

**D10**

**OL/TH/24/0200**

**PROPOSAL:** Outline application for the erection of 118 dwellings including access, following demolition of existing buildings

**LOCATION:** Flambeau Europlast Ltd Manston Road RAMSGATE Kent  
CT12 6HW

**WARD:** Newington

**AGENT:** Hume Planning Consultancy Ltd

**APPLICANT:** Flambeau Europlast Ltd

**RECOMMENDATION:** Defer & Delegate

Defer and delegate for approval subject to the submission of a signed legal agreement securing the outlined contributions within 6 months and subject to the following conditions:

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

**GROUND;**

As no such details have been submitted.

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

**GROUND;**

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

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

**GROUND;**

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

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

**GROUND;**

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

5 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 23-007/001C received 09 July 2024.

**GROUND;**

To secure the proper development of the area.

6 No development shall take place, excluding demolition of the warehouse building to ground level and removal of other structures, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND**

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

7 No development 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.

8 No development shall take place until the method of piling foundations has been submitted to and agreed in writing by the Local Planning Authority. Any such piling shall thereafter be undertaken in accordance with the agreed 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.

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

#### **GROUND**

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

10 No 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.

11 No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment and Drainage Strategy report (June 2024- Issue 3), namely the proposed offsite discharge rate. The submission will further 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 off-site.

The drainage scheme shall also include demonstration of:

- any existing surface water flow paths being accommodated and disposed of without increase to flood risk on or off site
- 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

12 Details pursuant to condition 1 shall demonstrate that any on site flow paths can be safely managed and accommodated within the development layout proposed and that the surface water drainage scheme can accommodate all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm within the proposed development layout.

**GROUND:**

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

13 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report 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

14 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.

15 Prior to the first occupation of the dwelling the following works between the dwelling and the adopted highway shall be complete

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

#### **GROUND**

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

16 Prior to the commencement of any development on site a construction environmental management plan to include the following details 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

The CEMP shall be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites and IAQM Guidance on the Assessment of

dust from demolition and construction 2024 [Section 6 - Mitigation Measures, of the Air Quality Report submitted at Outline]; the Plan shall include mitigation measures.

**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.

17 Prior to the first occupation of the development hereby permitted, the alterations to the access to the site and the provision of a pedestrian crossing as shown on plans 23-007/001C shall be provided and thereafter maintained.

**GROUND**

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

18 Prior to the first occupation of the development hereby approved visibility splays as shown on submitted plan 23-007/001C shall be provided to the access on to Manston Road with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND**

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

19 Details to be submitted pursuant to Condition 1 above for landscaping shall include measures to restrict the use of the emergency access to pedestrians and cyclists only other than in the event of an emergency.

**GROUND**

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

20 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, 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

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

**GROUND**

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

22 No development shall commence until a verification report has been submitted to and approved in writing by the Local Planning Authority which confirms that all required preworks

mitigation for reptiles has been undertaken in accordance with the Reptile Mitigation Strategy, Corylus Ecology, April 2024. The receptor site will be managed as suitable habitat for reptiles in perpetuity and monitoring will be undertaken post-development as stated within the strategy.

## **GROUND**

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

23 No development shall take place (including any ground works, site or vegetation clearance) until a construction environment management plan for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) will include the following:

- a) Details of the purpose and objectives of proposed mitigation works during construction;
- b) The identification of biodiversity protection zones and proposed use of protective fences, exclusion barriers and warning signs;
- c) Details of methods, timing, extent and location of proposed mitigation works including appropriate scale maps and plans, with reference to:
  - o Standard pollution prevention and control measures;
  - o Containment, control and removal of invasive plant species;
  - o A timetable for pre-works habitat management/enhancement works as detailed in the Reptile Mitigation Strategy, Corylus Ecology, April 2024;
  - o Precautionary mitigation measures for breeding birds and hedgehog;
- d) Timetable for implementation, demonstrating that mitigation works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the mitigation works, including any times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Initial aftercare and reference to a long-term maintenance plan (where relevant);
- g) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter as required.

## **GROUND**

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

24 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.

25 Prior to development above slab level to enable the inclusion of building integrated features, a detailed Biodiversity Enhancement Plan showing how the development will enhance biodiversity for the long term will be submitted to, and approved in writing by, the local planning authority. This will include a native species planting schedule and habitat boxes for protected and priority species as detailed within Section 4.5 of the Preliminary Ecological Appraisal, Corylus Ecology, May 2023. The Plan will include a full planting schedule and outline management measures to achieve the proposed habitats in alignment with the Biodiversity Net Gain Plan. The Plan will also show the type, number and locations for all proposed bat and bird boxes. All boxes will be of woodcrete/woodstone or similar to ensure durability. The approved measures will be implemented and retained thereafter.

#### **GROUND:**

In order to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, the advice as contained within the NPPF and Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

26 The Biodiversity Gain Plan, required to be submitted prior to commencement of development by Town and Country Planning Act 1990 Schedule 7A, and the landscaping details submitted pursuant to condition 1 shall be prepared in accordance with the Corylus Ecology outline Biodiversity Net Gain report dated 1st March 2024.

#### **GROUND:**

In order to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, the advice as contained within the NPPF and Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

27 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- a non-technical summary;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;



- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- and the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the Local Planning Authority.

The habitat creation and enhancement works as approved shall be carried out, managed and maintained in accordance with the approved HMMP.

Notice in writing shall be given to the Local Planning Authority when the HMMP has been implemented and habitat creation and enhancement works as set out in the HMMP have been completed.

**GROUND:**

In order to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, the advice as contained within the NPPF and Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

28 Details to be submitted in pursuant of condition 1 above for landscaping for each phase shall include:

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

29 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

**GROUND:**

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

30 Details pursuant to condition 1 shall show open space provision in accordance with Policy GI04, including the provision of a Local Area of Play (LAP) on site.

**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 and GI04 of the Thanet Local Plan, and guidance within the NPPF.

31 Prior to the construction of the external surfaces of the development hereby approved, an Acoustic Design Statement in accordance with ProPG Planning & Noise 2017 and Noise Impact Assessment dated 20th June 2024 submitted shall be submitted to and approved in writing by the Local Planning Authority. The statement should include consideration of the 'agent of change' principle in relation to the nearby industrial estate. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the development, and be retained thereafter.

**GROUND**

In the interests of amenity for future occupiers in accordance with policies QD03 and SE06 of the Thanet Local Plan and the advice contained within the NPPF

32 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.

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

**GROUND**

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

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

**GROUND;**

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

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

**GROUND;**

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

**INFORMATIVES**

**Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Thanet District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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.

Where there are planning conditions requiring the submission of information (desk study, site investigation, remediation method statement and remediation verification report) in relation to either Special Sites or pollution of Controlled Waters then the Environment Agency would like to receive copies of any documents produced by the developer in connection with those conditions.

Before carrying out any site investigation or remediation of a site the developer is strongly recommended to contact the Contaminated Land Officer for guidance on the requirements for such investigations or remediation. Investigations, in particular, which do not adequately fulfil these recommendations, may result in additional work having to be carried out.

No foul or contaminated drainage shall be discharged from the site into either groundwater or any surface waters, whether direct or via soakaways, shall be approved.

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

Prior to the commencement of the development hereby approved, the developer is required to pursue a stopping of the highway, in accordance with the requirements of Section 247 of the Town and Country Planning Act 1990.

The applicant is advised that separate prior approval is required from Kent Highway Services for the new vehicle crossing/removal of the existing vehicle crossing/works within the highway and in this regard they should contact KHS on 03000 418181

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack

The District Council is committed to reducing crime and the fear of crime through design. You are therefore strongly advised to contact the Kent Police Designing Out Crime Officer for advice with security measures and the incorporation of Secure by Design (SBD) into this development. <https://www.kent.police.uk/cp/crime-prevention/protect-home-crime/>  
<https://www.securedbydesign.com/>

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

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

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

Most contaminated soils are regarded as controlled waste. If controlled waste is to be deposited on the site then either a Waste Management Licence will be required or the applicant will need to register an exemption to licensing with the Environment Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the licensable status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

## SITE, LOCATION AND DESCRIPTION

The site is located on the southern side of Manston Road (B2050), to the north of the railway line and to the east of Tesco Manston. It comprises an irregular shaped plot of land and currently includes the Flambeau Europlast office and warehouse building, operational yard and storage areas. The land level changes across the site with an increase in the road level when travelling to the east on Manston Road.

The site is previously developed land, currently operated by Flambeau Europlast for the manufacturing and distribution of plastic based products, and is allocated for 120 dwellings under policy H01 of the Thanet Local Plan.

The land uses in the vicinity of the site are varied, with retail and industrial uses to the west and residential properties of differing forms and scale to the north and south.

## RELEVANT PLANNING HISTORY

OL/TH/15/0187 - Outline application for the redevelopment of the existing site for up to 120 dwellings including access, following demolition of existing buildings. Granted 07 November 2017

## PROPOSED DEVELOPMENT

This is an outline application for the erection of 118 dwellings including access, following demolition of existing buildings. Access is the only matter that has been put forward for consideration. Appearance, Landscaping, Layout and Scale has been reserved for consideration at reserved matters stage.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

- SP01 - Spatial Strategy - Housing
- SP13 - Housing Provision
- SP14 - General Housing Policy
- SP22 - Type and Size of Dwellings
- SP23 - Affordable Housing
- SP27 - Green Infrastructure
- SP28 - Protection of International and European Designated Sites

SP29 - Strategic Access and Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP34 - Provision of Accessible Natural and SemiNatural Green Space, Parks, Gardens and Recreation Grounds  
SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
SP37 - Climate Change  
SP38 - Healthy and Inclusive Communities  
SP41 - Community Infrastructure  
SP42 - Primary and Secondary Schools  
SP43 - Safe and Sustainable Transport  
SP44 - Accessible Locations  
SP45 - Transport Infrastructure  
SP47 - Strategic Routes  
CC01 - Fluvial and Tidal Flooding  
CC02 - Surface Water Management  
CC04 - Renewable Energy  
HE01 - Archaeology  
H01 - Housing Development  
H03 - Land fronting Nash Road and Manston Road, Margate  
GI01- Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ)  
GI03 - Regionally Important Geological Sites (RIGS)  
GI04 - Amenity Space and Equipped Play  
GI06 - Landscaping and Green Infrastructure  
QD01 - Sustainable Development  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
SE04 - Groundwater Protection  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
TP01 - Transport Assessments and Travel Plans  
TP02 - Walking  
TP03 - Cycling  
TP04 - Public Transport  
TP06 - Car Parking  
TP10 - Traffic Management

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert was posted in the local paper.

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

Too many houses  
Loss of green space  
Traffic  
Impact upon bats  
Lack of affordable housing

**Ramsgate Town Council** - Recommends that TDC gets some planning gain via a 106 agreement to improve the Warre Rec. There are also concerns about the amount of increased traffic movement onto Manston Road and the effect on surrounding roads.

## CONSULTATIONS

**Environment Agency** - We have no objection to the proposed development, subject to the following conditions being included on any permission granted.

Without these conditions we would object in line with paragraph 180 of the National Planning Policy Framework (NPPF) and policies SE03 & SE04 of the Thanet District Council Local Plan.

Condition: Contamination investigation

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

1. A preliminary risk assessment which has identified: o all previous uses; o potential contaminants associated with those uses; o a conceptual model of the site indicating sources, pathways and receptors; and o potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework and policies SE03 & SE04 of the Thanet District Council Local Plan.

Condition: Contamination verification

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

Reason:

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework and policies SE03 & SE04 of the Thanet District Council Local Plan.

Condition:

Unsuspected contamination If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason:

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 180 of the National Planning Policy Framework and policies SE03 & SE04 of the Thanet District Council Local Plan.

Condition:

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

Reason:

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 caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework and policies SE03 & SE04 of the Thanet District Council Local Plan.

Condition:

Foul drainage Development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is



implemented with a connection to foul sewer, has been submitted to and approved by, the local planning authority. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place until the installed scheme is confirmed as meeting the agreed specifications.

Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework and policies SE03 & SE04 of the Thanet District Council Local Plan.

Condition:

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.

Reason:

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 caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework and policies SE03 & SE04 of the Thanet District Council Local Plan.

#### **KCC Biodiversity** - *Updated comments received 01 August 2024*

KCC's Ecological Advice Service previously commented on this proposal in our advice note dated 24th May 2024. The proposed amendments are unlikely to have significantly different effects on biodiversity when compared to the original proposal. The revised block plan shows a slight reduction in proposed hardstanding associated with a property in the east of the site, this could result in a slight increase in Biodiversity Net Gain units achievable by the final design.

The advice provided in our previous response applies equally to this amendment. As such, we advise that our previous comments remain valid. These are copied below for ease of reference.

#### *Comments received 24 May 2024*

We have reviewed the submitted information and advise that sufficient information has been provided. If planning permission is approved we advise that the conditions below are attached.

REPTILE MITIGATION STRATEGY

Mitigation for reptiles will be required in accordance with the Reptile Mitigation Strategy, Corylus Ecology, April 2024. As evidence of implementation of the strategy we advise that submission of a verification report is secured by condition.

Suggested wording:

No development shall commence until a verification report has been submitted to and approved in writing by the Local Planning Authority which confirms that all required preworks mitigation for reptiles has been undertaken in accordance with the Reptile Mitigation Strategy, Corylus Ecology, April 2024. The receptor site will be managed as suitable habitat for reptiles in perpetuity and monitoring will be undertaken post-development as stated within the strategy.

#### CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (BIODIVERSITY)

Habitats and features of ecological value are present within and bordering the site and will require protection during construction. We advise that a condition securing a CEMP (Biodiversity) is attached to any planning permission approved.

Suggested wording:

No development shall take place (including any ground works, site or vegetation clearance) until a construction environment management plan for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) will include the following:

- a) Details of the purpose and objectives of proposed mitigation works during construction;
- b) The identification of biodiversity protection zones and proposed use of protective fences, exclusion barriers and warning signs;
- c) Details of methods, timing, extent and location of proposed mitigation works including appropriate scale maps and plans, with reference to:
  - o Standard pollution prevention and control measures;
  - o Containment, control and removal of invasive plant species;
  - o A timetable for pre-works habitat management/enhancement works as detailed in the Reptile Mitigation Strategy, Corylus Ecology, April 2024;
  - o Precautionary mitigation measures for breeding birds and hedgehog;
- e) Timetable for implementation, demonstrating that mitigation works are aligned with the proposed phasing of construction;
- k) Persons responsible for implementing the mitigation works, including any times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- l) Initial aftercare and reference to a long-term maintenance plan (where relevant); m) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter as required.

#### LIGHTING AND BIODIVERSITY

Artificial lighting has been proven to significantly impact on the behaviour of insects, birds, bats, and other nocturnal mammals including hazel dormouse. NPPF 2023 paragraph 185 states that planning decisions and policies should: "...limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation". This is relevant to the retained vegetation within/bordering the site and any proposed enhancements such as native species landscaping and bat, bird and dormouse boxes.

We advise that the avoidance of increased artificial lighting impacts is secured through provision of a sensitive lighting plan. The Plan should be designed in accordance with National Planning Policy Framework 2023 and the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23'. Suggested wording:

Prior to occupation, a lighting plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. Lighting will be designed in accordance with the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23'. The Plan will show the type and locations of proposed external lighting, as well as the expected in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity including existing dark corridors and proposed areas of landscaping. This will include details of any measures to reduce impacts from emitted internal lighting, such as cowls, recessed lighting or glazing treatments. All lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

#### MANDATORY BIODIVERSITY NET GAIN

The Design and Access Statement describes that the development layout is indicative; the post-development landscaping proposals are subject to change and as such the BNG calculation is provisional. We highlight that a minimum of 10% BNG will be required.

While not specifically detailed within the submitted information, it is evident from the outline habitat plans that the provision of 10% BNG through creation and enhancement of scrub habitat and tree planting is proposed as additional to the habitat mitigation required for reptiles. This additionality should be more fully described within the Biodiversity Gain Plan to be submitted at the Reserved Matters stage.

Local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice when granting planning permission:

([https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG\\_Decision\\_Notice\\_Text.odt](https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.odt))

Our suggested condition wording based on the wording of the Town and Country Planning Act 1990 Schedule 7A is as follows:

The development may not be begun unless a biodiversity gain plan has been submitted to the planning authority and the planning authority has approved the plan.

#### BIODIVERSITY ENHANCEMENT PLAN

With the first detailed application, a Biodiversity Enhancement Plan will be provided. The approved Plan will be implemented thereafter or updated and approved with subsequent detailed applications. Suggested wording:

Prior to development above slab level to enable the inclusion of building integrated features, a detailed Biodiversity Enhancement Plan showing how the development will enhance biodiversity for the long term will be submitted to, and approved in writing by, the local planning authority. This will include a native species planting schedule and habitat boxes for protected and priority species as detailed within Section 4.5 of the Preliminary Ecological Appraisal, Corylus Ecology, May 2023. The Plan will include a full planting schedule and outline management measures to achieve the proposed habitats in alignment with the Biodiversity Net Gain Plan secured under Condition X. The Plan will also show the type, number and locations for all proposed bat and bird boxes. All boxes will be of woodcrete/woodstone or similar to ensure durability. The approved measures will be implemented and retained thereafter.

#### **ADDITIONAL NOTE - THANET COAST AND SANDWICH BAY DESIGNATED SITES**

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). This type of development can result in additional recreational disturbance, and likely significant effects on birds using the SPA and Ramsar sites. Any new development of one home or more within Thanet District will be required to pay a tariff.

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

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

#### **KCC Flood and Water Management - Updated comments received 04 October 2024**

Kent County Council as Lead Local Flood Authority understand that correspondence has been received from Hume Planning (16/08/2024) following our last consultation response (02/08/2024). The contents of the email inform us that land raising has been considered excessive and unviable financially to achieve a gravity system for the southwestern portion of the site. This is unfortunate as the LLFA would advocate for achieving a gravity system, avoiding the use of a pump. The use of pumping is considered a less sustainable situation and includes additional maintenance.

Raised within the email was the Outline nature of the application and that only access was being fixed, with remaining items including drainage being managed as part of future Reserved Matters stages. The LLFA acknowledges that the principles of managing surface water have been set out and that further refinement is needed upon agreeing the layout within the next planning stage.

In view of this, if the planning authority were minded to grant planning permission, the LLFA would request the following conditions be attached:

Condition:

No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that any on site flow paths can be safely managed and accommodated within the development layout proposed. Furthermore, demonstrating that the surface water drainage scheme can accommodate for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason:

To ensure the development is served by satisfactory arrangements for managing existing risk and the disposal of surface water are incorporated into the proposed layouts.

Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment and Drainage Strategy report (June 2024- Issue 3), namely the proposed offsite discharge rate. The submission will further 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 off-site.

The drainage scheme shall also include demonstration of:

any existing surface water flow paths being accommodated and disposed of without increase to flood risk on or off site

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.

Reason:

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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the

approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

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 that the drainage system constructed is consistent with that which was 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.

Reason:

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 175 of the National Planning Policy Framework.

Updated comments received 01 August 2024

Kent County Council as Lead Local Flood Authority understands that a revision has been made to the Flood Risk Assessment and Drainage Strategy report (Issue 3- Revision 2) since our last consultation response.

The LLFA has reviewed this latest report and have further comments below to provide: The LLFA notes that the main change between the report revisions relates to the relocation of the parking provision for the easternmost block and the subsequent rerun of the flood modelling. The LLFA welcomes this reduction and accepts that further work would need to be undertaken as part of any future Reserved Matters application.

While the LLFA removes our objection relating to the flood modelling and compensations, we note in Section 9.4 (Proposed Surface Water Management Strategy) that detailed ground level plans have not been provided at the time of assessment and that land levelling is assumed to be proposed at a later stage. The purpose of the raising is to enable the permeable paving systems to drain via gravity. Should raising not be possible, it further advises that pumping may be required to allow parts of the site to drain. While this is acknowledged, the LLFA would strongly prefer not to use pumping where possible. Therefore, we would seek to establish the level of raising required to ensure the permeable paving system can drain to the outfall without the use of pumps.

The Topographical Land Survey drawings (Sheets 1-8) contained within Appendix A1 provide a strong indication of existing levels on site. Sheets 6 and 2, in particular, cover the southwestern corner of the site and northwards towards Manston Road. The levels at the southwestern corner are reported to be around 40.21-40.53 m, whereas, towards the exit of

the existing site, this rises to between 42.3-42.5 m. Therefore, the potential required fill for certain areas is likely to be in excess of 1 metre. The LLFA would like preliminary confirmation that this is acknowledged by the applicant and is financially feasible. We would like to avoid a situation whereby a pump is instead proposed due to being the cheaper of the two options.

Lastly, within our last consultation response (08/04/2024), we requested consideration of on site soakaways that infiltrate into the underlying chalk. This may provide a further option that could be utilised to reduce dependency on the permeable paving system and off-site discharge. This would still be a recommendation that is at the very least listed as an item for further work moving forward.

Initial comments received 08 April 2024

Kent County Council as Lead Local Flood Authority authority, has reviewed the Flood Risk Assessment and Drainage Strategy report prepared by Herrington Consulting (Issue 2-February 2024) and have the following comments to provide:

1. The LLFA understands from the report that the existing factory is to be demolished and a residential development comprising of up to 118 dwellings is proposed. It is noted that the Environment Agency's flood risk mapping highlights potential risks arising from a surface water flow path to the north. Further modelling of this has been undertaken, and the outputs have been compared against the existing and post-development scenarios for a range of return period events.

The 1% (100-year) plus 40% climate change event in particular shows much of the flooding would be captured and held within the proposed swale and detention basin, with overflow extending up to the block of flats. While it is accepted that the entrance to the block will be above the anticipated flood level, we would strongly encourage that the entrance is not obstructed. Furthermore, we seek that the flood depths of parking areas are kept to a minimal level. The 100-year plus 45% simulations shows the depth of water above 0.5 metres in depth. This depth of water could cause property damage to cars; therefore, the LLFA would seek to identify if increasing the size and expanse of the swale and basin would reduce these flood depths. There would appear to be scope to expand these features from the current layout proposed.

2. The current surface water management scheme is understood to have an unrestricted discharge into the combined sewer below Manston Road. Under the proposals set out within the report, it is still proposed to utilise this connection to the sewer, however, with a significantly reduced discharge rate of 1.9 l/s for all return periods.

Infiltration as a method of surface water management has been discounted from the designs due to the low rates recorded within the upper geology. The Ground Investigation Report by EPS appended to the strategy, identified that the upper layers (superficial) are not conducive to infiltration, with rates only improving upon penetrating into the Margate Chalk Member. It is further stated that the depth of the chalk layer may be less towards the eastern and western boundaries of the site, away from the central portion of the site. In view of the

conclusions from the report, we would request consideration of utilising infiltration in these portions of the site.

The LLFA does acknowledge that a section of the site running east to west is situated within a groundwater source protection zone 1, owing to further challenges to infiltration. While this is an item of consideration, we envisage that houses 23-43 as shown on the Proposed Site Plan drawing, could have rear garden cellular soakaways or trenches that could extend down into the chalk (not including southernmost properties due to proximity of railway line and subsequent easements). This would leave the access road/ driveways continuing to drain as per the strategy. This is with the aim of reducing the subsequent volumes of surface water entering the combined sewer further.

The LLFA would request that the above two items are considered and responded to before recommending approval for a surface water management perspective.

### **KCC Highways** - Comments received 03 October 2024

Further to previous comments additional comments are provided in relation to the emergency access to the east of the proposed access. It should be noted that the layout will need to accord with Manual for Streets and Kent Design, including Interim Guidance Note 3 Residential Parking for a suburban location. Kent Design Guide outlines that site between 50 and 300 dwellings have two points of access of a loop with a short connection to a single point of access and a secondary emergency access link.

The emergency access should measure 3.7 metres in width, and I suggest bollards are installed. The access should be utilised at a pedestrian and cycle connection through the site to Manston Road, which should be secured by way of a suitable condition.

Comments received 10 September 2024

Previous comments were submitted on 22 May 2024, requesting further details of pedestrian crossing facilities.

It was noted that the existing traffic island is proposed to be relocated to accommodate refuse vehicles. I suggest that the traffic island is amended to provide an informal crossing point for pedestrians to gain access to Princess Margaret Avenue and the primary school. In addition, an uncontrolled crossing, with a central island, was considered suitable, with the submission of a Stage 1 Road Safety Audit (RSA) and Designers Response. An RSA has been submitted by the applicant, along with a designers response to the recommendations.

Problem 1 - insufficient right turn lane width of 2.5 metres which may lead to sideswipe collisions. The Auditor recommends widening of the right turn lane. The Designers Response does not accept this view due to the right turn lane being an existing and maintained scenario.

I am minded to accept that the right turn lane is not widened. There is no incident data to indicate that this has presented an issue with larger vehicles previously utilising the site access.



Problem 2 - issues where vegetation could restrict western visibility splays. The Designers Response accepts that the visibility splays will be cleared of all vegetation to maintain sight lines.

The visibility splays should be secured by way of a suitable condition, with no obstruction above 0.6 metres (drawing reference 23-007/001C). 07717611502

Problem 3 - the lane width at the pedestrian refuge could lead to cyclists being overtaken at the refuge leading to collisions. The lane width is recommended to be widened in line with LTN1/20 parameters. The Designers Response accepts the widening of the the lane around the pedestrian refuge to 4 metres to enable overtaking of cyclists.

I accept that the lane width has been widened accordingly.

Problem 4 - Absence of high mounted 'keep left' signs and illuminated bollards. Concerns that vehicle spray and detritus may obscure bollards. The Designers Response accepts the recommendation to install higher level signage.

I accept that the details of the signage can be agreed at Stage 2 RSA.

Problem 5 - lack of streetlighting on the south side of Manston Road in the vicinity of the refuge could lead to vehicle or pedestrian collisions. The Designer Response accepts that lighting will be installed as part of the detailed design stage.

I accept that additional lighting is to be provided, the siting and specification of which will need to be agreed with KCC Streetlighting Engineers.

In line with the above 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:

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 and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

- (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).

Completion of alterations to the access to the site, including the provision of a pedestrian crossing as shown on plans 23-007/001C prior to first occupation. All works to be subject to a Section 278 Agreement with KCC Highways.

Provision and maintenance of the visibility splays shown on the submitted plans (drawing reference 23-007/001C) with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.

No dwelling shall be occupied prior to the redundant vehicle crossing to Manston Road being stopped up and the footway reinstated in accordance with KCC specifications.

Submission of a Construction Management Plan before the commencement of any development on site to include the following: (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

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.

Comments received 22 May 2024

It is noted that the development is a renewal of an extant application (LPA reference: OL/TH/15/0187) for 118 dwellings.

Walking and cycling routes to the site have been outlined. The existing traffic island is proposed to be relocated to accommodate refuse vehicles. I suggest that the traffic island is amended to provide an informal crossing point for pedestrians to gain access to Princess Margaret Avenue and the primary school.

The previous application illustrated a zebra crossing which was not acceptable due to the blocking of visibility of vehicles waiting in the right turn lane. The provision of an island in the middle creates uncertainty for users as to whether it is one or two stage crossing. It was agreed that an uncontrolled crossing with central island would be more suitable. Any proposed alterations to the highway should include a Stage 1 Road Safety Audit and Designers Response.

Access is via the existing access on Manston Road, whereby the junction is proposed to be reduced in size. Visibility splays of 4.5 metres x 120 metres are noted at para 4.3.1, although splays of 2.4 x 120 metres are illustrated on drawing 23-077-001, which is acceptable. The splays should be secured by way of a suitable condition.

The internal access is designed in line with Kent Design Guide Major Access Road, which measures 5.5 metres in width with a 2 metres wide footway on either side. This is considered acceptable, and while access only is being considered at this stage, the layout will need to accord with Manual for Streets and Kent Design Guide, including Interim Guidance Note 3 residential Parking for suburban locations.

TRICS has been interrogated to establish the trip rates associated with the proposed development, comparable with the existing industrial use. The residential proposal estimates

to generate 55 two-way trips during the AM peak, and 63 two way trips during the PM peak. The proposed development sees slight increase in total vehicle movement, and a marked decrease in the number of OGV trips. TEMPro growth factors and committed development have been utilised to illustrate the effect on the local road network. It is considered that the proposal is unlikely to generate a significant increase in vehicles movements in comparison to the existing permitted uses. However, as noted above, safe pedestrian crossing facilities are required, including a central island and dropped kerbs / tactile paving.

**KCC Public Rights of Way** - KCC PROW and Access Service have no comment on the above application as no PROW are directly affect or in close proximity to the site.

**KCC Strategic Development and Place** - 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. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Primary Education - Currently no primary education requirement

Secondary Education Build - £5,587.19 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

Secondary Education Land - £2,330.44 Towards the land acquisition cost of a new Thanet Secondary School.

SEND Build - £559.83 Towards the provision of additional SEND places and/or additional SEND facilities within Thanet District

Community Learning - £4,036.78 Towards additional resources, equipment and services for the Community Learning Service in Thanet District, to assist with the education and training of the new learners from this development.

Integrated Children's Services - £8,737.90 Towards additional equipment and resources for the Youth and Early Years Service in Thanet to enable early prevention and outreach provision in the vicinity of this development

Library Service - £7,390.34 Towards additional resources, equipment, and book stock (including reconfiguration of space) at local libraries serving the development, including Newington Library and Ramsgate Library

Social Care - £21,343.84 Towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places within the District

All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)

Waste - £6,136.00 Towards improvements at Margate HWRC to increase capacity

**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).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend the applicant follows SBD 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. The points below identify my recommendations for the layout and design of this scheme;

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high.
2. We recommend parking areas be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. 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.
4. 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.
5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+.
6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 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.

7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
8. 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.
9. 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.
10. 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.
11. 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.

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

#### **Natural England** - Updated comments received 23 July 2024

Natural England has previously commented on this proposal and made comments to the authority in our response dated 28 March 2024, reference number 470750 (attached).

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Initial comments received 28 March 2024

#### **NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION**

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as 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.

**NHS Kent and Medway** - NHS Kent and Medway has assessed the implications of this proposal on delivery of healthcare 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.

Healthcare Services provided in the community - £113,220 Towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.

This proposal will generate approximately 315 new patient registrations in general practice based on the dwelling mix provided in Appendix 1. The proposed development falls within the current practice boundaries of Newington Road Surgery, Dashwood House Surgery, Summerhill Surgery, The Grange Practice. The proposal will also increase demand on other healthcare services provided to the local population and will be considered as part of the integrated models of care that will be developed along with the infrastructure strategy for the East Kent Health and care partnership area.

There is currently limited capacity within existing healthcare premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice and other healthcare premises. Whilst it is not possible at this time to set out a specific premises project for this contribution, we can confirm that based on the current coverage of healthcare services and location of this application, we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

In addition to the above we request that any S106 agreement regarding a financial contribution recognises the following:

- o Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.
- o Allows the contribution to be used towards new premises in the area serving this population in line with the Infrastructure

Strategy and priorities for the East Kent Health and Care Partnership area. o Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.

### **TDC Environmental Health** - *Updated comments received 31 July 2024*

Further to EH comments dated 26 March and subsequent updated NIA and AQ assessments we offer the following comments:

#### Noise

The updated NIA is accepted - the site is suitable for residential development and noise is no reason for refusal. The NIA takes into account the original condition 24 of TH15/0187 mitigation measures being integrated within the development and further measures are to be incorporated into the design to mitigate noise to acceptable levels. Therefore, a safeguarding condition is recommended:

#### Internal Sound Levels - residential

Prior to the construction of the external surfaces of the development hereby approved, an Acoustic Design Statement in accordance with ProPG Planning & Noise 2017 and Noise Impact Assessment dated 20th June 2024 submitted shall be submitted to and approved in writing by the Local Planning Authority. The statement should include consideration of the 'agent of change' principle in relation to the nearby industrial estate. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the development, and be retained thereafter.

Reason: In order that the Council may be satisfied that in areas where noise levels are relatively high, permission will be granted for noise sensitive development only where adequate mitigation is provided, and the impact of the noise can be reduced to acceptable levels in accordance with The National Planning Policy Framework 2023 and Thanet District Council Policy SE06 - Noise Pollution

Condition: Construction Environmental Management Plan (from previous comments)

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites and IAQM Guidance on the Assessment of dust from demolition and construction 2024 [Section 6 - Mitigation Measures, of the Air Quality Report submitted at Outline]; the Plan shall include mitigation measures. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

The AQ updated assessment now includes Emissions Mitigation Assessment and accompanying proposals to offset pollution generated by vehicle movements at the site.

Please note that Approved Document S now requires EV charging points installed as standard.

Informative note on Residential Electric Vehicle Charge Points:

EVCPs will be required on all dwellings proposed by this planning application. However, this is a matter that is covered separately under building regulations (Approved Document S), and no planning conditions are recommended to require such works in order to avoid unnecessary duplication of controls under the two separate regimes.

*Initial comments received 26 March 2024*

Noise

The NIA has utilised baseline monitoring data from the original application which is now nearly 10 years old. A more recent noise monitoring is necessary to reflect current situation or to confirm the soundscape is acoustically similar to that previous undertaken before further consideration is given.

Given the proximity to sensitive receptors and a nearby school, a condition that requires a construction noise impact assessment for inclusion of mitigation measures within the CEMP will be required at reserved matters.

Condition: Construction Noise Impact Assessment shall be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites

Air Quality

An Air Quality statement has been carried out by Entran; a full detailed modelling assessment was scoped out given the additional traffic movements was well below threshold criteria of 500AADT. It is important to note that traffic data obtained from the transport assessment has been used for the assessment and this has shown around 180 additional 2-way daily trips from the residential scheme on the previous industrial use. The report will require updating to include a review of committed nearby development and potential cumulative impacts as well as a EFT damage cost calculation for inclusion within the emissions mitigation assessment before the report is accepted. Standard mitigation i.e. evcp and low NOx boiler cannot be included within the mitigation measures but measures that have co benefits with sustainability, net zero and biodiversity can be included.

Condition: Construction Environmental Management Plan

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites and IAQM Guidance on the Assessment of dust from demolition and construction 2024 [Section 6 - Mitigation Measures, of the Air Quality Report submitted at Outline]; the Plan shall include mitigation measures. The construction works shall thereafter be carried out at all times in accordance with the



approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

**TDC Waste and Recycling** - Although we can see a suggestion of moving a traffic island on Manston Road to enable refuse vehicle access there are no tracking documents available, and the proposed block plan seems to indicate that there are no turning circles and our vehicle would be required to reverse for a lot of the collections. There appear to be a number of properties that cannot be accessed directly from the road, which would require our crews to walk them out to the vehicle, please be aware that there is currently a 15 metre service standard for walking out collections. We are not happy to collect from collection points. When a number of bins are presented in one point we are unable to identify which properties have not presented bins, which have contaminated them, who has damaged or missing bins. It is also reliant on residents taking their bins back to within the boundary of their properties. It is very hard to enforce once the developers have moved on. We have explained this on numerous occasions but still seem to be having communal collection points coming through as the suggestion/recommendation. 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.

## COMMENTS

This application has been called to Planning Committee by Cllr Garner for Members to consider the lack of affordable housing and open space proposed.

## **Principle**

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.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the sustainability of the site, character and appearance of the proposed development and highway safety.

Policy SP01 for the Thanet Local Plan states that; "The primary focus for new housing development in Thanet is the urban area."

The application site is located within the urban confines of Ramsgate and is allocated for housing under policy HO1 (120 dwellings in total).

Policy SP14 of the Thanet Local Plan sets out the general requirements for housing development. These requirements are as follows:

Provide one electric car charging point for every 10 parking spaces provided in communal areas, or one charging point to be provided for every new dwelling with parking provision within its curtilage;

Retain existing boundary features where possible;

Provide a connection to the sewerage system at the nearest point of adequate capacity, in collaboration with the service provider;

Allow future access to the existing water supply infrastructure for maintenance and upsizing purposes;

Provide for the installation of digital infrastructure;

Provide for the installation of Fibre to the Home (FTTH);

Contribute towards the Strategic Access Management and Monitoring Plan to meet the requirements of SP29.

Additionally, all proposals for 10 or more units must:

Provide an appropriate mix of dwellings (including care and supported housing) to meet the requirements of Policy SP22;

Include an element of self-build properties where there is a demonstrable demand from persons included in the Council's self-build register;

Provide affordable housing to meet the requirements of Policy SP23;

Provide accessible homes to meet the requirements of Policy QD05; and

Include an assessment of the development's effect on 'functional land' that may be used as a roosting or feeding habitat by wintering and breeding birds identified by the Thanet Coast and Sandwich Bay Special Protection Area citation, and provide mitigation where necessary. All development must comply with policies relating to the Protection of International and European Designated Sites and associated Mitigation Strategy."

There are no policies requiring the retention of industrial uses in this location.

The principle of development is, therefore, considered acceptable.

### **Housing Mix**

The indicative housing mix set out within the Design and Access Statement is for 76 houses and 42 flats.

Current layout primarily includes three bedroom units, however the breakdown of units is not fixed at this stage. The submitted statement indicates that the footprint of a 3-bedroom dwelling to allow for an increase of the two bedroom and four dwelling units at the detailed design stage without affecting the overall master plan principles. It is therefore considered that a mix broadly in line with the SHMA could be achieved on the site through any reserved matters submission, in accordance with Policy SP14 and SP22.

### **Character and Appearance**

This is an outline application with only the principle of the development and access to be considered at this time with layout, scale, landscaping and appearance reserved for future consideration. The detailed considerations in relation to the character and appearance of the development would, therefore, be considered at the reserved matters stage.

An indicative plan and a Design and Access Statement have, however, been submitted to support the application and show how up to 118 housing units can be accommodated on the site and sets out some parameters for the proposed development. The Design and Access Statement advises that the mix of the proposed 118 units would be mainly two storey with some three storey elements and have a density of 34 dwellings per hectare.

The proposal would agree the location of the access to the site, and proposes access via the existing access onto Manston Road. This junction is currently very wide and would be reduced as part of this proposal.

The site is allocated for housing development and currently comprises industrial buildings along with previously developed land. There is some soft landscaping located around the site, however there is no publicly accessible green or open space on the site. The layout and landscaping for the site has been reserved from consideration at this stage, however the submitted plans indicate that all dwellings could be provided with gardens and there would be some open spaces around the site along with landscape buffers at the edges.

Residential development on the site would fit with the character of the area, with residential properties to the north and south of the site. The site plan submitted shows a mixture of detached, semi-detached and terrace properties on the site, with all houses provided with private gardens. The layout provided demonstrates how 118 dwellings can be accommodated on the site, at a density of 34 dwellings per hectare and also providing for gardens, space between proposed houses and the adjacent road, railway line and industrial sites, whilst providing open space on the site for recreation opportunities for small children.

The layout shows development fronting the internal streets created within the development, rather than fronting Manston Road. This is consistent with nearby residential development such as Meridian Close to the North west of the site, and represents an acceptable option for the development of the site which would preserve the character of the area. Three main focal points are shown, with 3 storey properties around a central rotunda, and the 3 storey buildings at the end of roads in the west and east corners of the site.

The site sections provided show 2-3 storey pitched roof brick properties, incorporating flat roof bay windows and uniform window design. Surrounding development is 2-3 storeys with a mixture of traditional pitched roofs and more modern flat roof buildings, with a mixture of brick and render facing materials, and therefore this design and scale of development would be acceptable on this site.

Whilst the detailed layout and appearance of the properties is not under consideration at this stage of the planning process, the design, layout, type and mix of housing units and amount of open space shown in the submission would fit in with the residential development in the area, preserving the appearance of the area. The development will create its own 'sense of place' through the three focal points and open space, making good use of the space through

an appropriate density of development. Overall it is considered that the design approach proposed would support the principles of good design as set out in the Thanet Local Plan and the NPPF.

### **Living Conditions**

As set out above, as an outline application with only the principles and accesses to be considered at this time and only an indicative layout plan, the impact of the proposed development on the living conditions of neighbouring properties and the living conditions for future occupiers will be fully assessed within the reserved matters submission upon receipt of plans of the location and design of the new properties. However, it is considered that the quantum of development proposed provides sufficient flexibility to ensure that living conditions of neighbours can be safeguarded from loss of privacy and associated impacts and a good standard of accommodation for future occupiers of the development provided through an appropriate layout.

The nearest residential properties are opposite the entrance to the site, and to the south across the railway line on Windermere Avenue. The site levels vary on the site, however these levels are lower than the ground level of surrounding residential properties. The details of siting and the exact relationships between existing and proposed development would be submitted at reserved matters stage, however the illustrative plan shows distances from the site to the properties to the south in excess of 21 metres, and therefore the layout and scale of dwellings shown on the current plans would not result in any significant loss of privacy or overbearing impact to these neighbours if the plans were submitted at reserved matters stage as they are now.

A construction environment management plan would be secured by condition to ensure that there is not significant noise and disturbance to the existing neighbouring properties during construction.

The proposal would result in new residential units being sited adjacent to the boundary with the retail superstore, the boundary with the railway line, and with Manston Road. A noise impact assessment has been submitted with the application considering these areas. To ensure that the new occupants do not suffer noise and disturbance from the railway line and for the access to the superstore, the applicant has proposed mechanical ventilation for bedrooms in the dwellings adjacent to the railway line and Manston Road, to avoid the need to open windows. As well as this, an acoustic barrier a minimum of 1.8metres high with no gaps between fence panels or the ground has been proposed along the southern boundary of the site adjacent to the railway and on the section of the western boundary with the retail superstore, to minimise noise and disturbance to garden areas. These measures are required to provide new dwellings with a good standard of amenity, and no objections have been raised by the Council's Environmental Health team on the basis that these measures are provided and maintained. Therefore these measures will be conditioned to be provided.

Details of the properties' layout and outlook afforded to the new property occupiers would be submitted and assessed at reserved matters stage.

### **Transportation**

The site is positioned in a sustainable location close to local facilities and public transport links. The existing access to the site would be altered and reused for the new access to the development.

The existing access is substantial in width and would be reduced in size and the existing traffic island on Manston Road would be moved and altered to a pedestrian crossing to accommodate refuse vehicles turning into the site and allow for pedestrians to access the northern side of Manston Road.

An emergency access is proposed to the east of the main access to the site measuring 5m wide. This would be conditioned to be provided with bollards to create a pedestrian and cycle access into the site.

KCC Highways have reviewed the application and whilst they raised some initial concerns regarding the access to the site and the alterations to Manston Road, following the submission of additional information they have raised no objection to the development subject to conditions.

The existing use of the site would generate movements to and from the site from staff, visitors and delivery vehicles. The residential use of the site would generate a different form and time of movements, however is likely to see a reduction in large vehicles. The movements to and from the site as indicated by KCC Highways are unlikely to significantly increase.

The visibility splays would be secured by condition along with the detailed internal layout of the site would be secured through the reserved matters application. Conditions would also be applied to secure provision of internal accesses prior to occupation, a construction management plan and electric vehicle charging points.

As the site layout is a reserved matter, the amount of car parking provided on the site would be under consideration at the reserved matters stage. However any development would be expected to provide for vehicle and cycle parking facilities prior to the use of the site, the layout of roads, parking and footways in accordance with KCC Highways and Transportation guidance, with a construction management plan required to ensure no significant adverse impact on the road network during construction.

Therefore subject to the recommended conditions and the reserved matters details, this proposal would not have a significantly adverse impact on the highway network.

## **Biodiversity**

The site is currently occupied by a commercial building and previously developed land. There is some soft landscaping around the boundaries of the site and the south western section of the site appears to be overgrown. A Preliminary Ecological Appraisal, Biodiversity Net Gain Report, and Reptile Mitigation Strategy have been submitted with the application.

## **Protected Species**

The Preliminary Ecological Appraisal identifies that no rare or uncommon botanical species or habitats have been recorded, reptile surveys are required and works should be timed to avoid impacts upon breeding birds.

KCC Biodiversity have reviewed the application and submitted documents and agree with the conclusions. They have recommended that a verification report is submitted prior to the commencement of development to confirm the reptile mitigation is completed, a construction management plan and a lighting plan for biodiversity are also submitted.

Concern has been raised regarding the impact of the development upon bats. The preliminary ecological appraisal indicates that no evidence of bat use was found within the building on the site and this building was considered to have a 'Negligible' suitability for bats under the Bat Conservation Trust Good Practice Guidelines (Collins, 2016). A similar assessment was given to the trees on the site. The Site has been assessed to be of 'Low' suitability for foraging and commuting bats under the BCT guidelines (Collins, 2016) due to the high amounts of lighting in the area and foraging sources being limited to the boundaries. As noted above a lighting plan for biodiversity would be secured through condition and therefore this development is not considered to result in significant harm to bats in the area.

### **Biodiversity Net Gain**

A minimum of 10% Biodiversity Net Gain (BNG) is required on this site. The DEFRA BNG metric has been submitted and indicates that the 10% BNG will be created through creation and enhancement of scrub habitat and tree planting on the site.

Further details regarding the landscaping of the site would be considered at the reserved matters stage. Following the changes to the Planning Act, it is a requirement for a Biodiversity Gain Plan to be submitted prior to commencement of the works granted planning permission for this application with a Biodiversity Enhancement Plan required to demonstrate that BNG will be achieved. Specifically this will require how the habitat(s) will be maintained, who is responsible for creating and enhancing the habitat(s) and who is responsible for the maintenance, management, and monitoring over a period of 30 years from the completion of the enhancement work. It is considered appropriate that this forms a planning condition requirement to be submitted with the first reserved matters application given the on-site enhancements.

Given the scale of the development, it is not considered that a phased approach to BNG is sought, as it is likely that the site comes forward by a single developer, rather than being split up.

It is therefore considered that the biodiversity impacts of this development would be acceptable.

### **Financial Contributions and Affordable Housing**

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for

which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, 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) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The applicant has agreed to provide a legal agreement securing the required contribution towards the Strategic Access Management and Monitoring (SAMM) plan to offset the potential impact on protected birds at European designated sites from increased visitors from the district to these areas.

This approach has been considered by the Council and Natural England as acceptable for new residential development, as necessary to deal with the potential effects of increased disturbance to both summer and winter birds, in accordance with the Habitats Regulations.

Policy SP23 of the Thanet Local Plan requires that for developments of 10no. units or more, 30% affordable housing is provided. Policy SP41 states that Development will only be permitted when provision is made to ensure delivery of relevant and sufficient community and utility infrastructure. Where appropriate, development will be expected to contribute to the provision of new, improved, upgraded or replacement infrastructure and facilities.

The applicant proposes to provide all of the contributions requested by KCC and the NHS Primary Care Team. The applicant has indicated that they are not able to provide affordable housing as this would result in the application not being viable. A viability assessment has been submitted with the application, which has been independently reviewed by the Council's appointed consultants. This report concludes that a surplus of £230,611 would remain after all other contributions that can be allocated to affordable housing and open spaces. This review has taken into account a profit level of 17.5%.

On this basis a reduced open space and affordable housing contribution is considered to be justified through the viability review process and therefore complies with Policy SP23.

### **Heads of Terms**

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

NHS Healthcare Services - £113,220 - Towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.

Secondary Education Build - £483,292.04 - 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

Secondary Education Land - £201,583.06 - Towards the land acquisition cost of a new Thanet Secondary School.

Special Education Needs & Disabilities (SEND) Build - £48,425.40 - Towards the provision of additional SEND places and/or additional SEND facilities within Thanet District

Community Learning - £4,036.78 - Towards additional resources, equipment and services for the Community Learning Service in Thanet District, to assist with the education and training of the new learners from the development.

Integrated Children's Services - £8,737.90 - Towards additional equipment and resources for the Youth and Early Years Service in Thanet to enable outreach provision in the vicinity of the development.

Library Service - £7,390.34 - Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Newington Library and Ramsgate Library.

Social Care - £21,343.84 - Towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the District.

Waste - £6,136.00 - Towards improvements at Margate HWRC to increase capacity.

Open/Play Space - Towards Warre Recreation Ground - £80,000

Affordable Housing - £150,611

SAMM - £41,300 - Towards the Strategic Access Management and Monitoring Strategy (SAMMS)

S106 Admin and Monitoring Fee £5,000

## **Open Space**

The open space for the site is reserved for consideration through the reserved matters applications. The illustrative plans that have been submitted with the application indicate all dwellings could be provided with private gardens and flats with shared amenity spaces. Buffer spaces could be accommodated between the dwellings and the railway line, Manston Road and Tesco and small areas of open space could be provided around the site. A small area is shown on the plan where a Local Area of Play (LAP) could be located.

Policy GI04 requires development of this scale to provide both a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP) on the site along with a contribution to a Multi Use Games Area (MUGA). The submitted statement indicates that there is insufficient space



on the site to provide an adequate LAP, however as noted above an area is annotated for this space on the illustrative plan. The provision of a LAP in this location would therefore be conditioned to be provided to accord with policy GI04 and prior to 50% of the dwellings on the site.

The applicant has also indicated that a contribution would be provided towards play equipment within close proximity to the site. The applicant has been through a viability review and £80,000 has been identified that could be allocated to improvements at the Warre recreation ground. This contribution would be secured through a section 106 agreement.

Therefore subject to the recommended conditions, the contribution and the reserved matters details, this proposal would provide adequate open space.

### **Flood Risk and Drainage**

The site is located within the Groundwater Protection Zone as defined by policy SE04 of the Thanet Local Plan. This policy states that "Proposals for development within the Groundwater Source Protection Zones identified on the Policies Map will only be permitted if there is no risk of contamination to groundwater sources."

The site is located within flood zone 1 and therefore has a low probability of flooding from rivers and the sea.

In terms of the surface water drainage proposals, the preliminary drainage strategy proposes a number of different elements, including water butts, geo-cellular storage and permeable surfacing. The strategy advises that the attenuation storage tanks will attenuate for storm events up to 1 in 100 year plus climate change.

In terms of foul drainage, the strategy states that there are no foul sewers on site, and therefore foul drainage will connect to existing drainage outside of the site. Southern Water have advised that they can facilitate foul sewerage disposal, as well as a water supply, to service the proposed development.

KCC Flood and Water Management have reviewed amended documents submitted during the application process and acknowledge that the final layout of the site would be secured at the reserved matters stage. They have therefore raised no objection subject to conditions providing full details of the sustainable drainage strategy for the site and verification of the submitted strategy

The proposal is therefore considered to comply with Policy CC02 of the Thanet Local Plan.

### **Contamination**

As outlined above the site is within a Groundwater Protection Zone, with infiltration of groundwater restricted. Due to the historic industrial use of the site, and potential for contaminants to be present in the ground from these industrial processes, a Phase I Land Contamination Assessment has been submitted with the application. The Environment

Agency have raised no objection to the development subject to conditions requiring the submission of a strategy to deal with the potential risks associated with any contamination of the site, verification of the remediation works, restrictions on piling and infiltration and submission of a foul drainage strategy.

These conditions are considered reasonable and necessary to ensure that there would be no unacceptable risk to the water supply or human health as a result of this development.

### **Air Quality**

As this is a major development an air quality assessment is required to comply with policy SE05 demonstrating how the proposal would limit and reduce impacts upon air quality. An initial report was submitted with the application, however required updating to include nearby committed development and remove standard mitigation measures. The updated assessment includes an emissions mitigation assessment and proposals to offset pollution generated from vehicle movements from the site. This includes both measures during construction, minimum standards for gas boilers, provision of electric vehicle charging points and provision of a travel plan. These measures have been reviewed by the Council's Environmental Health Department who have raised no objection subject to these measures being conditioned.

These conditions are considered reasonable and necessary to mitigate the impacts of the development upon air quality in the area.

### **Archaeology**

The site is located within an area of high archaeological potential. No comments have been received from KCC Archaeology. Given the similarities between this development and the previous development (Application OL/TH/15/0187), where conditions were recommended requiring a programme of archaeological works to be agreed prior to the removal of the foundations of the existing warehouse across the site, to ensure archaeological investigation can occur and record/excavate any findings, these conditions are considered reasonable and necessary for this new application to comply with policy HE01 and the guidance within the NPPF.

### **Other Matters**

All dwellings would be conditioned to achieve a water efficiency standard of 110litres/person/day in accordance with policy QD04 of the Thanet Local Plan.

An informative would be added advising the applicant to contact Kent Police for further advice regarding security and crime prevention. The impact of the final design of the development upon security and crime will be considered as part of the reserved matters application when final details are included for assessment.

### **Conclusion**

The Council has achieved a measurement of 73% for housing delivery against the identified housing targets in the 2022 Housing Delivery test results, which falls below the requirements set by the government under paragraph 79 and footnote 8 of paragraph 11 of the National Planning Policy Framework (NPPF). On this basis the Council are in presumption under paragraph 11 of the NPPF, which means when considering the planning application, 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.

The site is located on land allocated for up to 120 dwellings under policy HO1 of the Thanet Local Plan. The illustrative plans show 118 dwellings accommodated on the site without any significant impact upon the character and appearance of the area or neighbouring living conditions. The impact upon highway safety is also considered to be acceptable as the additional trips generated by the development can be accommodated within the existing highway network. The application has undergone a viability review which has indicated that it is not possible to provide 30% affordable housing on the site. The applicant has agreed to the heads of terms which provide a contribution to affordable housing, and a contribution to open spaces in the vicinity of the site, along with all other requested contributions.

The proposal is considered to be a sustainable form of development that complies with Local Plan Policy and the NPPF. Therefore the recommendation to the planning committee is that the application is deferred and delegated for approval subject to a section 106 agreement securing the stated heads of terms and safeguarding conditions.

**Case Officer**

Duncan Fitt

Annex 1 – Viability Review – Dixon Searle Report

TITLE:

OL/TH/24/0200

Project

Flambeau Europlast Ltd Manston Road RAMSGATE Kent CT12 6HW

