

MINSTER PARISH COUNCIL



The Parish Office
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Clerk to the Council: Kyla Lamb - MAAT

25th October 2023

PLANNING, HIGHWAYS AND TRANSPORTATION COMMITTEE

Sir or Madam,

You are hereby summoned to attend a meeting of the Planning, Highways and Transportation Committee which will be held at the John Spanton Sports Pavilion, St Mildreds Road, Minster **at 7.p.m. on Monday 30th October 2023**, for the purpose of considering and passing such Resolution or Resolutions as may be deemed necessary or desirable with respect to the matters mentioned in the agenda.

Clerk to the Council

NOTE: Residents and members of the public are cordially invited to attend the meeting of the Committee.

AGENDA

1. APOLOGIES

To receive apologies for absence, if any.

2. MEMBERS' INTERESTS

To register any new interests, or deregistration, by Members.



3. MINUTES

To approve the minutes of the Planning, Highways & Transportation Committee meeting held on 18th September 2023 (**Appendix A**).

4. MATTERS ARISING

To consider any matters arising from the minutes of the meeting held on 18th September 2023.

5. SECTION 106 AGREEMENTS - HERONSBROOK SITE, EDEN GROVE AND HOO FARM

The Clerk will update members with any information received since the last meeting.

6. HIGHWAYS IMPROVEMENT PLAN

Review of Highways Improvement Plan (HIP) to consider any additions including tactile paving. (**copy emailed**)

7. THANET DISTRICT COUNCIL DECISION ON MOTION TO PAUSE DEVELOPMENT.

The Chairman will update members.

8. DISCUSSION REGARDING MINSTER PARISH COUNCIL RESPONSES TO THANET DISTRICT COUNCIL AND DECISIONS

The Chairman will update members.

9. SOUTH EASTERN STAKEHOLDER FORUM

The Chairman will update members.

10. SUSTRANS

Cllr Ingleton will update members.

11. BARRATT DAVID WILSON HOMES – LAND WEST OF TOTHILL STREET DEVELOPMENT

The Chairman will update members on any information received since the last meeting.

12. EDEN GROVE – SUNNINGDALE DEVELOPMENT

The Chairman will update members on any information received since the last meeting.

13. HOO FARM DEVELOPMENT

The Chairman will update members on any information received since the last meeting.



14. SOUTHERN WATER- WORKS AND ACTIVITY IN THE PARISH

To receive any updates on works.

15. SEALINK – NATIONAL GRID

To receive any updates on consultations and information on the project.

16. MANSTON AIRPORT DEVELOPMENT CONSENT ORDER

The Chairman will update Members with the current position with the DCO.

17. PLANNING APPLICATIONS

To consider those planning applications received since the last meeting and in accordance with the decision taken by Council at its meeting on 7 August 2007 (Minute No. 78) to submit observations to the Thanet District Council thereon.

Applications for ratification- comments already sent

F/TH/23/1217 - Hoo Farm 147 Monkton Road Minster Kent CT12 4JB

Formation of a new footpath to Monkton Road (part-retrospective) – **OBJECT**

Background

The provision of a footway connecting the site to the existing footway in Monkton Road to the east was initiated by Kent Highways as part of the application process; Kent Highways raising concerns that there was no connection between the site and the existing footway to the east. Detailed discussions took place between the applicants and KCC Highways which resulted in amended plans being submitted which included a footway connection from the site to the existing footway to the east within the application red line.

The footway included with the application was the subject an independent Road Safety Audit which recommended an increased width from 0.9m to 1.2m.

Kent Highways indicated in their letter of 12 February 2020 that "...A Grampian condition for the footway and a S278 would only be required if the applicant were to construct the footway themselves and will not overcome the land issue unless the applicant has gained suitable control of the land necessary for the footway to be constructed. If the applicant can gain suitable control then the footpath could be provided through a Grampian condition and a S278 Agreement...."

The Planning Application for Development considered by TDC Planning Committee on 20 May 2020 acknowledged that "...the proposed development would include a footpath from the development on the north of Monkton Road to link it to the existing footway to the east...." and that "...the site is considered to be in a relatively sustainable location and future occupiers would not be wholly reliant on the private car."



**Planning Consent F/TH/19/0173 included Condition 18 which required that:
No development, excluding demolition, shall commence until the footpath as shown on approved drawing 2019-3501-001 between the points as X and Y on drawing HPC_1258_2019_FP**

GROUND:

In the interests of highway safety and to facilitate the use of alternative means of transport in accordance with Policies SP43, SP44, TP02 and TP03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

It can be seen, therefore, that there was a fundamental requirement to ensure that a safe pedestrian facility was deemed to be an integral part of ensuring an enduring form of Policy compliant sustainable development would be achieved.

The application of the above mentioned Grampian Condition No 18, pursuant to the advice from Kent Highways, sought to achieve the provision of the technically approved footpath. Beyond the application of the condition, the applicant was notified by Informative No 2 on the Notice of Consent that:

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.

It is understood that, notwithstanding the advice from Kent Highways regarding S278, or the above informative, no request was made to pursue the construction of the path through that mechanism.

The Current Application

Planning Application F/TH/23/1217 seeks to regularise the current unauthorised work to provide a footpath. Early intervention by TDC enforcement could have assisted an earlier resolution of the situation.

Such footpath as envisaged through the application does not accord with and is of significant variance to the earlier approved plan; it has also been constructed without recourse to prior agreement, inspection or approval by Kent Highways. Reference is made to uncertainties over land ownership required to enable the approved plan to be achieved. MPC notes that both Notice in relation to possible unregistered land was published and that an application for an adjacent agricultural access required inclusion of the highway verge/banking and could only have been achieved with a clarity of these issues.



It is further noted that it is intended that the unauthorised footway remains privately owned and maintained.

Kent Highways subsequently in response to the application indicated:

- The application seeks to provide a (part retrospective) footpath between Hoo Farm and the existing footway on Monkton Road. This application links with the proposed variation of condition application (F/TH/23/1097) for Condition 2 and 18 of planning permission F/TH/19/0173.
- A footpath between the site and the existing footway on Monkton Road has been constructed, albeit without entering a Section 278 Agreement with KCC Highways.
- Having visited the site it is evident that the footpath is not constructed to adoptable standards due to its alignment and levels. It is understood that the footpath is to remain private and maintained as such. By submitting a separate application, I suggest that the maintenance of the footway and vegetation clearance is secured by way of a suitable condition.
- The extent of the public highway has been established, whereby a small section of the verge immediately adjacent to the highways is deemed as public highway. The extent of the 1.2 metre wide footway is within land beyond the areas of adopted highway, and is constructed on private land. The works are not intended to be offered for adoption by way of a Section 38 Agreement.
- The footway is constructed to the rear of the verge, adjacent to the existing farmland, to be available for public use in perpetuity. I suggest this is secured by way of a suitable condition.
- I am mindful that the footpath is gated with suitable signage to ensure awareness of the private nature.
- 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:
 - o Maintenance of the footpath in terms of condition and vegetation to ensure constant use is available.
 - o The footpath shall remain for use by the general public at all times.
 - o Provision and maintenance of gates at the entrances to the footpath, and suitable signage detailing owners contact details. All details should be updated should the ownership change.

MPC notes with concern that, following a site visit, Kent Highways clearly acknowledge that the path has been constructed without a S278 Agreement and that it is evident that the footpath is not constructed to adoptable standards due to its alignment and level. There is tellingly no commentary on the integrity of what has actually been constructed and possible compliance with expected constructional details.

It is suggested that the maintenance of the footway and vegetation clearance is secured by way of a suitable condition. MPC, in noting that the path has already been subjected to substantial incursion from vegetation, find this to be totally impractical,



nor achievable. It is further suggested that gates and signing will have no practical benefit and the longevity and responsibility for such cannot be assured.

Reference to the extent of public highway being the limiting factor leading to the construction of the path in the unauthorised position is also not accepted. Given the incursion into adjacent land by an agreement which is silent, it is considered the provision of the approved footway could have been achieved at the outset without the level of land take inherent through the provision of the unauthorised footpath.

In conclusion, MPC, **OBJECTS** to the application on the following grounds:

The unauthorised footpath does not accord with the earlier approved details;

KCC acknowledge that the footpath, as constructed, does not accord with adoptable standards due to line and level;

There is no assurance over constructional integrity, user liability or future practical maintenance arrangements to keep the footpath in for suitable, safe use by all users at all times the Hoo Farm development is occupied;

There is no legal agreement assuring the enduring availability of the footpath consistent with the acknowledged requirements that the footway will provide to the sustainability of the approved Hoo Farm development contrary to the provisions of the Thanet Local Plan.

F/TH/23/1255 | - Land East Of The Loop Ramsgate Kent

Erection of 1No commercial unit (use class B2) and 4no associated car parking spaces – **NO OBJECTION**

Minster Parish Council (MPC) has considered the above application and has NO OBJECTION to the proposal but subject to clarification and subsequent clarification on the following points prior to any Decision being made by the Local Planning Authority:

Environmental Issues:

- MPC notes that no electric vehicle charging point has been provided and would like to see that omission rectified.
- MPC considers that the development, through the proposed layout and aspect, presents a positive opportunity to enhance the electrical supply on the estate through the provision of photovoltaic panels, which for this unit appears to be a missed opportunity.

Parking Issues:

- MPC notes the proposed parking provision and would require that a disabled parking bay is also included as there is no indication of any being provided within the application.
- Also, it is evident through experience of the earlier phases of development in the locality that the geographic location and operational manner of the business park results in extensive on-street parking on both sides of Columbus Avenue. MPC



recently responded to Kent County Council's Consultation on the North Thanet Link Relief Road (NTLRR) making a point that the current on-street parking on Columbus Avenue must be addressed if the NTLRR is to provide maximum benefit to traffic flow in the Acol area. MPC therefore considers that the proposed parking facilities associated with this application should be enhanced to avoid further on-street parking occurring and that the developer should undertake a review of the overall availability and parking demands in the locality.

Access Arrangements:

The Design & Access Statement states that access to the development will be via The Loop/Merlin Way and Columbus Avenue. However, MPC is concerned that The Loop/Merlin Way, which is not an adopted highway and potentially not in the control of the applicant, will become an attractive and unacceptable alternative to using Columbus Avenue particularly if traffic flow on the NTLRR is persuasive. MPC wishes to understand how traffic management arrangements will be undertaken to prevent such an occurrence.

F/TH/23/0983 – Land between 47 and 49, Rose Gardens, Minster-

Erection of 2no. two storey, two bedroom semi detached dwellings with associated parking (AMENDED) – **NO OBJECTION**

Application(s) for Consideration

CON/TH/23/1312 - Land On The West Side Of Tothill Street RAMSGATE Kent

Application for approval of Condition 12 (Bunds Adjacent to the Northern Boundary) attached to Planning Permission R/TH/22/1393 for the Application for the reserved matters of outline permission OL/TH/18/1488 "Outline application for the erection of up to 214no. dwellings, cemetery expansion, and associated access, with all other matters reserved" for the approval of appearance, landscaping, layout and scale of development within phase 1 (133no. dwellings)

CON/TH/23/1313 - Land On The West Side Of Tothill Street RAMSGATE Kent

Application for approval of Conditions 20 (Foul Water Drainage) and 22 (Surface Water Drainage) attached to Planning Permission OL/TH/18/1488 for the outline application for the erection of up to 214no. dwellings, cemetery expansion, and associated access, with all other matters reserved

F/TH/23/1298 - The Vicarage St Mildreds Road Minster Kent CT12 4DE

Erection of 2No 3-bed two storey detached dwellings together with associated access, landscaping and parking following removal of windows on side elevation of existing dwelling



**CON/TH/23/1271 Mast 759M From Southern Water Services Limited Jutes Lane
Ramsgate Kent CT12 5FH**

Application for approval of Condition 3 (Construction Management Plan) attached to Planning Permission F/TH/23/0093 for the demolition and removal of 1.no existing mast structure and associated works

A/TH/23/1113 - Land On The South Side Of A299 RAMSGATE Kent

Erection and display of 1.9 metre high double sided non-illuminated freestanding sign

18.PLANNING DECISIONS

The decisions since the last council meeting will be reported.

19.ENFORCEMENT ISSUES

To consider any enforcement issues that have arisen since the dispatch of the Agenda.

20.LATE APPLICATIONS

To consider any late applications that may be received following the dispatch of the agenda.

The above applications can be viewed online at:-
<https://planning.thanet.gov.uk/online-applications/>

