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# Hearing Statement

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Matter 7, Issue 1  
Land at Tothill Street, Minster

On behalf of  
The Master, Fellows and Scholars of the College  
of St John's the Evangelist in the University of  
Cambridge

Respondent Number: 311

# Hearing Statement

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### 1. How was the site boundary defined and what is it based on? Are there any ownership constraints likely to affect the deliverability of the site?

- 1.1. A greater extent of land owned by St John's College was originally promoted through the Call for Sites/Regulation 18 consultation stages of the Local Plan production. This included land within the current draft allocation, as well as the land directly to the north, broadly extending up to the A299.
- 1.2. It is understood that the Council opted to exclude the northern portion of the field from the allocation, as the resulting scale was considered more proportionate to the existing settlement.
- 1.3. It is also noted that the land to the north of the allocation (notably the western section of that land) was found to have greater archaeological potential and discussions with the Archaeological Service at Kent County Council indicated support for this land being left undeveloped.
- 1.4. The deliverability of this allocation and cooperation between the two landowners is indicated by the planning application for residential development and cemetery extension having already been submitted in October 2018. The application was submitted on behalf of both landowners who have entered into a Collaboration Agreement.
- 1.5. However, as noted in the Regulation 19 representations submitted on behalf of St John's College, the allocation HO12 boundary shown on Thanet District Council's policies map is not considered accurate on two grounds:
  - a) The northern boundary does not reflect the intended location of the cemetery extension; and
  - b) The southern boundary includes land beyond the ownership of the two principal landowners who have promoted their land for development.
- 1.6. Discussions have been held with Minster Parish Council regarding the location of the cemetery extension and the intention is for the cemetery to extend directly west from its existing western boundary. This location has also been selected for operational, archaeological and landscape reasons and so it is suggested that the policies map should be updated accordingly.
- 1.7. The southern extent of the allocation includes land beyond that owned by St John's College and other third party landowner. A water extraction station operated by Southern Water has been included, as too have some private garages. Land registry searches confirm that these garages are in the private individual ownership of numerous third parties and so are not assumed as deliverable for redevelopment. Furthermore Savills is not aware that Southern Water intends to close the Minster Public Water Supply groundwater abstraction station. In fact, the current outline planning application has ensured a coordinated approach with Southern Water and the Environment Agency, including the appropriate monitoring and modelling, to ensure this groundwater source is not adversely affected by the proposed development.
- 1.8. It is therefore considered that allocation HO12 should be updated to reflect the red line boundary submitted with the Regulation 19 representations and indicated at Appendix 1. This reflects the land owned by St John's College and the third party landowner and has the appropriate certainty of deliverability to ensure that the allocation is sound.

- 2. Unlike the strategic and non-strategic allocations, why does the policy not specify a dwelling yield or density for the site? Is it clear to decision makers, developers and local communities what scale of residential development is permitted?**
- 2.1. It is accepted as appropriate for the allocation to specify an anticipated dwelling yield. The Housing Trajectory at Appendix B of the submission version of the Local Plan indicates a yield of 250 dwellings. It is suggested that this quantum could be accommodated within the policy wording of HO12 as a maximum dwelling yield to provide greater certainty. However, as noted in the Regulation 19 Representations, it is considered reasonable to term this a maximum capacity, as drainage solutions and archaeological preservation may lessen the net developable area. However, retaining a maximum yield of 250 dwellings secures positive adaptability within the policy should alternative design solutions come forward or should a different housing mix be proposed at the detailed design stage.

**3. What is the justification for requiring development to be informed by a transport assessment and archaeological evaluation? How has the effect of the proposed development on the local road network and heritage assets been considered? Is the policy requirement justified?**

- 3.1. Archaeological surveys have already been undertaken on behalf of both landowners (one being St John's College). This work was undertaken to inform the outline planning application that was submitted in October 2018. The scope of the archaeological work was agreed with the archaeological service at Kent County Council and implications on the scheme discussed. The potential archaeological remains are not of sufficient significance to hinder the deliverability of the site. Instead, considerate design solutions and additional precautionary field evaluation by way of condition can combine to secure adequate mitigation as has been agreed with Kent County Council (see relevant email correspondence at Appendix 2).
- 3.2. In light of the above, it is considered reasonable for policy HO12 to refer to the need for archaeological evaluation. Indeed, such work has already been undertaken in any event.
- 3.3. In terms of the requirement for a Transport Assessment, a scoping exercise was undertaken with Kent County Council as local highways authority as part of the preparation of the current outline planning application. Officers at the County Council and the transport consultant appointed by St John's College agreed that a Transport Assessment would be appropriate for this scheme. Specific reference in the policy to a Transport Assessment being required is consequently not disputed, although it is deemed unnecessary as it duplicates the requirement set out in policy TP01.
- 3.4. Given that an outline planning application has already been submitted for this proposed allocation, there is significant technical work regarding the highway network. The submitted Transport Assessment has indicated sufficient capacity in the existing highway network to accommodate the development. One exception is the Tothill Street arm of the roundabout to the north of the development, where flows would exceed capacity in the future scenario when including the proposed development. As such, a mitigation package has been proposed to upgrade this arm with road realignment and an additional lane. This plan was submitted as part of the outline planning application and has been subject to a Stage 1 Road Safety Audit at the request of Kent County Council.
- 3.5. Other mitigation is focused on sustainable transport modes, including upgrades to the existing bus stops, new footways to connect the proposed access into the existing pedestrian footway to the west of Tothill Street and two new uncontrolled crossing points; one crossing the proposed new access, whilst the second crosses Tothill Street. A new shared cycleway/pedestrian/emergency access also connects onto Greenhill Gardens and a Travel Plan has been prepared and can be secured by way of condition.
- 3.6. Kent County Council as local highways authority has confirmed that they accept the conclusions of the vast majority of the Transport Assessment and additional information supplied. Only two outstanding points now remain:
- Whether or not any off site cycle improvements should be accommodated within the S.106; and
  - Whether off site junction improvements at the Spitfire Way/Manston Road junction to the north are warranted as a result of the proposed development.

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- 3.7. Discussions with Kent County Council regarding the abovementioned points remain ongoing, though they are not envisaged to jeopardise the deliverability of the allocation.

**4. How will the site be accessed, and is it clear to decision-makers, developers and local communities what the necessary highway improvements consist of? What are the costs of these improvements and have they been considered when assessing the viability of the allocation?**

- 4.1. It is considered that the policy wording in relation to the intended site access and need for off-site highway improvements is sufficiently clear to guide future development proposals, with one exception. There is a requirement for an emergency access off Greenhill Gardens to serve the development and so it is suggested that this should be specifically incorporated into the policy, as noted in the Regulation 19 Representations submitted on behalf of St John's College. This will ensure sufficient clarity for all parties.
- 4.2. By way of context, an outline planning application has been submitted with all matters reserved except for the means of access. Detailed access plans have consequently been formally submitted to the local planning authority. Access proposals have also been discussed with the local community and Parish Council during the pre-application process, including meetings with the Parish Council and a public consultation event.
- 4.3. The primary means of access is via a priority controlled junction off Tothill Street. A secondary emergency access is then proposed to the south, connecting onto Greenhill Gardens. This is designed with a bollard to restrict unpermitted vehicular access but does provide a pedestrian and cycle connection to promote social interaction and connectivity.
- 4.4. Off-site highway improvements are also anticipated, namely:
- a new uncontrolled pedestrian crossing on Tothill Street; and
  - lane reconfiguration on the northbound arm of Tothill Street as it joins the Minster roundabout.
- 4.5. Whether the proposals will contribute towards upgrades at the Manston Road/Spitfire Way junction or propose additional off-site cycle upgrades remain points of discussion with Kent County Council.
- 4.6. The way that the policy is worded currently provides a commitment to off-site highway works but also sufficient flexibility to agree the detailed off-site mitigation through the determination of any future planning application(s), taking into account the latest committed developments and modelling evidence at that time.

- 5. What is the justification for requiring land to be safeguarded within the site for the expansion of the existing cemetery, and for consultation to be carried out with Minster Parish Council? How will this affect the number of dwellings the site is expected to yield and the deliverability of the site?**
- 5.1. St John's College has no objection to making land available for a cemetery extension. Indeed, this is reflected with this proposed use being incorporated within the current outline planning application. However, in order to meet the CIL Regulations, it is apparent that the application can only offer up the extent of land necessary to mitigate the proposed residential development with no associated cost for the land. Any additional extent of land beyond 'mitigation' would need to be purchased by the relevant party.
- 5.2. The provision of this cemetery extension could adversely affect the deliverability of the intended residential development if the policies map is not updated to reflect the boundary identified at Appendix 1. In liaison with Minster Parish Council, the location of the proposed cemetery extension is directly to the west of the existing cemetery and so it is deemed crucial that the policies map reflects this boundary. Without such a change, there would be a reduction in the number of dwellings that could be accommodated on the allocation and the cemetery extension would likely be forced south and so conflict with the intended point of access to Tothill Street. Locating the cemetery extension to the west of the existing also facilitates a greater buffer distance between the cemetery and intended residential development.
- 5.3. Given the community benefit associated with the proposed cemetery extension, St John's College has no objection to its incorporation, providing that the allocation boundary shown on the policies map is updated to reflect the above.

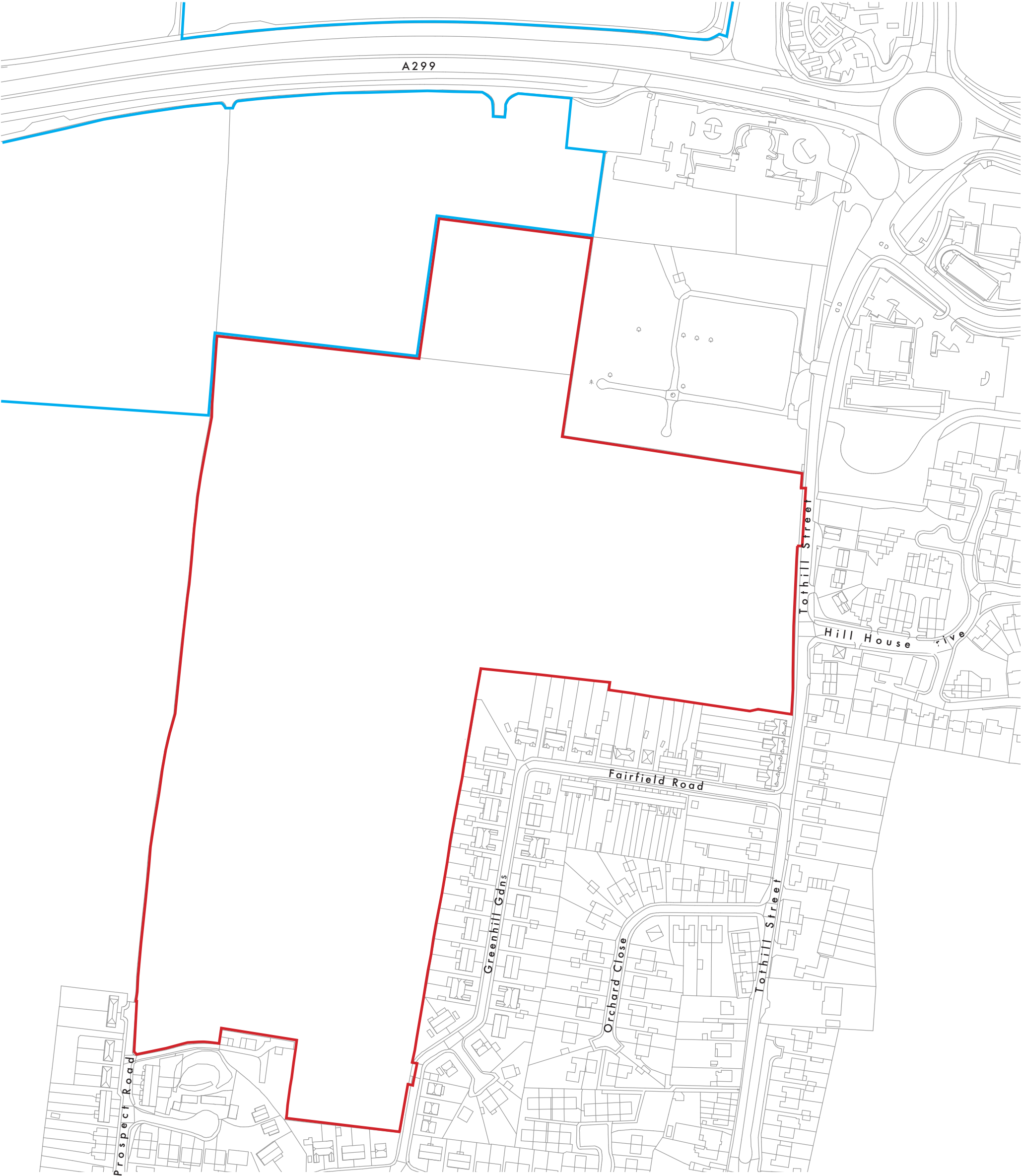


**6. What is the justification for requiring the provision of open space in accordance with Policy SP31?**

- 6.1. It is not considered necessary for the allocation to make specific reference to policy SP31. If policy SP31 is found sound itself, this policy would form part of the adopted Development Plan and so would need to be considered when reading the Local Plan as a whole.
- 6.2. Whether or not there is an issue with complying with policy SP31 depends on what 'Table 7' is meant to reference. At the time of the Regulation 18 draft of the Local Plan, this reference to Table 7 involved a table of specified standards relating to draft policy GI04. However, in the submission version of the Local Plan, Table 7 lists the Landscape Character Areas. This is an inadvertent drafting error and it is anticipated that the required Table has been unintentionally removed from the Submission Version of the Local Plan. Clarification is required from Thanet District Council on this point.



**Appendix 1: Revised HO12 Allocation Boundary**



- Application boundary  
(14.03Ha)
- Other land within the ownership  
of the applicant



Project Name		Drawing Title	
Proposed residential development		Location plan	
Tothill Street, Minster, Kent			
Job no. CAUD 365198	Dwg no. 365_198_001	Rev. A	
Date. July 2018	Scale. 1:2500@A3	Drawn by. JR	
		Checked by.	



**Appendix 2: Correspondence with Archaeological Service a Kent County Council**

Subject: RE: Land at Tothill Street, Minster

Date: 16/01/2018 11:25

From: "Simon.Mason@kent.gov.uk" <Simon.Mason@kent.gov.uk>

To: "claire.mills@savills.com" <claire.mills@savills.com>

"JRennie@savills.com" <JRennie@savills.com>, "mbrenton@peterbrett.com"  
Cc: <mbrenton@peterbrett.com>, "anne@archaeologycollective.co.uk"  
<anne@archaeologycollective.co.uk>, "chris@archaeologycollective.co.uk"  
<chris@archaeologycollective.co.uk>

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Dear Claire

Thank you for the masterplan review for Tothill Street. Apologies for the delay in getting back to you, I only returned from leave last week to a substantial backlog.

The revised Masterplan has done well to have taken account of our discussions when met in November. A few thoughts:

- 1) It is good to see that the Roman road has been respected in a band of informal open space and the only crossing is that of the access road at the east which is unavoidable and acceptable. The design will help to preserve the road in the main and also provide a positive contribution in referencing this historic routeway which is only discernible presently from aerial photography and cropmarks.
- 2) We welcome the adjusting of the possible cemetery extension northwards to avoid the route. This helps to preserve the road and its corridor. The present planting to the north reinforces the corridor aspect and it would be best when the cemetery design comes through that there is due respect for the trend perhaps with avoidance of the sharp south west corner.
- 3) Note that tree planting itself may have an impact through root action so will need to be carefully looked at in the detailed design stage. The current proposal with low density is welcome and does help to reinforce the road route.
- 4) We also welcome the intention to preserve RB5 in formal open space and note that formal open space is also intended at the eastern end of the road. I am not clear on creating formal areas would involve ground modification and it may be that this aspect will need to be discussed as design becomes more detailed. In principle though I am happy that is left as a detailed matter for later. It may be that the position of RB5 could be referenced / interpreted in the design of the open space that would provide an added benefit taken from the site's heritage.
- 5) We welcome the removal of built units north of the road as this helps to preserve the two known areas of Romano-British settlement.
- 6) It is a shame that there cant be adjustment to enable RB3 to be preserved though it looks like that at least 50% of the barrow can fall in open space. I am happy that we look in more detail at that when detailed design is developed so that the impact from the SUDs is minimised.
- 7) As we agreed the archaeology at E4 and E5 can be dealt with through investigation and recording.

With respect to the final bullet point of your meeting note. I am happy that the Masterplan is addressing all the matters that we discussed with respect to design and preservation. The rest can be handled through conditions attached to any outline consent for the development. It should be noted that the survey works to date have been successful in highlighting significant archaeology that we have been basing discussions on however the evaluation was very closely targeted at the design issues and archaeological potential of other areas remains high. The archaeological conditions that are likely to be attached to the consent will include further archaeological investigation in advance of development works rather than 'monitoring'.

I hope that this helps and am happy to discuss further.

Best regards



Simon

**Simon Mason** | Principal Archaeological Officer | Heritage Conservation | Environment, Planning & Enforcement | Kent County Council | Invicta House, County Hall, Maidstone, Kent ME14 1XX | Telephone : **03000 413415** | [www.kent.gov.uk/heritage](http://www.kent.gov.uk/heritage) | Find us on Facebook and 'Like' [www.facebook.com/ArchaeologyinKent](https://www.facebook.com/ArchaeologyinKent) and [www.facebook.com/DefenceofSwale](https://www.facebook.com/DefenceofSwale)

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**From:** Claire Mills [mailto:[claire.mills@savills.com](mailto:claire.mills@savills.com)]  
**Sent:** 13 December 2017 12:23  
**To:** Mason, Simon - GT EPE  
**Cc:** James Rennie; Mark Brenton; Anne  
**Subject:** RE: Land at Tothill Street, Minster

Simon,

Following on from our meeting on the 20<sup>th</sup> November, please find attached the agreed masterplanning exercise that has been undertaken to consider opportunities to preserve aspects of anticipated heritage in situ where possible.

I'm conscious that I accidentally referred to RB4 rather than RB5 in my note from the 21<sup>st</sup> and so have corrected it in the summary note below:

- Potential sources of interest to the north west of TR1 (see area -a- on the attached) to be retained in situ and unaffected by the proposed development. This includes RB1, RB2, E2 and E3.
- TR1 to be referenced within the layout. Whilst some paths or infrastructure cutting across the road may be acceptable, built development should otherwise avoid this feature so that historic reference to the route can be made in the design principles. It is currently anticipated that this could be achieved by an access route following the route of the roman road, with a suitable set back to the south.
- RB3 and RB5 will be retained unless there is a particular design justification for their loss. For instance, if the SuDS or roads cannot readily avoid the features.
- E4 and E5 will be excavated and preserved by record
- Preference for potential sources of interest to the north east of TR1 (see area -b- on the attached) to be retained but not fundamental and could be preserved by record.
- No other specific sections of archaeological potential were discussed in the meeting or warrant further design consideration. Monitoring conditions attached to any future planning permission would suffice.

The layout is currently showing the preservation of much of the roman road route as agreed. The exception is to the east of the site where access is required. Our transport consultant has advised that the entry point cannot be moved further south due to the need to distance the access from Hill House Drive to the south. It also seems likely that RB3 will be lost to accommodate the SuDS feature. To retain RB3 with an adequate buffer would require the built development to be pulled too far back into the site given the developable area already lost through preservation of other features, most notably the road which is considered the priority. However, RB5 has been retained within the parameters and given that the access cannot be moved further north, there is scope to retain E1. On balance, the extent of retained features is considered high. If you could please let us know any comments on the proposed parameters.

Kind regards  
Claire

Claire Mills  
Associate

