

CA/23/00379 Objection Land South of the Thanet Way

As ward councillors for the area directly adjoining the site we object to the outline application for the erection of up to 220 dwellings including associated open space and drainage works, land reserved for up to 300 space park and bus facility, a 400sqm local shopping/ community facility and spine road with access from Thanet Way (A2990).

Although the council is currently expected to make decisions on planning applications in line with the “presumption in favour of sustainable development”, NPPF 12 does allow authorities to refuse planning when an application conflicts with an up-to-date development plan.

As such, our comments are limited to objections outlined in both the National Planning Framework (NPPF) and Canterbury City Council Local Plan 2017-2031 – the relevant sections of which are listed in Appendix 1.

We have six major objections. Namely that:

- 1) The scale of development in this area is unsustainable – the cumulative development of along the Thanet Way needs additional infrastructure
- 2) The site lies outside of the town boundary on good quality agricultural land and will result in the unacceptable loss of open green space
- 3) the residual cumulative impacts on the road network would be severe for the location of a Park and Ride at this location
- 4) there is insufficient evidence to suggest there would not be an unacceptable level of risk to residents from air pollution
- 5) there is insufficient evidence to suggest that there would not be a deterioration of irreplaceable habitats including ancient woodlands
- 6) the risk to diminution of any receiving watercourse and the sea hasn't been considered. That this risk has an environmental and economic impact on the town.

Scale of development

The presumption in favour of sustainable development has seen a number of housing applications along the Thanet Way which would normally be considered out of hand. The current local plan does not have need for these additional houses and has not prepared for the infrastructure in order to meet them.

The catchment area of the Whitstable School (in particular) is drastically reducing and additional housebuilding in Canterbury has put further pressure on grammar schools in the city. The plans in the emerging local plan cannot be taken into consideration in whether the school infrastructure will exist.

Whilst there is evidence of expansion at the Estuary View Site, Chestfield Medical Practice (which would serve people at this location) is at full capacity.

When the New Thanet Way was proposed the council acknowledged that made the argument that the Old Thanet Way was at capacity and could not be upgraded – since then we have built in excess of 400 homes along this stretch and are now proposing more.

There is little evidence that this development will do anything to raise the quality of life for existing residents who believe the character of their town is at risk.

Location outside of boundary

This site lies outside of the town boundary and is countryside. The Plot has been farmed continuously since [1797](#) and under normal circumstances it would be refused by the council (HD4) unless the development was for agricultural use.

The majority of the site falls within the Court Lees and Millstrood Farm Land Character Assessment. A study which states that this area has “strong rural character despite proximity to the urban edge” ([pg 105](#)). This assessment highlights how the green corridor between the Old and New Thanet Way is a defining characteristic and that the lack of development here softens the visual damage done by the New Thanet Way.

Policy OS9 of our Local Plan suggests protecting open space along the Thanet Way has “ positive amenity value for local residents and act as a buffer alongside the Thanet Way therefore any development.” Previous iterations of the Local Plan have gone further in not allowing development between these two roads.

In the last ten years have seen the Council permit development on the Land North of the Thanet Way (known as Whitstable Heights), and three sites South of the Thanet Way between Borstall Hill Roundabout and A299 Slip Road. Taken together with this application they are over 1,100 new homes in a half mile radius.

Transport Concerns

The installation of 220 new homes and a park and bus facility for up to 300 cars will obviously affect the traffic flows along the road and increase the risk to pedestrians. The Thanet Way is a 50mph road unusually interspersed with a high number of proposed non-traffic light-controlled road islands (at PROW 60, outside Harrier Lodge) which will increase the risk of accidents. Average speeds across the road are regularly over [40mph](#).

The transport modelling provided by DTA presents a woefully inaccurate of the affect that this development will have. Specifically, it fails to consider that any new vehicular trips will occur because of the installation of a new community facility on the site or consider that the Park and Ride will result in any new vehicular trips to site as it expects to intercept movements into town.

We believe that the new shop on the estate will attract vehicular trips of its own, including from those on the adjoining Whitstable Heights development given the steep topography of the two combined site for walking. We believe that the number of trips to the Park and Ride needs to be adequately considered in order to assess the suitability of the Butterworth Road/Thanet Way Roundabout (people using the Park and Ride will use the roundabout to access the other carriageway and site entrance) and provide statistics for the air quality assessment.

Presently the Transport Assessment forecasts an additional 977 two-way trips to and from the site on a daily basis. It proposes adding an additional arm to the Butterworth Road/Thanet Way Roundabout when its own survey by Auto Surveys Ltd shows how people regularly cut across the two lanes of traffic because they consider it too narrow.

The Assessment says that the junction will operate ‘near to its theoretical capacity during the morning and evening peaks’ with key data missing.

Similarly, the plan suggests that the level of committed development further along the Thanet Way will make things considerably worse. The table below shows the number of cars expected to queue at each of the junctions under the 2025 Committed Development Base. Assuming that each car is on average 5.75 metres (an average used by DTA as they can't distinguish how many HGV's use the road) they length of queues may read up to 219m.

The length of delay calculated assumes that this road runs without the two proposed traffic crossings (which will slow traffic further) and the time taken for HGV's (who frequently park overnight in the laybys) to leave. It's data is misleading.

AM		Queue	Length	Delay
Arm	Borstall Hill	7.1	42m	21.74
	Thanet Way E	20.6	118m	16.41
	Clapham Hill	2.6	14.95m	10.05
	Thanet Way W	7.9	45.4m	20.08
PM				
Arm	Borstall Hill	38.1	219m	151.41
	Thanet Way E	16.4	94.3m	58.69
MM	Clapham Hill	8.9	51.175m	36.47
	Thanet Way W	27.0	155.25m	68.23

It is of great concern that the Transport Assessment itself foresees a time when the levels of delay which occur at a junction will force residents and commuters to retime their trips to avoid these congested times of the day"(6.3.17)

The assessment also assumes that the developer can promote active travel in such a way to reduce the number of vehicular journeys whilst they rely heavily on the provision of a bus route (through Whitstable Heights) which is neither mapped nor commented on in much detail through this application as it remains a commercial by Stagecoach. The current Transport Plan lists bus services which don't run on a Sunday as being daily.

Air Pollution

The [Air Quality Management Plan](#) acknowledges that no baseline data exists for their proposal and that the number of car journeys modelled is based on data provided by DTA which doesn't include trips to the Park and Bus facility.

Baseline data doesn't acknowledge that a temporary air quality monitoring station was placed at the Millstrood Road/Thanet Way roundabout in the Summer of 2022 because of resident concerns about increased pollution from the size of development.

Baseline data from receptors on Golden Hill doesn't take into consideration the cumulative level of development with the Whitstable Heights scheme completed. There is no consideration how under the proposed plan we will expect residents to catch the Park and Ride bus from the laybay on the Thanet Way.

Habitat loss

Bernacre wood is a protected ancient woodland and has been on the site since before 1600. The proposed plan has no detailed plan for the maintenance of this site or evidence that this habitat will be managed. There needs to be a detailed plan to return undergrowth, improve the visual and sound barrier created by the wood and mitigation given to wildlife who might wish to pass between both sections of the wood (intersected by the Thanet Way).

KCC Ecological advice received on the 21st March indicates that the hedgerows on site as a priority habitat, that there is evidence of roosting bats, common lizards and slow worms on site – that insufficient evidence is available to decide if there will be damage to birds (evidence is only provided over winter)

Water Quality

The lack of sewage capacity within the Swalecliffe Catchment saw the use of combined sewage overflows (with act as a release valve pumping untreated sewage and surface water into the sea) 143 different times in [2020](#). In 2023 Tankerton, Whitstable's premier green flag beach, reported the most amount of overflow released in Kent – we have a serious problem.

The continued pumping of sewage into our seas is, if exacerbated by further building, likely to have an economic as well as social impact. Fisherman are finding it harder to sell their [catches](#) and [tourists](#) going elsewhere.

Investigation of this issue has surface water contamination of the Gorrell Stream which runs at the base of the slope near the site; may be linked to high levels E-Coli within our oysters. Pollution on this site, if not well controlled, threatens the health of the public.

In its letter dated the 13th February 2023, Southern Water recommends that an application for a formal Sewer connection has yet to be considered. This application assumes a connection will be made. Southern Water are yet to comment.

In place of a formal comment Southern Water have developed a [policy statement](#) on sustainable development, listing 9 expectations they have for developers when building new homes. This site fail to address 6 of them, namely it:

- is not subject to a local plan which forces it to design developments which encourage people to use 100 litres per person per day; the emerging local plan has limits of 90litres which are not enforceable here
- has no reference to water efficiency labelling and installation of appliances to reduce water consumption
- the designs don't present detailed hydrology on the flow of surface water throughout the site, despite its steep profile. Whilst there are sustainable drainage systems on site there is no evidence of how these will flow into the sewer network on the other side of the road. There is no evidence of permeable the use of green roofs, rain gardens or water butts. Calculations for the amount of land rendered impermeable by building is based on an estate of 220 and does not include the car park or community space
- has no plans for capturing and using grey water
- there are no plans for independent monitoring of nutrient neutrality throughout the building phase and within the Gorrell Stream in particularly

We object to the application and look forward to debating the application at committee when scheduled.

Cllr Valerie Kenny
Cllr Chris Cornell

Character / Sustainability of Development

NPPF 11

“Plans and decisions should apply a presumption in favour of sustainable development. For **plan-making** this means that:

- (a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas ⁶, unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area ⁷; or
 - (ii) 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.

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date ⁸, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ⁷; or
 - (ii) 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.”

NPPF 12:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.”

Policy HD4: New Dwellings in the Countryside

Planning permission for new dwellings will only be granted in the following circumstances:

- a) For Rural Workers Dwelling there
- b) For the re-use of heritage assets
- c) For the re-use of existing building
- d) Where the design of the development is of exceptional quality or innovative nature

Policy OS9: Protection of Existing Open Space

“The protection of existing open space areas along the Thanet Way, A2990 are also considered important. They are part of a larger entity of good quality open space land, playing fields and farmland, both sides of Thanet Way, which still have coherence, and which mitigates much of the inevitably adverse environmental effects of a major highway running through an urban area of no great visual distinction. These areas have a positive amenity value for local residents and act as a buffer alongside the Thanet Way therefore any development within these area is likely to be resisted.”

Policy SP1 : Sustainable Development

The plan will support the Green Economy defined as being sustainable in the way that it: encourage local business that is resource-efficient and socially responsible. Encouraging healthy living enhances well-being, supports green infrastructure and promotes public transport. It also includes environmental knowledge-based and high tech jobs for example in green energy, construction and agricultural”

Transport

NPPF 111:

‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”

Policy T1 Transport Strategy:

In considering the location of new development, or the relocation of existing activities the Council will always take account of the following principles of the Transport Strategy:

- a) Controlling the level and environmental impact of vehicular traffic including air quality

Policy T8 Whitstable Park and Ride

The council will require any future proposals for a park and ride at Whitstable to meet the criteria set out below:

- a) Minimise the visual impact in respect to the location, layout and design of the development
- b) Enquire that the development will not have a significant adverse effect on the amenity of local residents

Environment

NPPF: 120

“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with local air quality action plans”.

NPPF 182

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone in or combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of a habitats site”

NPPF 169.

‘Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- 1) Take account of advice from the lead local flood authority
- 2) Have appropriate proposed minimum operational standards
- 3) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development
- 4) And, where possible, provide multifunctional benefits

NPPF 118

“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists

Policy CC11 Sustainable Drainage

‘Any drainage scheme must manage all sources of surface water, including exceedance flows and surface flows from offsite...it will not be acceptable for surface water runoff to enter the foul water system. SuDS or other appropriate measures should:

- a) Maintain public safety
- b) Provide sufficient attenuation to surface water flows as appropriate
- c) Ensure that there is adequate treatment of surface water flows, such that there is no diminution in quality of any receiving watercourse
- d) Ensure protection of groundwater; and
- e) Provide or enhance wetland habitat and biodiversity where possible”.

