

## Planning Committee

**Minutes of the meeting held on 4 September 2024 and 5 September 2024 at 7:00pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.**

**Present:** Councillor Helen Crittenden (Chair); Councillors Makinson, Albon, J Bayford, Boyd, Bright, Bright, Dennis, Garner, Matterface, Rattigan and Wing

**In Attendance:** Councillors Braidwood, Davis, Dawson, Fellows, Kup, Pugh and Worrow – 4 September 2024

Councillors Davis, Fellows, Kup and Pugh – 5 September 2024

### 1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Moore (who was substituted by Councillor Wright), Councillor Rusiecki (who was substituted by Councillor Scott) and Councillor Keen (who was substituted by Councillor Whitehead).

This was applicable for both 4 September 2024 and 5 September 2024 meetings.

### 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

This was applicable for both 4 September 2024 and 5 September 2024 meetings.

### 3. **SCHEDULE OF PLANNING APPLICATIONS**

The Chair informed Committee Members that any site visits would take place on the morning of 13 September 2024.

#### (a) **D01 OL/TH/20/1755 - Land North and East of Canterbury Road, Birchington**

**PROPOSAL:** Outline planning application, with all matters reserved except for access, for a mixed-use urban extension comprising: up to 1,600 residential units (use class C3); residential care home (use class C2); two form entry primary school (use class F1); land for the expansion of the existing Birchington medical centre; mixed use centre (use class E, F1 and F2); and associated infrastructure including provision of a new strategic link road between Minnis Road and Manston Road, alterations to existing junctions and new access arrangements from Minnis Road, Park Lane, Canterbury Road and Manston Road/Acol Hill, a new recreational and leisure shared-use link between Minnis Road and Park Lane, green infrastructure including public 2 open space and associated facilities, landscaping, formal and informal play

areas, utilities (including drainage) and associated ancillary works and structures.

Mr Craig Neilson spoke in favour of the application.

Mr Rod Giddins spoke on behalf of Mr Craig Solly against the application.

Ms Ann Ray spoke against the application.

Ms Gina McCready spoke against the application.

Councillor Blankley spoke on the behalf of Birchington Parish Council.

Councillor Fellows spoke under Council Rule 20.1.

Councillor Dawson spoke under Council Rule 20.1.

Councillor Kup spoke under Council Rule 20.1.

Councillor Pugh spoke under Council Rule 20.1.

Councillor Worrow spoke under Council Rule 20.1.

Councillor Braidwood spoke under Council Rule 20.1.

Councillor Davis spoke under Council Rule 20.1.

It was proposed by the Chair and seconded by the Vice-Chair:

THAT the officer's recommendation be adopted, namely that the application be deferred and delegated to officers, for approval, subject to safeguarding conditions on Annex 1, and the submission of a signed legal agreement within the following 12 month period securing the heads of terms outlined within the report attached to this agenda, with the adoption of the shadow Habitat Regulations Assessment at Annex 4, for the following reasons:

#### Timing and Plans

1. No development shall commence within any phase until details of the appearance, landscaping, layout and scale (hereinafter called the 'Reserved Matters') for that Phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.

#### **GROUND:**

As no such details have been submitted in respect of these matters as part of the application is in outline. In accordance with Section 92 of the Town and Country Planning Act 1990.

2. The application for the first Reserved Matters shall be made no later than the expiration of 3 years beginning with the date of this planning

permission. Applications for the approval of the remainder of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 8 years from the date of this planning permission.

**GROUND:**

In accordance with Section 92 of the Town and Country Planning Act 1990.

3. Each phase of the development shall be begun within two years of the date of approval of the final reserved matters to be approved for that phase.

**GROUND:**

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

4. The development shall provide for not more than 1,600 dwellings, of which up to 1% shall be made available for self or custom build housing plots, and the gross floor space provision across the development for other purposes shall not exceed that stated below:
  - Primary School – 2.05ha site / up to 2 form entry
  - Residential institution – 0.57ha site for use class C2 use
  - Medical Centre – 0.1ha of land to allow for expansion of / improvements to existing facility
  - Local Centre – 600sqm gross internal floor area (comprising use classes E, F1 and F2)

**GROUND:**

For the avoidance of doubt, so as to ensure that any development is in accordance with and within the parameters of that assessed by the Local Planning Authority for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and in the interest of achieving sustainable development, in accordance with Thanet Local Plan Policy QD02, and the principles with the National Planning Policy Framework.

5. Any reserved matters applications submitted pursuant to the outline part of this approval shall accord with the development as set out within the 'Development Specification Document' (Version 3: April 2024), and the following approved parameter plans:
  - Land Use Parameter Plan (drawing reference: 1009 020C Revision M)
  - Movement and Access Parameter Plan (drawing reference: 1009 020A Revision M)
  - Density Parameter Plan (drawing reference: 1009 020B Revision M)
  - Building Heights Parameter Plan (drawing reference: 1009 020E Revision M)
  - Green Infrastructure Parameter Plan (drawing reference: 1009 020D Revision M)

**GROUND:**

For the avoidance of doubt, so as to ensure that any development is in accordance with and within the parameters of that assessed by the Local Planning Authority for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and in the interest of achieving sustainable development, in accordance with Thanet Local Plan Policy QD02, and the principles with the National Planning Policy Framework.

6. The development hereby approved shall be built in accordance with the approved parameter plans listed in condition 5. Where a revised planning application is submitted and approved by the Council in substitution for any part of the development hereby approved, any remaining development may still be developed as approved in this Planning Permission, it being intended that this Planning Permission should permit such further approved development separately and severally from the other.

**GROUND:**

In the interest of achieving sustainable development, in accordance with Thanet Local Plan Policy QD02, and the principles with the National Planning Policy Framework.

7. The reserved matters submitted in accordance with Condition 1 in respect of each phase shall include the following details in respect of that phase to the extent that they are relevant to the reserved matters application in question:

Layout

- The layout of routes, buildings and spaces
- The block form and organisation of all buildings
- The locations and plan form of non-residential buildings
- The location of dwellings designed to seek to meet the Local Planning Authority's Accessible and Adaptable Accommodation
- Full details of the approach to cycle parking including the location, distribution, types of rack, spacing and any secure or non-secure structures associated with the storage of cycles and the location and form of open areas and any relevant servicing / delivery arrangements.
- The extent and layout of public open spaces and play space within each phase
- Full details of measures to prevent the discharge of surface water onto the highway
- Details of surface water drainage capable of accommodating for rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm.

Scale and Appearance

- Scale, form and appearance of the architecture within each phase, including frontage design and public / private realm definition and boundary treatments.

### Landscaping

- The landscape design and specification of hard and soft landscape works within each phase, including details surveys of all trees, shrubs and hedges in that phase, giving details of all trees having a trunk diameter of 75mm or more to include species type, spread of crown, height, diameter of trunk and condition assessment, details of existing trees, shrubs and hedges to be retained and details of new trees, shrubs, hedges and grassed areas to be planted, together with details of the species and method of planting to be adopted, details of walls, fences, other means of enclosure proposed. Any such details shall be accompanied by the Landscape Management Plan and Open Space Specification for that phase.

### **GROUND:**

In the interests of achieving sustainable development, in accordance with Thanet Local Plan Policy QD02, and the principles within the National Planning Policy Framework.

### Phasing and Masterplan

8. The phasing of the development shall be carried out in accordance with a Phasing Plan, to be submitted to and approved in writing by the Local Planning Authority prior to the submission of the first reserved matters application. This should be in broad conformity with the 'Indicative Phasing' plan numbered 020G Rev M, unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing plan, but shall allow the construction periods of any phase to run concurrently with another phase.

### **GROUND:**

To secure the programming and phasing of, and an orderly pattern to the development, in accordance with the phasing arrangements that have been assessed.

9. Should it prove necessary to bring forward infrastructure (including utilities) in advance of the reserved matters approval of any phase or sub-phase, the application for approval of reserved matters relating to that infrastructure shall be accompanied by the following information:
  - a. A statement explaining the reasoned justification for the exception and the relationship between the proposed infrastructure and any related phase or sub-phase.
  - b. A construction and delivery programme for the infrastructure for which reserved matters approval is sought.

- c. A Construction Environmental Management Plan relevant to the infrastructure being delivered, including any necessary ecological protection measures.

The development shall be implemented in accordance with the details approved in writing by the local planning authority.

**GROUND:**

To secure the programming and phasing of infrastructure, and an orderly pattern to the development, in accordance with the phasing arrangements that have been assessed.

Archaeology

- 10. The details to be submitted in pursuant of condition 1 above shall show no built development (other than vehicular/pedestrian/cycle access routes) within the area identified on the 'Archaeological Constraints' plan numbered 036 Rev A, received 22 July 2024 as the 'Area of archaeological interest'. Full details of any landscaping/planting proposed within this area shall be provided as part of the landscaping reserved matters application for that phase.

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

- 11. No development shall take place until an application has been submitted to and approved in writing by the Local Planning Authority for a site wide Archaeological Framework Strategy, specification and programme of archaeological mitigation identifying the requirements associated with each phase of the development, including areas for preservation in situ and areas for archaeological fieldwork. The Archaeological Framework shall be implemented as approved and shall address the following issues and any other relevant issues that might arise:
  - a. The site should be divided into a series of archaeological character areas and characterised according to a methodology to be agreed with the Local Planning Authority but which takes its reference from the submitted reports, plan entitled 'Figure 2: Identified archaeology in relation to the Masterplan', and the further evaluation works required under condition 12.
  - b. For each archaeological area the mitigation requirements, including evaluation, preservation in situ, further archaeological investigation and management, will be set out. Recognition to be given that if an archaeological area falls within more than one development area it will be investigated as part of the works for the first development area. (This can include the identification of areas which require no further investigation).

- c. Proposals for interpretation of the history and archaeology of the site should be agreed with the Local Planning Authority prior to implementation.
- d. Appropriate archiving of any finds and the records of archaeological investigations at the site to be stored in a suitable repository to be agreed with the Local Planning Authority and undertaken by the developer with all costs covered in full.

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

12. No development shall take place within each respective phase of development until the applicant, or their agents or successors in title, has secured the implementation of:
- a. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable, to be in accordance with the approved archaeological Framework Strategy, which has been submitted to and approved in writing by the Local Planning Authority;
  - b. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
  - c. a post-excavation assessment followed by an updated project design setting out a programme of analysis dissemination and publication and timetable which has been submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

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

13. For any areas where archaeological remains are to be preserved in situ, as identified following the field evaluation work approved under condition 12, applications for approval of details shall be accompanied by a Conservation Management Plan (for archaeology), to be approved by the Local Planning Authority which should set out how these remains should be preserved and managed in the future. The conservation management plan(s) should be implemented in accordance with the approved details.

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

14. Prior to the occupation of any dwelling in each respective phase, a scheme of archaeological interpretation for archaeology of the site in its context (which shall include information boards in public open space areas in that phase of the development) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the location for information boards, their content and timetable for their erection. The interpretation boards shall be erected and thereafter retained in accordance with the approved scheme.

**GROUND:**

To ensure the development makes a positive contribution to local character and distinctiveness, through historical interpretation, in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

15. Prior to the occupation of any dwelling in each respective phase, a Community Archaeology Strategy for the site shall be submitted to, and approved in writing by, the Local Planning Authority. The Strategy for each phase shall be implemented as approved.

**GROUND:**

To ensure the development makes a positive contribution to local character and distinctiveness, and the community, in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

16. No development shall take place on each phase of the development, or part thereof, until temporary fencing has been erected in a manner to be agreed with the Local Planning Authority, around the archaeologically sensitive zones (if any) within that phase as identified pursuant to the evaluation carried out per 4(ii) above which (if required pursuant to the approved scheme) shall be followed by a long term demarcation of the archaeologically sensitive area in accordance with details and a timetable agreed with the Local Planning Authority. The temporary fencing shall be retained for the duration of the construction works in that phase, or part thereof. No works shall take place within the area inside the fencing without the consent of the Local Planning Authority.

**GROUND:**

To ensure that due regard is given to the preservation in situ of important archaeological remains in accordance with Thanet Local Plan Policy HE01 and advice in paragraph 189 of the National Planning Policy Framework.

Contamination

17. If, during development of any phase, significant contamination is suspected or found to be present at the site, then any development of the phase in question shall cease until such time as this contamination has been fully addressed, an appropriate remediation scheme has been agreed with the Local Planning Authority and the approved works

have been implemented so as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.

Drainage

18. No development shall begin until a phasing plan for the site wide surface water drainage strategy (Flood Risk Assessment and the Drainage Strategy prepared by Stantec dated 5 November 2020 (as amended)) has been submitted to, and approved in writing by, the Local Planning Authority, which demonstrates the provision of the drainage network to serve any given phase prior to occupation of any dwelling within that phase. The phasing plan shall indicate and provide details of:

- Any strategic provision of surface water drainage required across phases;
- Any temporary works requirement associated with the construction of the surface water drainage.

**GROUND:**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts, in accordance with Thanet Local Plan Policy CC02.

19. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for that phase 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 the Drainage Strategy prepared by Stantec dated 5 November 2020 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or offsite. 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 Thanet Local Plan Policy CC02.

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

**GROUND:**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

21. 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 Thanet Local Plan Policy SE04 and paragraph 180 of the National Planning Policy Framework.

22. No development shall take place in any phase, or part thereof, until details of the means of foul drainage for that phase 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 for that phase 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.

### Highways

23. No development shall take place in any phase, or part thereof, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include:

- Construction Method Statement
- hours of construction working;
- Construction Logistics Plan, including routing of construction and delivery vehicles to/from site;
- parking and turning areas for construction and delivery vehicles and site personnel;
- timing of deliveries;
- measures to control noise affecting nearby residents;
- temporary traffic management/signage;
- any temporary access arrangements to the site for construction purposes;
- wheel cleaning/chassis cleaning facilities;
- provision of measures to prevent the discharge of surface water onto the highway;
- dust control measures;
- lighting control measures;
- water quality protection measures;
- landscape and ecology management plan;
- pollution incident control;
- Confirmation of participation in the Considerate Constructors Scheme
- site contact details in case of complaints;
- a highway condition survey.

### **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.

24. Prior to commencement of the development in any respective phase, or part thereof, a scheme of measures for removal and disposal of waste and demolition materials shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme for removal and disposal shall then be fully implemented.

### **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.

25. No development shall take place in any phase, or part thereof, until details of the proposed highways works that are located within that phase have been submitted to and approved in writing by the Local Planning Authority. These details shall, where relevant, include:
- the link road between Canterbury Road and Acol Hill;
  - the link road between Canterbury Road and Minnis Road;
  - the roundabout access on Minnis Road;
  - the new access junction on Canterbury Road;
  - the roundabout junction on Acol Hill/Park Lane/Manston Road;
  - the new northern access on Park Lane to phase 1B (as annotated on the indicative phasing plan);
  - the traffic calming measures on Park Lane.

All submitted details shall accord with the geometrical layout as those submitted in the plans:

- Minnis Road junction (drawing reference: 1605-27 PL02B)
- A28 junction (drawing reference: 1605-27 PL01B)
- Manston Road / Acol Hill / Park Lane junction (drawing reference: 1605-27 PL05D)
- Park Lane junction / traffic calming measures / change of speed limit (drawing reference: 1605-27 PL04D)

**GROUND:**

In the interests of highway safety and providing adequate highways infrastructure capacity of an appropriate design, in accordance with Thanet Local Plan Policies SP16 and SP45.

26. The Southern Link Road, connecting Canterbury Road and Acol Hill / Park Lane, shall be completed and made operational prior to the occupation of no more than 450no. residential units, unless otherwise approved in writing by the Local Planning Authority. This Link Road should furthermore be constructed to an adoptable standard and offered for adoption by the Highway Authority.

**GROUND:**

In the interests of highway safety and traffic flow, to ensure the sufficient highways infrastructure is provided to serve the development in accordance with Thanet Local Plan Policy SP45.

27. The Northern Link Road, connecting Canterbury Road and Minnis Road, shall be completed and made operational prior to the occupation of no more than 372no. residential units on land north of Canterbury Road, unless otherwise approved in writing by the Local Planning Authority. This Link Road should furthermore be constructed to an adoptable standard and offered for adoption by the Highway Authority.

**GROUND:**

In the interests of highway safety and traffic flow, to ensure the sufficient highways infrastructure is provided to serve the development in accordance with Thanet Local Plan Policy SP45.

28. Prior to the first occupation of any development served by Minnis Road, the access road onto Minnis Road, along with the roundabout, (as approved under condition 24) shall be completed and made operational, and thereafter maintained.

**GROUND:**

In ensure the sufficient highways infrastructure is provided to serve the development in accordance with Thanet Local Plan Policy SP45.

29. Prior to the first occupation of any development served by Canterbury Road, the vehicular access onto Canterbury Road, along with the junction improvement works (as approved under condition 24), shall be completed and made operational, and thereafter maintained.

**GROUND:**

In ensure the sufficient highways infrastructure is provided to serve the development in accordance with Thanet Local Plan Policy SP45.

30. Prior to the first occupation of any development within phase 1B (as annotated on the indicative phasing plan), a vehicular access onto Park Lane/Acol Hill (as approved under condition 24) shall be provided and made operational, and thereafter maintained.

**GROUND:**

In ensure the sufficient highways infrastructure is provided to serve the development in accordance with Thanet Local Plan Policy SP45.

31. No vehicular access link shall be provided between phase 1B (as annotated on the indicative phasing plan) and the remainder of the southern parcel of the development site, until the southern strategic link road has been completed and is operational.

**GROUND:**

In the interests of highway safety.

32. Details submitted pursuant to condition 1, insofar as they relate to each phase of development, shall include the final route, specification, geometry, number/form of junctions along its length, and waiting restrictions of the link road through the site within the area of deviation shown on the Parameter Plan. The link road and associated footway/cycleways should be provided to an acceptable standard (to a minimum width of 7.3m for the southern link road) and in accordance with the most up to date revision of the Kent Design Guide and Active Travel Englands latest guidance (including details of the pedestrian crossing provision and bus stop infrastructure where appropriate).

**GROUND:**

In the interests of highway safety and providing adequate highways infrastructure capacity of an appropriate design, in accordance with Thanet Local Plan Policies SP16 and SP45.

33. Details pursuant to condition 1 above shall include the provision of means and routes of access for pedestrians and cyclists within each phase of the development to and from the surrounding footway cycleway network.

The active travel network of strategic footpath and cycling routes shall be appropriately surfaced and illuminated, as appropriate, in accordance with details to be submitted to and approved in writing by the local planning authority.

**GROUND:**

In the interests of highway safety and to facilitate the use of alternative means of transport, and safe pedestrian movement in accordance with Thanet Local Plan Policies TP02 and TP03.

34. Details submitted pursuant to condition 1 in respect of each phase of the development, shall include the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking, turning areas and street furniture and bus stops/borders to be laid out and constructed.

**GROUND:**

In the interests of highway safety and to ensure the proper development of the site without prejudice to the amenities of the occupants, in accordance with Policies QD02 and QD03 of the Thanet Local Plan.

35. Details pursuant to condition 1, insofar as they relate to each phase of development, shall include the provision of secure covered cycle parking facilities, in accordance with local planning authority standards. Such facilities as approved shall be made available for use prior to the occupation of the unit for which they are provided to meet relevant parking and layout standards, and thereafter shall be retained for their approved purpose.

**GROUND:**

In the interests of highway safety and to facilitate the use of alternative means of transport, in accordance with Thanet Local Plan Policy TP03.

36. Details pursuant to condition 1, shall include details of the number, type and location of electric vehicle charging points (EVCP) on the basis of 1 Electric Vehicle Charging point per residential property with dedicated parking and 1 in 10 of all non-allocated parking. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and

SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-omechargescheme-approved-chargepoint-model-list>

**GROUND:**

In the interest of air quality and amenity in accordance with SE05 of the Thanet Local Plan and paragraph 181 of the NPPF.

37.No above ground works in respect of the school and mixed-use community hub uses, as shown on the land use parameter plan (drawing ref. 10 09 020 C Revision M) coloured red and purple respectively, shall take place until details of the junction(s) between the Strategic link road corridor and the access road(s), including pedestrian links have been submitted to and approved in writing by the Local Planning Authority.

The buildings shall not be occupied until that junction(s) has been constructed in accordance with the approved details.

**GROUND:**

In the interests of highway safety.

38.Details to be submitted pursuant to condition 1 above in respective of each phase of the development, shall demonstrate safe emergency access to the satisfaction of the Local Highway Authority and Fire Rescue Service.

**GROUND:**

In the interests of safe access in new development in accordance with Thanet Local Plan Policy QD02 and paragraph 127 of the National Planning Policy Framework.

39.No development within any phase of the development, which includes, or is located immediately adjacent a public right of way, shall commence until a detailed plan outlining the mechanisms for safeguarding the existing public rights of way network in that location in accordance with the PRoW Management Strategy August 2023 prepared by Transport Planning Associates has been submitted to and approved in writing by the local planning authority. The detailed plan shall include details of any works to widen the PROW to 3m and/or upgrade the relevant public right of way, including resurfacing, if required.

**GROUND:**

To facilitate and secure safe pedestrian movement, in accordance with Thanet Local Plan Policy TP02.

40. The carriageways, footways, shared surfaces, footpaths and cycleways within each phase (excluding the northern and southern link road), or sub-phase of the development shall be completed with final surfacing prior to the occupation of 90% of the units within that phase/sub-phase, unless the road is a construction route, in which case the final surfacing shall be completed following the cessation of that road as a construction route.

**GROUND:**

In the interests of highway safety and to ensure the proper development of the site without prejudice to the amenities of the occupants in accordance with Thanet Local Plan Policy QD02.

41. Prior to the first occupation of any dwelling, a Residential (Use Class C3) Travel Plan, to accord with the Framework Travel Plan dated May 2024 by Transport Planning Associates, and a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall aim to reduce dependency on the private car, and include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. The approved Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

**GROUND:**

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

42. No non-Class C3 use building exceeding 1,000 sq m gross floor area shall be occupied (including the primary school) until a Travel Plan, has been submitted to and approved in writing by the Local Planning Authority for that use. The development of any relevant use shall be implemented in accordance with the approved Travel Plan. The Travel Plan shall aim to reduce dependency on the private car, and include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. The approved Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

**GROUND:**

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

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

**GROUND:**

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

### Network Rail

44. The residential (Use Class C3) part of the Development shown hatched in magenta on Drawing No. 1009 035-02 Rev A shall not be occupied until a rail crossing (extinguishment or diversion) order has been made and confirmed in respect of the Brooks End Level Crossing at Birchington-on-Sea, to include where footpath TM37 crosses the operational railway land at the Site of the Brooks End Level Crossing and the section(s) of footpath 37 has been lawfully extinguished or diverted. This condition shall continue to apply unless either the relevant authority or the Secretary of State, whoever is the person lawfully seized of the decision whether to confirm the order, refuses to confirm.

#### **GROUND:**

To facilitate safe and convenient movement by pedestrians over the railway, in accordance with Policy TP02 of the Thanet Local Plan.

### Biodiversity

45. Prior to, or concurrently with, the submission of the first reserved matters application under condition 1, an Ecological Design Strategy, addressing ecological enhancement and mitigation across the whole site as outlined in Section 7 of the submitted Environmental Statement shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Design Strategy shall include the following:

- a. Updated preliminary ecological survey and any recommended species surveys;
- b. Review and (where required) update of the ecological mitigation strategy;
- c. Detailed design(s) and/or working method(s) to achieve ecological mitigation requirements;
- d. Extent and location/area of proposed works on appropriate scale maps and plans (including the bird mitigation area);
- e. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g. Persons responsible for implementing the works;
- h. Details of initial aftercare and interim management requirements until the Biodiversity Management Plan is submitted;
- i. Details of ecological enhancement features to be incorporated in to the site and buildings;
- j. Details of how Biodiversity Net Gain will be achieved.

The Ecological Design strategy shall be implemented as approved.

#### **GROUND:**

In the interests of preserving and enhancing biodiversity and ecological potential, and to adequately integrate the development into the environment,

in accordance with Policies QD02 and GI06 of the Thanet Local Plan and the National Planning Policy Framework.

46. With each submission of reserved matters application under condition 1, a review of the Ecological Design Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. Details to be submitted pursuant to condition 1 for each phase shall also include a Preliminary Ecological Assessment and any recommended specific species surveys. Each phase shall be carried out and completed in accordance with the updated Ecological Design strategy.

**GROUND:**

In the interests of preserving and enhancing biodiversity and ecological potential, and to adequately integrate the development into the environment, in accordance with Policies QD02 and GI06 of the Thanet Local Plan and the National Planning Policy Framework.

47. Prior to the first occupation of each phase of development, a detailed Biodiversity Management Plan (BMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority.

Each subsequent phase shall update the previous version of the BMP so that there is only one management plan upon completion of the whole development. The BMP must demonstrate that it corresponds with the approved Ecological Design Strategy.

Each BMP shall demonstrate its contribution to biodiversity net gain as calculated using the version of the DEFRA metric submitted as part of the planning application.

The BMP shall include the following:

- a. Overview of management required;
- b. Ecological features to be monitored and managed;
- c. Preparation of a work schedule relevant to delivering BNG;
- d. Plans demonstrating the areas to be covered by the Biodiversity Management Plan and the landscape management plan (condition 54);
- e. Details of the body or organisation responsible for implementation of the plan, and how it will be funded;
- f. Details of ongoing monitoring, reporting and remedial measures;
- g. Details of Biodiversity Management Plan reviews and updates.

The development shall be implemented in accordance with the details as approved in writing by the Local Planning Authority.

**GROUND:**

In the interests of preserving and enhancing biodiversity and ecological potential, and to adequately integrate the development into the environment, in accordance with Policies QD02 and GI06 of the Thanet Local Plan and the National Planning Policy Framework.

48. Prior to the installation of any external lighting within any phase, 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.

49. Prior to commencement of each phase, or part thereof, a soil management plan shall be produced in accordance with the "Construction Code of Practice for the Sustainable Use of Soils on Construction sites" (Defra, 2009) and "BS3882:2007 Specification for topsoil and requirements for use" and submitted to and approved in writing by the Waste Planning Authority.

**GROUND:**

To encourage the re-use of soil within the site for green infrastructure to benefit biodiversity, in accordance with Policy SP30 of the Thanet Local Plan.

Open Space and Sports

50. Prior to, or concurrently with, the submission of the first reserved matters application under condition 1, an Open Space Framework across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The Open Space Framework shall include the following:
- a. Identification of the phases to provide the 3.6ha of amenity green space, 2.8ha of public parks and gardens, and 17.4ha of natural and semi-natural greenspace;
  - b. The breakdown of the equipped play space, to include LAPs, LEAPS, NEAPs, and MUGAs (which can include a skatepark), and the number to be provided within each phase of the development;
  - c. Identification of the phases to provide the 0.8ha of allotment space, along with details of how they are expected to be

- managed, and what associated infrastructure will be needed, i.e. sheds, boundary treatment;
- d. Identification of the phases to provide 1.2ha of sports pitches, along with their intended use, and how they are expected to be managed. If the formal sports pitches are to be provided, then (i) a detailed assessment of ground conditions should be submitted (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints shall be submitted. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

**GROUND:**

To secure the provision of adequate green infrastructure to serve the development, in accordance with Policy GI04 of the Thanet Local Plan.

51. Details to be submitted pursuant to condition 1 for each phase of development shall include an Open Space specification for that phase, which shall accord with the principles as approved in the Open Space Framework. The Open Space Specification for each phase shall:
- a. Identify the location and extent of the main areas of formal and informal open space to be provided;
  - b. Outline local play space to be provided;
  - c. Detail how the relevant areas of public open space and play areas are to be laid out, paved, planted or equipped;
  - d. Include the proposed programme for delivery of all landscaped, open space; and play space in the phase linked to the occupation of dwellings within the phase. The proposed programme shall ensure that (where applicable in relation to the plans submitted in accordance with condition 1) at least one area of open space and at least one area of local play space / equipped play area within the phase are provided and available for use prior to the occupation of any dwellings in the phase.

The landscaped areas, open space and play space in that phase shall be laid out and implemented in accordance with the agreed timetable and shall be permanently retained thereafter in accordance with the approved Open Space Specification for that phase 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.

52. Prior to the first use of the primary school hereby permitted, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall confirm the facility will be used by a range of community/voluntary clubs/users, including details of the programme for community use, pricing policy, hours of use, access arrangements for non-educational establishment users, management responsibilities and a mechanism for review. The facility shall not be used otherwise than in strict compliance with the approved agreement. There shall be no amendment of the Community Use Agreement unless otherwise agreed in writing with the local planning authority.

**GROUND:**

To secure well managed safe community access to sports facilities, to ensure sufficient benefit to the development of sport and to accord with Thanet Local Plan Policy CM01, and Policy B25 of the Birchington Neighbourhood Plan.

Landscaping

53. Prior to or concurrently with the submission of each Reserved Matters Application for the relevant Phase, Subphase or Plot, a tree survey and impact assessment, tree protection plan and arboricultural method statement shall be submitted to and approved in writing by the local planning authority. The development of the Phase, Sub-phase or Plot shall thereafter be carried out in accordance with the approved details.

**GROUND:**

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

54. Prior to the commencement of each phase (excluding Preliminary Works), or part thereof, a Landscape Management Plan for the phase in question shall be submitted to and approved in writing by the Local Planning Authority for all landscaped, open space and play areas identified in the Open Space Specification for the phase which shall include long term design objectives, details of who it to have ongoing management responsibilities for the area and how those arrangements will be secured in perpetuity and annual maintenance schedules for all landscaped, open space and play areas within the phase.

The approved Landscape Management Plan for each phase shall be implemented and adhered to as approved subject to any minor revisions thereto as may be approved in writing by the Local Planning Authority. The public open spaces in that phase shall be permanently retained and maintained thereafter in accordance with the approved Landscape

Management Plan for that phase and used for and made available as public open space for public amenity 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.

Noise

55. Details to be submitted in pursuant of condition 1, for the phase that includes the primary school, shall include a noise mitigation scheme to protect the school from road noise in accordance with BB93 and BS8223 2014, and details of an acoustic barrier, to be erected along the boundary of the site when it adjoins residential properties. The work specified in the approved scheme, and installation of the fence, shall then be carried out in accordance with the approved details prior to the first occupation of the primary school, and thereafter maintained.

**GROUND:**

In the interests of the residential amenities of the occupiers of surrounding dwellings, and the future users of the school, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

56. Each application for reserved matters including buildings shall include an Acoustic Design Statement in accordance with ProPG Planning & Noise 2017 scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

**GROUND:**

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

57. The rating level of noise emitted from any proposed plant and equipment to be installed on the site shall be at least 3dB below the background noise level (LA90,T) or 35dBA,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

**GROUND:**

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

## Air Quality

58. Details to be submitted in pursuant of condition 1 above shall include an air quality Emissions Statement that provides details of how the air quality damage costs, as calculated within the Emission Mitigation Assessment [Chapter 8 EIA] are to be used to achieve air quality improvements through the development. The development shall be carried out in accordance with the approved details.

### **GROUND:**

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

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

### **GROUND:**

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

60. Details to be submitted pursuant to condition 1 above shall include details of the facilities for the storage of residual waste and recyclable materials associated with all residential dwellings and non-residential buildings shall be submitted to and approved in writing by the local planning authority.

The residential dwellings shall not be occupied, and the non-residential buildings shall not be brought into use until the facilities for the storage of residual waste and recyclable materials to serve the dwelling and nonresidential building have been provided in accordance with the approved details.

The facilities shall thereafter be maintained in accordance with the approved details.

### **GROUND:**

In the interests of the residential amenities of the future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

61. The details to be submitted in pursuant of condition 1 shall show no habitable room windows within a minimum 15 metres of the boundary of an existing water/wastewater pumping station, due to the vibration and noise generated by pumping stations and the potential odour.

### **GROUND:**

In the interests of the residential amenities of the future occupiers of the development, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

62. Details pursuant to condition 1, insofar as they relate to each phase of development incorporating residential development shall be accompanied by:
- a. a schedule of residential accommodation (to include details of the amount and size of residential units, which shall take account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence, unless otherwise agreed) proposed within that Phase, Sub-Phase or Development plot;
  - b. a plan and schedule (including tenure mix) showing the proposed distribution of affordable housing within that Phase, Sub-Phase or Development plot.

**GROUND:**

To ensure the provision of a mix of house sizes and types to meet a range of community needs, in accordance with Policy SP22 of the Thanet Local Plan.

Design

63. Prior to the submission of, or concurrently with, any reserved matters a Design Code for the development shall be submitted to and approved in writing by the local planning authority. The Design Code shall develop the vision, design concept and principles established in the Design and Access Statement, describe how the principles and parameters shall be implemented and shall address issues including public realm, use of external materials, approach to parking provision, community safety, recycling and servicing and external lighting the details of which are required to be submitted under other conditions. Preparation of the Design Code will have substantive regard to the Birchington Neighbourhood Plan 2021-2031 and the Birchington Site Design Guidance and Codes.

All reserved matters and detailed submissions shall be in accordance with the approved Design Code.

**GROUND:**

In the interests of visual amenity, in accordance with Policy QD02 of the Thanet Local Plan, and to ensure compliance with Policies B1 and B27 of the Birchington Neighbourhood Plan.

64. 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.

65. 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.

66. At least 10% of all dwellings within each phase of the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4(2) 'accessible and adaptable dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

**GROUND:**

To provide accessible units of accommodation in accordance with Thanet Local Plan Policy QD05.

67. At least 10% of all affordable dwellings within each phase of the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority.

**GROUND:**

To provide accessible units of accommodation in accordance with Thanet Local Plan Policy QD05.

68. Details pursuant to condition 1, insofar as they relate to each phase of development, shall demonstrate how the proposed layout meets Secure by Design principles.

**GROUND:**

To ensure the proper development of the site without prejudice to the amenities of the occupants, in accordance with Thanet Local Plan Policies QD02 and QD03.

69. Each application for reserved matters including buildings, shall be accompanied by an Energy / Sustainability Statement, which shall aim to achieve a minimum of BREEAM 'excellent' for non-residential buildings and Housing Quality Mark standards for residential buildings. No development (excluding Preliminary Works) shall commence pursuant to the relevant Reserved Matters approval until the corresponding Energy / Sustainability Statement has also been approved in writing by the local planning authority. The details and measures contained in each approved Energy Statement shall be

implemented and operational upon the first use or occupation of the buildings permitted.

Reserved Matters approval to which the Energy Statement relates and shall thereafter be retained in the approved form 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.

During the debate, the meeting was adjourned at 20:44, following the proposal of the Chair, the seconding of the Vice-Chair and the agreement of all Members. The Chair reminded the Committee that during this break, they were not allowed to engage in conversation with anyone outside of the Committee. The meeting resumed at 20:55.

Upon being put to the vote, the motion was declared **LOST**.

It was proposed by Councillor Albon and seconded by Councillor Bayford that:

The application be deferred to officers to bring an agenda item back to a Committee meeting outlining whether any additional affordable housing can be provided on site and the options available to members to redistribute contributions agreed following discussion with the applicant and KCC, and to provide information following the debate on whether any points raised could provide cogent reasons for refusal of the application.

Upon being put to the vote, the motion was declared **CARRIED**.

Meeting Notes

4 September:

The meeting commenced at 7:00pm, with a short adjournment at 7:43, after public speaking, the meeting resumed at 7:50pm. The meeting was then adjourned at 9:42pm, at the end of the officer presentation, to be resumed the following evening.

5 September:

The meeting commenced at 7:00pm, with the moving and seconding of the motion to defer and delegate. During the ensuing debate the meeting was adjourned at 8:44pm, following the proposal of the Chair, the seconding of the Vice-Chair and the agreement of all Members. The Chair reminded Committee Members that during the break there should be no private discussions about the application, with anyone else, including other Committee members outside of the public debate. The meeting resumed at 8:55pm.

At 10:00pm the Chair informed Members of the Committee that in the view of the Chair and the Planning Applications Manager it was unlikely that the

debate and voting would be concluded before 10:30pm, but that it was considered likely it would be concluded by 11:30 pm. The Chair read out Constitutional rules (Part 4 – Rules of Procedure, paragraph 11.1 (Adjournment)), and, in accordance with the Constitution, moved the motion, seconded by the Vice Chair, and agreed by Members, to continue the debate beyond 10:30pm.

Meeting concluded at 10:57pm, 5 September 2024.