewed at this point in time.

The final appraisal has been run on the basis of these adjustments, and includes 22% affordable housing and all S.106 financial contributions, plus a 17.5% profit on market housing, 6% profit on affordable housing, and 12% profit on first homes. The appraisal indicates a residual land value for the scheme of £372,408, which falls below Dixon Searle's suggested minimum Benchmark Land Value for the site of £1,457,300. Against this lower



Benchmark Land Value the appraisal indicates a deficit of -£1,084,892, and therefore an 'actual' adjusted profit of £6,283,868 which equates to 14.8% on market housing, 12% on First Homes and 6% on affordable housing. This indicates that the scheme as presented (with 22% affordable housing and the required S106 contributions) is proceedable, but at a sub-optimal level of profit, with market housing at just under the 15% to 20% range suggested in the NPPF. If the appraisal were run with a higher Benchmark Land Value, such as that used within the applicant's viability appraisal, then the viability position is considered to worsen.

The viability scheme submitted has been independently reviewed and robustly tested, and based upon the adjustments made within the final appraisal, which include an overall increase in costs, the position offered by the applicant in terms of 22% affordable housing (in the mix identified) and full S.106 financial contributions, is considered to be a reasonable and justified position. Any increase in the affordable housing offer would take the profit margin below the range identified as acceptable within the NPPF, and therefore it would be unreasonable to either request an increase in affordable housing, or to refuse the application on the grounds of lack of/insufficient provision of affordable housing. On the basis of this viability review, the proposed development is considered to comply with Policies SP23 and SP41 of the Thanet Local Plan.

Dixon Searle has advised that the Council may wish to consider a review mechanism within the legal agreement, given market difficulty and uncertainty. However, the applicant has advised that the construction period is expected to last only 24 months, and given this short time period a review is not considered to be beneficial or practical. However, should members disagree with this approach then there is scope to include a review mechanism within the legal agreement for a future review of costs and income.

### **Financial Contributions and Obligations**

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

The following contributions are required:

- A contribution of £904,400 towards Manston Green Primary School or other new schools locally or within the Birchington and Thanet Villages planning group;
- A contribution of £688,408 towards a new Thanet secondary school or the provision of additional secondary places within the Thanet District non-selective and selective planning group, or any other new secondary school within the District;
- A contribution of £200,977.63 towards secondary education in the form of a new Thanet secondary school land acquisition cost;
- A contribution of £2,315.22 towards community learning, to provide additional resources, equipment and classes delivered locally and at Broadstairs Adult Education Centre;
- A contribution of £7,818.45 towards libraries, to provide additional resources, stock and services (including digital infrastructure and resources) within the local Ramsgate, Minster or Newington Libraries;

- A contribution of £9,235.50 towards youth services, to provide additional resources and equipment for the Youth service in Thanet, including early prevention and outreach services;
- A contribution of £20,710.09 towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within Thanet;
- A contribution of £7,680.27 towards waste services, to provide improvements at Thanet District HWRC to increase capacity;
- A contribution of £124,632 towards health provision, in the form of the refurbishment, reconfiguration and/or extension of Minster Surgery and/or Dashwood Medical Centre and/or Summerhill Surgery and/or The Grange Practice and/or East Cliff Medical Practice and/or towards a new general practice premises development in the area;
- A contribution of £9,000 to provide 2no. ticket vending machine shelters at Thanet Parkway Station;
- A contribution of £4,162 towards the resurfacing of PROW TR32;
- A contribution of £948 as a monitoring fee for the travel plan;
- A contribution of £53,252 towards the Special Protection Area;
- Affordable housing in the form of 22% on site provision.

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

If the site were an allocated housing site, an assessment of the community facilities would have been carried out, and any infrastructure needs would have been listed within the allocation policy. This site has come forward prematurely, outside of the housing allocation process within the local plan, and therefore this assessment has not taken place; however, the Strategic Planning Manager has been consulted, and has advised that for this limited number of units, it would be difficult to justify the need for additional community facilities within the village within specific policy support. As mentioned in the principle section of this report, there is an extant consent for a new retail unit on the site opposite the recreational ground, on the corner of Foads Hill and Cliffsend Road, and a new application for the retail unit has recently been submitted and is currently pending a decision, indicating it is still the intention of the land owner to provide this community facility within the village.

A request has been received from Cliffsend Parish Council for financial contributions towards facilities within the village. The request is for £187,000, which has been calculated by the Parish as a pro-rata amount based on the number of units and precedent set from other housing developments.

The facilities that Cliffsend Parish Council have requested include:

- a new shared footpath/cycleway for a section of Foads Hill, to enable safe access to the village amenities (a distance of around 135m from the level crossing to the existing footpath;
- sports provision for Cliffsend sports field, including open air "gym" equipment, climbing "cubes", soft surfaces under the playground equipment;
- external storage capability for community and sports equipment, including the sports equipment previously stated, plus a portable generator, lighting equipment, marquee and trestle tables and chairs for events in the recreational field;

- community building improvement to the village hall to enable disabled access to the toilet;
- enhancement of Hugin Green and Marjorie Chapman meadow, to include the replacement of bins, additional heritage plaques etc.

There is no policy allocation for the site, and therefore there is no specific policy justification for the provision of these facilities. Policy SP41 of the Thanet Local Plan, as detailed above, does allow for the provision of community infrastructure, but this is only sought where the contribution is deemed to be appropriate and justified.

Addressing each of the requests in turn, the provision of the shared footpath/cycleway for Foads Hill is not achievable as the applicant is not the landowner, nor is KCC. It therefore seems that the land is in third party ownership, meaning that the delivery of a project on the land is not achievable. Furthermore, if the path could be provided, it would still not achieve a safe pedestrian link, and there is no pedestrian footpath within the northern end of Foads Hill. Whilst the need for an improved pedestrian link between the north and the south of the village is accepted for improving public safety, an improved pedestrian link is already being achieved through the upgrading of PROW TR32, both adjacent to and within the site, which will enable a full safe pedestrian link to be achieved from Canterbury Road West in the north to Cottington Lane in the south, and from there into the centre of the village. This will reduce the need to use Foads Hill, and will provide a good quality, safe pedestrian link between the north and south of the village that can be used by both the future residents of the development, and existing residents of the village. A contribution for the path is therefore not considered to be justified or deliverable.

In terms of sports provision, the application proposes a play area within the site that includes a basket swing, stepping log, jumping disc, hammock, basketball hoop, table tennis table, and fitness equipment. On the basis that this is being achieved within the site, a financial contribution for additional equipment on Cliffsend sports field is not considered to be justified as the contribution would not mitigate an impact resulting from the development.

For the storage unit, improvement to the village hall, and enhancements to the meadow, no costings or precise details of the projects have been provided by the parish council. It is accepted that the increased number of occupants within the village created through the proposed housing development will put extra pressure on some of these facilities, and therefore consideration does need to be given as to whether there is a need for a financial contribution towards the improvement of these community facilities; however, given that open space is being provided within the site for recreational use, including a wildflower park with picnic area, and informal open play space, it's unlikely that the future occupants of the development will choose to use the existing recreational space within the village, and for this reason a financial contribution towards the existing recreational spaces in the village would not be justified.

The request for the provision of a disabled toilet within the existing village hall is considered to be justified, as there is no village hall within the development, and therefore the future occupiers will put additional pressure on the existing community hall. Improving the toilets within the village hall has previously been identified as a further requirement of the ongoing refurbishment of the hall and given the potential for increased use from the development then a contribution to the provision of improved accessible facilities at the hall is considered to be

justified under Policy SP41. The exact details and costing of this project have not been identified, but the applicant has been contacted to ask if they would offer a contribution towards these works. The applicant has offered £10,000 towards the work and this is considered to be fairly and reasonably related in scale and kind to the development, in accordance with paragraph 57 of the NPPF. The provision of this final financial contribution of £10,000, to be used for the provision of a disabled toilet within Cliffsend Community Hall, will be secured through the legal agreement in addition to the financial contributions listed above.

## **Conclusion**

Paragraph 11 of the NPPF states that Local Planning authorities should grant permission (where a 5 year supply cannot be demonstrated) 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.

The site is not allocated, and lies outside of the urban confines within a landscape character area. The proposal will result in the loss of this area as agricultural land, and as such there will be a loss of best and most versatile land, as well as an impact upon the landscape character area from long views from Canterbury Road West and the A299, although the land itself is not considered to possess any unique or rare landscape features.

The site forms a natural expansion of the village, with the development not projecting beyond the western boundary of the adjacent development to the north of the site, and the proposal appears in keeping with the surrounding pattern of development. The design is traditional, and whilst it would have been preferable to have seen a greater number of units types, including bungalow options, the design and appearance of the proposed units does not appear significantly out of character with the area, which is helped through the amendments to the southern boundary that has lowered the eaves line of the units to 1.5 storeys, reducing the impact of the scale and height on longer views from the south. Landscaping has been used to soften and screen the development in long views from the west and south, and the open space provision exceeds the minimum requirement, with an additional park, picnic areas, orchard, and community growing garden provided. The proposed materials are also in keeping with the palette of material in the area.

The site relies upon a vehicular access onto Canterbury Road West that is safe and convenient, and the trip generation created through the development is not considered to result in a severe impact upon the highway network. The presence of Parkway Station within a few minutes walk of the site to the south provides improved connectivity with Ramsgate and Minster, which has significantly improved the sustainability of the site by providing realistic alternative travel options that don't rely upon the car.

The impact upon neighbouring living conditions is considered to be acceptable subject to safeguarding conditions relating to acoustic fencing and obscure glazing, and the proposal achieves the necessary open space provision, space standards, and parking requirements to achieve good amenity for future occupiers of the development.

The submission for ecology identifies no protected species on site, and wintering bird and wetland bird surveys have been submitted. The proposed development will not have

significant adverse impact on statutorily protected nature conservation sites or landscapes, and the proposal will not impact upon Functionally Linked Land within the Special Protection Area. A shadow HRA appropriate assessment has been undertaken, and the proposal is not considered to have a likely significant cumulative effect.

The viability assessment has proven that only 22% affordable housing is viable on site (which is considered reasonable under the policy criteria), but all financial contributions towards infrastructure as requested by KCC, CCG and Network Rail have been secured, in order to mitigate the additional pressure placed on these from the development. Cliffsend Parish Council have requested financial contributions towards infrastructure in the village, but all of the requests are not necessary to make the development acceptable in planning terms, other than the request for a financial contribution towards the community hall for the remodelling of the toilets to allow for disabled toilet provision, which has been agreed to.

All other aspects, including drainage, archaeology, air quality, and contamination can be dealt with through safeguarding conditions.

The proposal will result in the development of an unallocated site within the Local Plan. In terms of the environmental dimension of sustainable development, there will be moderate to modest harm to the landscape character area, and the loss of best and most versatile agricultural land, but the proposal will provide a natural expansion of the village, that can rely heavily upon the public transport offered through the new Parkway Station, and the benefits of the public right of way improvements to provide sustainable forms of transport. There will be some visual impact resulting from the lack of unit types on offer, but the southern boundary amendments will reduce the visual impact from the south.

In terms of the social and economic dimension of sustainable development, all financial contentions are being secured towards infrastructure where they have been justified, including a contribution towards improvements of the village hall, and 22% affordable housing is being achieved. Improved pedestrian connectivity between the north and south of the village is being achieved through the improvements of PROW TR32 up to Canterbury Road West. Open space provision exceeds the minimum requirements for the site, with an equipped playspace, and park/picnic area provided that will serve existing residents. The development will support the growth of the village and Parkway Station, and provide 141 no dwellings for which there is an identified need within the district.

On balance, when considering the local plan and the National Planning Policy framework as a whole, the proposal is considered to constitute sustainable development, with the identified environmental impact outweighed by the economic and social benefits from the proposed development of this site. Therefore the application is recommended to be deferred and delegated for approval subject to the receipt of a legal agreement securing the agreed heads of terms and safeguarding conditions.

**Case Officer**

Emma Fibbens

TITLE: F/TH/21/1671

Project Land South Of Canterbury Road West RAMSGATE Kent

Scale:

