

**A03**

**F/TH/12/0690**

**PROPOSAL:** Erection of concrete flood wall and gates, together with formation of an earth embankment

**LOCATION:** LAND ADJ TO A256, SANDWICH ROAD, RAMSGATE

**WARD:** Cliffsend & Pegwell

**AGENT:**

**APPLICANT:** Operational Services – Thanet District Council

**RECOMMENDATION:** **Approve**

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The proposed development shall be carried out in accordance with the submitted application as shown by the drawings numbered 2951-01, 2951-02, 2951-03, 2951-05, received 23rd August 2012 and 2951-04 Rev.A and 2951-06 Rev.A, received 17th October 2012.

**GROUND:**

To secure the proper development of the area.

- 3 No construction works which would give rise to impact noise likely to cause disturbance of birds, including piling and the use of percussive tools, shall take place during a two hour period commencing one and a half hours before high tide until half an hour after high tide between 1st October until 31st March inclusive.

**GROUND:**

In the interests of nature conservation in accordance with National Planning Policy Framework and the Conservation (Natural Habitats) Regulations 1994.

- 4 If, during development, significant contamination is suspected or found to be present at the site, then 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.

**GROUND:**

To ensure that the proposed development will not cause harm to human health or

pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and NPPF.

- 5 No development shall take place until details of the composition and source of materials to be used in the formation of the bund have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

To prevent harm to human health and pollution of the environment, in accordance with the advice contained within National Planning Policy Framework.

- 6 No development shall take place 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.

- 7 No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains.

**INFORMATIVE**

The flood defence works are likely to involve works affecting or within the public highway. Prior to the commencement of any such works the applicant must contact KCC Highways and Transportation to obtain the necessary Agreements or licences in this respect.

**SITE, LOCATION AND DESCRIPTION**

The site is located to the south of Cliffsend between the A256 Sandwich Road and the salt marsh within Pegwell Bay. The site extends to the north east and to the south west of a petrol station, which incorporates a small shop and car wash. To the north of the site, across the A256 is a public house and dwellings.

The site itself is in two distinct sections. The north eastern part of the site comprises an open area covered by crushed rock which is raised above the foot and cycle way and the salt marsh to the south. This area is used informally for car parking. The area to the south west lies between the A256 to the north and the foot and cycle way to the south. This area is covered by overgrown vegetation which partially covers 46 tank traps, or pimples, which

are located along a distance of 92m.

All of the site is within the Former Wantsum North Shore Landscape Character Area. The site also lies within the Former Wantsum Flood Risk Area, although policy EP10 which related to this area has not been saved. In addition to these designations, the south western part of the site is within the Sandwich and Pegwell Bay National Nature Reserve, with a Site of Special Scientific Interest, a Special Area of Conservation and a Ramsar Site.

### RELEVANT PLANNING HISTORY

It is not considered that there is any planning history relevant to the determination of the current application.

### PROPOSED DEVELOPMENT

This application proposes the erection of flood defences, comprising a concrete flood wall and an earth embankment.

The concrete flood wall would measure 141m in length and would run along the seaward, south eastern, side of Sandwich Road between the raised land levels to the west of 115 Sandwich Road to the petrol filling station. The wall would change in height in response to the topography of the land, rising to a maximum height above ground level of 1.2m. The wall would include a total of three Flood Gates, which comprise gaps in the wall, which can be filled with flood boards when required. The earth embankment would measure 257m in length and would run south from the petrol filling station. The embankment would also change in height dependent on the topography, rising to a maximum of 1m in height.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2006**

D1- Design Principles  
HE11 - Archaeological Assessment  
CC1 - Development in the Countryside  
CC2 - Landscape Character Areas

#### **South East Plan 2009**

NRM4 - Sustainable Flood Risk Management  
NRM5 - Conservation and Improvement of Biodiversity  
NRM8 - Coastal Management  
C4 - Landscape and Countryside Management  
BE1 - Management for an Urban Renaissance  
BE6 - Management of the Historic Environment

### NOTIFICATIONS

Letters have been sent to neighbouring properties and a site notice has been posted. A single representation has been received, raising the following concerns:

- The tank traps should be kept in full view as they are part of the area's heritage

- The scheme provides insufficient access to the site which is used as a car park

In addition one letter of support has been received, but an observation is made that the site compound should be located nearer to the garage to reduce noise to neighbours.

**Cliffsend Parish Council** - Raise an objection to the scheme as the tank traps would be covered and would not remain visible.

**The Ramsgate Society** - Support the application.

## CONSULTATIONS

**Kent County Council Highways and Transportation** - Raise no objection to the proposal, but have requested that an informative is attached to any grant of permission to inform the applicant that they must separately obtain agreements or licences.

**Environment Agency** - Raise no objection to the proposal. However, they have requested that should permission be granted, a condition is attached to ensure that in the event of unsuspected contamination being found, appropriate remediation takes place.

**Kent Wildlife Trust** - Raise no objection to the principle of the development, subject to conditions being attached to any grant of permission regarding investigations being carried out into hydrocarbon levels, the source of construction materials, especially for the bank, being agreed and timing the works to minimise disturbance to the Special Protection Area.

**Environmental Health** - Raise no objections, subject to a condition being attached to any grant of permission to ensure that the scheme does not cause harm to human health or the environment.

**Kent County Council Archaeology** - Support the new, revised location of the bank at the seaward side of the tank traps, leaving the tank traps visible, subject to two conditions being attached to any grant of consent, requiring a programme of archaeological work to be undertaken and details of foundation design and any other below ground excavations.

**Natural England** - No objection subject to conditions relating to the SSSI, ensuring that disturbance to birds is avoided during construction and non contaminated impermeable material is used for the bund.

## COMMENTS

This application has been brought before Planning Committee as the application has been submitted by Thanet District Council.

The main issues to consider are the principle of the development and the impacts on the character and appearance of the area, the highway network, ecology, archaeology and contamination.

### **Principle**

The site lies within the countryside, where Local Plan policy CC1 applies. This policy states that within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.

The development lies within Flood Risk Zone 3a where there is a high probability of flooding from the sea. This area falls within the Isle of Grain to Beachy Head Shoreline Management Plan and is referred to as the 'Ramsgate Harbour (west) to north of the River Stour' policy unit. The plan's policy for this area is to hold the line. At present the site benefits from informal flood defences, which have been assessed as having a flood protection from flooding of around 1 in 20, meaning that overtopping of the defences could occur once every twenty years. Without intervention, rising sea levels would result in this risk increasing to 1 in 2 years by 2062 and significantly less than 1 in 1 years by 2112. In order to sustain the existing level of flood risk, it should be ensured that the current standard of protection is sustained over a period of 100 years. The applicants have stated that, whilst there are no records of historical flood events that have resulted in properties being flooded internally, there is anecdotal evidence of wave overtopping in 1978 and sand bags being distributed to residents. Under the current conditions, and with no flood defences in place, there are 6 residential properties and 5 commercial assets within the predicted flood extents. By 2112, 21 residential properties and 5 commercial assets would be within the predicted flood extents. The proposed defences would maintain the risk of flooding at least 1 in 20 years until 2112. The National Planning Policy Framework requires Local Authorities to manage flood risk, whilst, in coastal areas, regard must be had for Marine Policy Statements and marine plans and apply Integrated Coastal Zone Management.

It is considered that the proposed development is required to be located on this site within the countryside, in order to perform its function of providing flood defence. Furthermore significant weight should be attributed to the scheme which provides substantial improvements to the flood defence of this part of Cliffsend. I am of the opinion that the development, therefore, is consistent with Thanet Local Plan policy CC1.

### **Character and Appearance**

The proposed wall would be located on land which is currently open and surfaced with loose gravel. The site is bounded by the A256 to its north and salt marsh, tidal flats and the sea to the south. Between the north eastern and south western parts of the site is a petrol station. The site lies within the Former Wantsum North Shore Landscape Character Area where development will only be permitted that would not damage the setting of the Wantsum Channel, and long views of Pegwell Bay, the Wantsum Channel, the adjacent marshes and the sea.

The proposed erection of a concrete flood wall would be seen in its setting of an existing graveled area which is informally used for the parking of vehicles. This part of the site is adjacent to the southern most part of the built confines of Cliffsend. The area contains numerous walls and boundary treatments. Within this context it is not considered that a wall rising to a maximum height of 1.2m above ground level would be materially harmful to the character of the area. Furthermore, due to its limited height, it is not considered that the development would significantly damage the setting of the features for which the Landscape Character Area is noted.

To the south west, the bund would rise to a maximum of 1m in height above ground level. At present this area is relatively flat, although the vegetation and concrete tank traps do produce a partial visual barrier between the road and the cycle and foot path. The land encompassing the A256, grass verge and cycle and foot path is higher than the marshes to the south and the golf course to the north, which are each several metres lower. It is considered that the limited height and earth finish of the bund would allow this feature to blend into the landscape. It is therefore considered that the bund would be of no harm to

the character or appearance of the area and would not detract from the features for which the Landscape Character Area is noted.

## **Highways**

The proposed embankment would be located on land between the A256 and the foot and cycle path. It is not considered that this part of the scheme would be of any significant harm to the local transport network.

The proposed flood wall would be located on land which is informally used as car parking by the general public. In addition, the southern part of this area is used by the operators of the offshore wind farm. To the north of this area is the A256 and to the south, at a lower level, is the foot and cycle path. The proposed wall would be located along the northern boundary of the site. The wall includes a total of three floodgates. The first would serve the wind farm site, which would be segregated from the rest of the site by bollard's. The second gate would allow for vehicular access the bulk of the site. The third gate would allow for the retained access to the cycle and foot path. It is not considered that the wall or the proposed vehicular, cycle or pedestrian accesses to the site would cause any harm to the local highway network, in terms of the free flow of traffic or highway safety.

Concern has been raised that the scheme provides inadequate vehicular access to the general public. It is noted that the site is not a formal car park. It is considered that it would be unreasonable to warrant refusal of the application on this basis.

## **Ecology**

The south western part of the site is within a highly sensitive location, being within the Sandwich and Pegwell Bay National Nature Reserve, with a Site of Special Scientific Interest, a Special Area of Conservation and a Ramsar Site. The north eastern part of the site is directly adjacent to these designated sites. It is considered that the proposed works have the potential to impact upon the designated area, in particular through disturbance to roost sites during construction or the use of inappropriate material for the construction of the bund, which could alter the pH or cause contamination to the protected site.

The works proposed are along the boundary of Sandwich Road, which is a busy A-road, although the Cliffsend by-pass has recently reduced through traffic. The closest roost site which is regularly used is approximately 300m from the site. The over-wintering bird season is between 1st October and 31st March. These birds typically stay close to the tide line and, therefore, will be closest to the site when roosting at high tide. The development, if permitted, is proposed to commence in January 2013 and complete by the end of March 2013. The applicant has proposed that noisy operations, such as the use of percussive tools, concrete vibrators or excavation by machinery, will be required to cease for a two hour period around high tide, starting 1 and a half hour before high tide and ending half an hour after high tide, in order to mitigate against disturbance to birds. 2m high fencing is proposed to screen the development site during works. The size of machinery and plant will be limited to a 7.5 tonne excavator and a 3 tonne dumper truck. No percussive piling work is proposed. The Environment Agency and Natural England have raised no objection to the proposal, based on the proposed method and timing of works. I am satisfied that, subject to conditions requiring that the works are undertaken in the manner specified, the development would be of no harm to over wintering birds or any other species within the designated areas.

Should inappropriate material be used for the creation of the bund, there is a potential for

leachate from the bund to harm the designated areas. In particular, the material used for the bund must not be contaminated and must be of a composition and pH compatible with the adjacent habitats. It is considered that, in order to ensure that the material used for the bund is acceptable, a condition requiring details of the material, and its source, to be used in the formation of the bund to be submitted and approved should be attached to any grant of permission.

## **Archaeology**

The north eastern part of the site comprises land at a higher level than the land to the south east and is finished with gravel. It is proposed that the concrete wall in this location would have foundations approximately 0.55m deep. It is not considered likely this work would significantly impact upon archaeological assets.

The south western part of the site comprises a strip of land between the highway and a cycle and foot path. Towards the south west of this area are a row of 46 tank traps, located along a distance of 92m. There is no visible evidence of tank traps or any other features of archaeological interest elsewhere within this area. Kent County Council's Senior Archaeological Officer has commented that "these concrete blocks are heritage assets and are important reminders of World War II national defence and demonstrate the strategic importance of this area of Kent. As they are visible they are an important resource for peoples understanding, awareness and appreciation of World War II". Further to these comments, the position of the earthbank has been revised and will now allow increased visibility of the area where the tank traps are present. No objection has been raised by the Archaeological Officer, subject to a programme of archaeological work to be undertaken to record the position of the tank traps.

## **Contamination**

There is a history of contamination on the north eastern part of the site, found during site investigations for the offshore wind farm cabling works. Further investigations were carried out and some limited contamination was found near the boundary of the site. Works were subsequently carried out to remove oil contamination. It is considered that it is unlikely that the site is contaminated; however, adopting the precautionary principle, it is considered that should permission be granted a condition should be attached requiring a watching brief is maintained during the works to identify any contamination at the earliest opportunity.

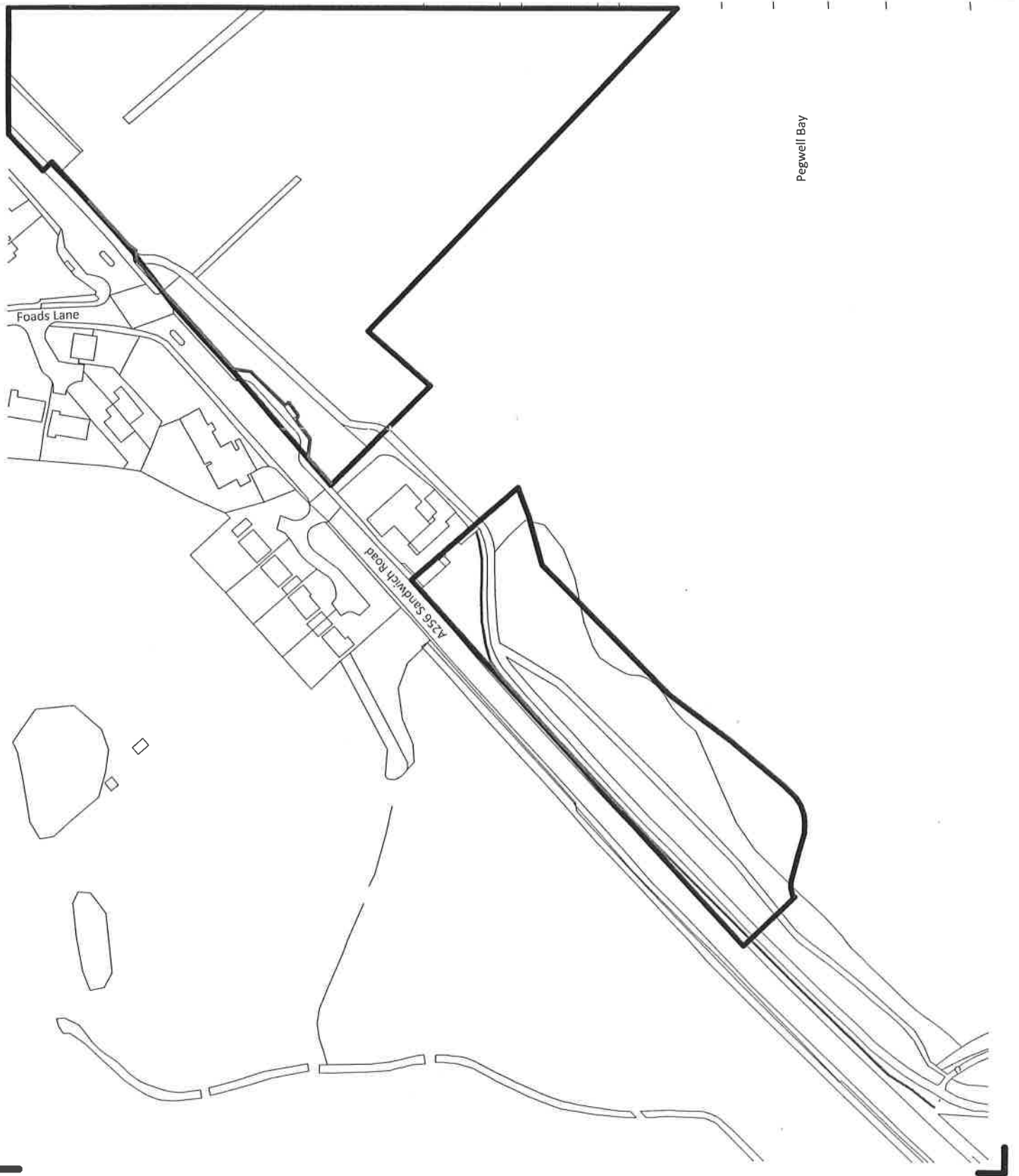
## **Conclusion**

It is considered that the principle of the proposed development accords with Thanet Local Plan Policy CC1, as there is a significant need for the development within this location which outweighs the need to protect the countryside. Whilst it is considered that some limited harm would be caused to the significance of the concrete tank traps, through the introduction of an earth bund to their seaward side, it is not noted that this harm has been minimised as far as practicable, with the traps remaining visible. It is considered that the need for the development outweighs this limited harm. Furthermore, it is considered that, subject to conditions to ensure that the development would not harm the species within the locality, or the designated habitats, and the development is acceptable in all other material respects. It is therefore recommended that planning permission is granted.

**Case Officer**  
Luke Blaskett

F/TH/12/0690

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Land adj A256 SANDWICH ROAD,  
RAMSGATE

