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**Application No:** Y16/1017/SH

**Location of Site:** Coast Drive Car Park, Coast Drive, Greatstone, Kent

**Development:** A hybrid application encompassing; 1) Outline application for the erection of 20 residential units within Zone A with matters of layout, scale, appearance and landscaping reserved for later consideration 2) Full application of Zone B for the re-provision of a public car park, residential parking for the 20 units and landscaping areas.

**Applicant:** Mr David Weir, On Architecture,  
on behalf of Folkestone and Hythe District Council

**Officer Contact:** Robert Davis [Robert.davis@folkestone-hythe.gov.uk](mailto:Robert.davis@folkestone-hythe.gov.uk)

## SUMMARY

The proposal is for a hybrid application encompassing;

- 1) Outline application for the erection of 20 residential units within Zone A with matters of layout, scale, appearance and landscaping reserved for later consideration
- 2) Full application of Zone B for the re-provision of a public car park, residential parking for the 20 units and landscaping areas.

It is considered that the principle of development is acceptable in this location; that benefits would be brought forward of affordable housing, a financial contribution to local play areas and bio-diversity enhancements; and that the development would be in accordance with the site's allocation in the emerging Places and Policies Local Plan. As such it is considered that the proposal accords with the existing and emerging policies of the Development Plan and is consistent with the requirements of the National Planning Policy Framework.

## RECOMMENDATION:

**That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing affordable housing consisting of 5 two bedroom units and 1 three bedroom units and financial contributions towards open space provision of £41,185; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.**

## 1. INTRODUCTION

- 1.1. The application is reported to Committee because it has been submitted on behalf of Folkestone and Hythe District Council.

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## 2. SITE AND SURROUNDINGS

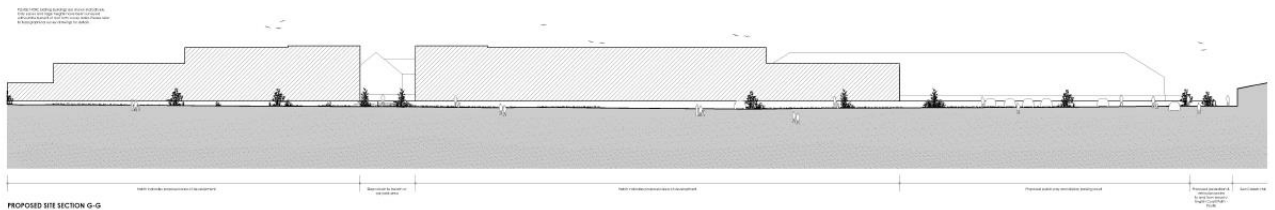
- 2.1. The application site is located to the north of the Varne Boat Club and to the rear of dwellings and a restaurant on Coast Drive. Vehicular access is from Coast Drive opposite the junction with Clark Road. The 0.6ha site is currently used as a car park.
- 2.2. The main part of the site is a narrow strip of land approximately 200m in length and with a width of 30m. The dwellings to the west of the site are predominantly of modern construction with heights of two storeys. To the south of the site is a boat store area with the Lifeboat Station beyond. To the north is the Seawatch Hut which is used by the New Romney Sea Cadets. Beyond this is a recreation and play area and a parade of beach huts. The boundaries of the Dungeness, Romney Marsh and Rye Bay Ramsar site, Special Protection Area and Special Area of Conservation, nature sites of international importance, are sited approximately 15m to the east. Sections of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest lie adjacent the northern boundary and to the east of the site.
- 2.3. The majority of the site is also a Mineral Safeguarding Area for storm beach gravel. The site is also at risk of flooding with most of the site designated as Flood Zone 3 by the Environment Agency, with lesser areas designated as being within Zone 2.
- 2.4. A site location plan is attached to this report as **Appendix 1**.

## 3. PROPOSAL

- 3.1 Full planning permission is sought to replace the current informal parking arrangements with a surfaced and marked out public car park located in an L shape within the northern part of the site with access from Coast Drive. To the south of the public car park would be a private car park to be associated with the future residential development, subject of the outline application. The development would be set back from the current eastern extent of the car park. Public access would be provided from the parking areas to the beach.
- 3.2 There would be a total of 49 public parking spaces located within the northern part of the site. The private parking component would consist of 39 spaces and this would be located to the west of the proposed residential development within Zone A.



3.3 Outline permission is also sought for the erection of 20 residential units with all matters reserved. An indicative drawing to show the proposed massing has been submitted. This shows the residential components with a central gap providing access to the beach. The indicated building heights are measured as a maximum of 8.5m above adjacent ground level stepping down to 3m at the southern end and 6m at the northern end.



3.4 The following reports were submitted by the applicant in support of the development proposals:

### Car Park Assessment

3.5 This Car Park Assessment reviewed the existing use of the car park over a three year period from 2016 to 2018. Due to the unmarked nature of the current parking facility it

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is not possible to precisely determine the exact capacity of the existing vehicle parking area. The proposed development, by virtue of the residential component would result in a reduction in the quantum of parking available. Data from FHDC Parking Spaces in the form of weekly income from the pay and display machine, and the RingGo payment service, and average transaction data for each financial year was used to determine the weekly usage and from that data the daily average use over the course of a week.

- 3.6 The data shows a maximum average daily use over the three year period of 91 during late August/Early September 2017 period with most of the other weekly averages being much lower. The assessment concluded that although it was not possible, from the data available, to determine the peak period within a particular week, it was considered that the availability of the proposed 49 public car parking spaces, at any particular moment in time, would provide a more than adequate replacement for the existing car park given the level of usage over the three year period assessed.

## Habitat Regulations Assessment Outline Report

- 3.7 A Habitat Regulations Assessment (HRA) Outline Report December 2018 by Ecological Planning and Research has been included as the application site is near European designated (Natura 2000) sites and has the potential to affect their features of interest.
- 3.8 The report outlines the specific sensitivities of the designated sites and details what biophysical changes could be generated by the proposals. It details what effects such changes would be likely to have on the qualifying features of these designated sites. Impact avoidance and mitigation measures are then recommended where required, to address potential contributions towards likely significant adverse effects.
- 3.9 The report concluded that a) mitigation measures were required to avoid likely significant effects on the nearby International Sites; and b) further information on wintering birds (particularly Sanderling) was required to inform the assessment associated with this qualifying feature.

## Information to Inform a Habitat Regulations Assessment

- 3.10 This document has been submitted as after the HRA Outline Report was issued the European Court of Justice made the following ruling in a case commonly referred to as People over Wind, which stated :
- 'Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.'*
- 3.11 The additional document provides an appropriate assessment of whether the application would result in a significant adverse effects on the International Site's integrity and is to be read in conjunction with the HRA.

## Winter Bird Report (Coastal)

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3.12 The winter bird survey by LLoydbore, January 2019, focussed on use of the shingle beach and sand flat adjacent to the site, and the coastal shingle beach areas within 400m north and south of the site that lie within the Dungeness, Romney Marsh and Rye Bay Ramsar and Special Protection Area. It recorded the location, number and behaviour of winter sanderlings during six visits between December 2017 and March 2018. Other species were also noted. It also recorded 'disturbance events' and human activity. Mitigation measures are recommended within the report and the implementation of these should be considered to reduce the likelihood of disturbance of wintering sanderlings. With these measures it was considered unlikely that the proposed development would result in a likely significant effect upon the wintering sanderling population.

## Ecological Impact Assessment

3.13 This document is a revision (LLoydbore, January 2019) of a report submitted with the original development proposal. It has been updated to reflect the results of the botanical surveys, the winter bird survey and the contents of the outline HRA and ITHRA reports. The objectives of the document are to:

- Record the existing habitats on-site
- Identify habitats and/or structures that are suitable for legally protected species
- Identify any invasive plant species present within the site, and make recommendations for management where required
- Make recommendations, if required, for additional protected species surveys, avoidance measures, mitigation or, if necessary, compensation measures
- Identify statutory and non-statutory designated sites within the Zone of Influence of the proposed development
- Determine the ecological importance of the site where it is possible to do so
- Identify potential enhancement measures that could improve the ecological importance of the site for priority habitats and species

3.14 The document provides an evaluation of the impact of the development and makes recommendations for mitigation measures. Provided these measures are adopted and effectively implemented, it concludes there would be no adverse impact on neighbouring ecological sites. It considers that the development site itself is of low ecological importance at a 'Local' level.

## Botanical Survey Report

3.15 A full botanical survey (Mason, June 2018) of the development site was undertaken during May and June 2018 as the site is close to the boundary of a designated site – the Dungeness Special Area of Conservation (SAC) which includes the shore area to the east of the site. The survey also included land adjacent the SAC for approximately 400m to the north and south. The report included all vascular plant species observed during the survey visits, highlights any legally protected, notable or invasive plant species and evaluates the conservation importance of the botanical habitat and species currently present at the site. Reference is also made to a previous survey undertaken in June 2017.

3.16 There were 140 plant species recorded during the survey visits. The majority of the car park site had habitats and species of conservation interest although no legally protected plant species as listed in Schedule 8 of the Wildlife and Countryside Act 1990 were found. Bur medick and wild clary were identified within the site, which are listed as species vulnerable and nationally threatened according to IUCN criteria. Three

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nationally scarce species (toothed medick, bulbous meadow grass and suffocated clover) were also identified within the site.

## Biodiversity Management Plan (Flora)

- 3.17 This report (LLoydbore January 2019) sets out a framework for the implementation of habitat management measures which have been devised to ensure management of post-development habitats in a manner that delivers long term benefits for biodiversity. It sets out a timetable and measures to be undertaken for a period of five years post the construction phase.
- 3.18 Monitoring will be undertaken of the application site and adjacent areas to locate non-native invasive plants with spot treatment by a glyphosate herbicide applied by hand. Given the likely dominance by annual weeds around the parking area strimming and herbicidal use would be undertaken as required. To maintain floral diversity an annual 'haycut' of an area comprising c.480m<sup>2</sup> of established but degraded sand dune grassland to the south of the application site will be undertaken during late July/August after the main flowering period.

## Outline Construction Environmental Management Plan (Biodiversity)

- 3.19 This plan (LLoydbore January 2019) was commissioned to minimise and manage the risk of adverse ecological impacts occurring during the construction stage of the proposed development. It sets out project specific works management measures to be provided for prospective site purchasers/companies tendering for the construction of the proposed development to ensure that ecological constraints are fully understood. The report references the other submitted reports that have been submitted relating to ecological matters.
- 3.20 The working area will be restricted to within the red boundary of the application site and any changes would need to be considered by a suitably qualified Ecological Clerk of Works (ECoW). The appointed ECoW will monitor compliance with all relevant conditions or obligations relating to ecology/wildlife and to all relevant wildlife-related legislation. A full list of the duties required of the ECoW have been included in the report. A timetable for ecological mitigation and the methodology to be adopted is included. These adopt a precautionary approach to ensure the protection of any reptiles, ground nesting birds and native plant species.

## Phase 1 Desk Study Report - Contamination

- 3.21 This report (Southern Testing, October 2018) was carried out to assess the ground conditions on the site and carry out an assessment of any contamination risks. It assessed historical data and mapping as well as undertaking on site investigations. The report identified two potential on site sources of contamination comprising the sites use as a public car park and potential presence of made ground associated with the raising of levels on site, although this may be due to the natural deposition of beach deposits. Two potential off site sources of contamination were identified comprising the historical garage and infilled boating lake located approximately 10m to the west and 24m to the south-west respectively.
- 3.22 It concluded that the risks to human health and controlled water receptors from potential on site and off site sources of contamination are low to moderate however it is recommended that an intrusive investigation be carried out to better assess the risk.

## Flood Risk Assessment

- 3.23 A Flood Risk Assessment (Herrington Consulting Ltd., September 2016) has been submitted in accordance with requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance. It identifies that most of the site designated as Flood Zone 3 by the Environment Agency with smaller areas designated as Zone 2 and to be partially benefitting from existing flood defences. Reference is made to the revised maps contained within the Strategic Flood Risk Assessment (SFRA) that identifies the site to be considered at low risk from flooding.
- 3.24 The report assesses the impact of climate change, the probability and consequence of flooding from all sources, offsite impacts and other considerations, flood mitigation measures and provides a surface water management strategy.
- 3.25 The risk of flooding was considered across a wide range of sources and it is only the risk of coastal flooding that has been shown to have any bearing on the development. When this risk is examined in detail, with appropriate mitigation, the development would be safe and not increase flood risk elsewhere.
- 3.26 In addition the FRA also demonstrates that the development would not increase the risk of flooding elsewhere. The Surface Water Drainage Strategy achieves the objective of reducing peak discharge rates to the greenfield run-off value by discharging the entire site to ground, via permeable paving and a soakaway. Other opportunities to incorporate SuDS measures within the scheme were also explored.
- 3.27 In conclusion the report concludes that the development is suitable for its location in a flood risk zone and would not exacerbate the risk of flooding elsewhere, and therefore would meet the requirements of the NPPF

## **4. RELEVANT PLANNING HISTORY**

- 4.1 The relevant planning history for the site is as follows:

97/0905/SH	Erection of a two storey building to provide sports, catering and associated facilities.	Approved
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## **5. CONSULTATION RESPONSES**

- 5.1 The consultation responses are summarised below.

### Consultees

**New Romney Town Council:** Recommend refusal. Contravenes Policies CSD3, SD1, BE13 and TR11. Concerns were again raised regarding flooding issues, access/egress and the loss of an amenity area that is well used during the summer months and any loss would impact on tourism for the area. Ant development would likely impact on the

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local Indee Rose Trust (facility for sick children). Coast Drive Car Park is currently outside the building line. The Town Council would draw FHDC's attention to the covenant in the First Schedule of the Transfer Conveyance document dated 12 January 1952 in respect of the car park in Coast Drive, i.e. No building or erection (except a wall or fence) shall at anytime be erected beyond the building line now or for the time being prescribed by the Local Authority.

**KCC Archaeology:** No measures required

**KCC Highways and Transportation:**

**KCC Ecology:** Conditions recommended regarding construction and native flora planting.

**KCC Flood and Water Management:** No objection in principle. Conditions recommended.

**Natural England:** Concurs that the proposed project would not have an adverse effect on the integrity of the Dungeness SAC and the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site provided that mitigation measures are appropriately secured.

**Environment Agency:** No objection subject to recommended conditions

**Environmental Health:** No further comments

**Southern Water:** Can provide foul sewage disposal to service the proposed development. There are no dedicated public surface water sewers in the area to serve the development. Alternative means of draining service water are required.

## **Local Residents Comments**

### **Initial Proposal**

- 5.2 Neighbours were originally consulted by letter dated 29<sup>th</sup> September 2016 in relation to a proposal described as "Outline application for the erection of 20 units consisting of 13 apartments, 4 detached houses, a terrace of 3 townhouses, with matters of appearance and landscaping reserved for future consideration. Included are 6 affordable housing units (5 apartments and one townhouse), resident's car parking, 60 public car parking spaces and both pedestrian access points to the beach".
- 5.3 Revised drawings were received on the 28<sup>th</sup> July 2018. All the neighbours originally consulted and any other interested parties who had written in were consulted on the 28<sup>th</sup> August 2018.



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5.4 29 neighbours were originally consulted. The initial application and subsequent amendment received a significant public response objecting to the proposal with 151 representations received. In summary the objections relate to the following matters:

- Irresponsible development
- Outrageous idea
- Eyesore will be blight on views over sea
- Sensitive flood risk area
- Shingle beach first defence against flooding
- Impermeable surfaces will lead to run off towards lower Coast Drive properties
- Car park regularly floods
- Sewers unable to cope
- Car park is a community asset, unique and highly flexible
- Supports local businesses – less spaces would affect viability
- Provides unique access for disabled people to beach and coastal path
- Used by many groups - sea cadets, RNLI fundraising, water sports enthusiasts
- Car park accommodates larger recreational vehicles/windsurfers/coaches
- Parking provision inadequate will lead to overspill on nearby roads
- Poor access to site and dangerous busy road
- Loss of privacy/overlooking
- Density far greater than surrounding properties
- Negative impact on residents
- Site acts as buffer between sea and built environment
- Significant impact on wildlife/SSSI
- Impact on English Coastal Path
- No good reason to support application
- Better places to build on other than here
- Likely to be purchased as holiday homes
- Affordable housing required but not here
- Insufficient infrastructure, doctors and school places to cope with extra housing

## Final Proposal

5.5 An amended and final proposal for a hybrid scheme, as considered within this report, was received on the 4<sup>th</sup> February 2019 and all the neighbours and previous respondents were consulted by letter dated 15<sup>th</sup> February 2019. Six responses received objecting to the application.

5.6 I have read all of the letters received. The key issues are summarised below:

## Objections

- Still object
- Hybrid scheme little different to earlier scheme
- Inappropriate and should not be allowed
- Land not suitable for development

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- Denys me privacy and light
- Little variation in housing density and other features from original application

5.5 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

## 6. RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)
- 6.2 The new Places and Policies Local Plan (PPLP) Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.
- 6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.
- 6.4 The relevant development plan policies are as follows:-

### Shepway District Local Plan Review (2013)

DSD – Delivering Sustainable Development

BE1 – Standards Expected for New Development in Terms of Layout, Design, Materials etc.

TR5 – Provision of Facilities for Cycling in New Developments and contributions Towards Cycle Routes

TR12 – Vehicle Parking Standards

U4 – Protection of Ground and Surface Water Resources

U10a – Land Contamination

C011 - Protection of Protected Species and their Habitat

### Shepway Local Plan Core Strategy (2013)

SD1 – Sustainable Development

SS1 – District Spatial Strategy

SS2 – Housing and the Economy Growth Strategy

SS3 – Place Shaping and Sustainable Settlements Strategy

CSD1 – Balanced Neighbourhoods

CSD2 – District Residential Needs

CSD4 – Green Infrastructure of Natural Networks, Open Spaces and Recreation

CSD5 – Water and Coastal Environment Management in Shepway

### Places and Policies Local Plan Submission Draft (2019)

RM11 – Coast Drive Car Park

HB1 – Quality Places through Design  
HB3 – Internal and External Space Standards  
E8 – Provision of Fibre  
C3 – Provision of Open Space  
T2 – Parking Standards  
T5 – Cycle parking  
NE2 – Biodiversity  
CC2 – Sustainable Design and Construction

## Core Strategy Review Submission draft (2019)

SS1 – District Spatial Strategy  
SS2 – Housing and the Economy Growth Strategy  
SS3 – Place Shaping and Sustainable Settlements Strategy  
CSD1 – Balanced Neighbourhoods  
CSD2 – District Residential Needs  
CSD4 – Green Infrastructure of Natural Networks, Open Spaces and Recreation  
CSD5 – Water and Coastal Environment Management in Shepway

6.5 The following are also material considerations to the determination of this application.

### **Supplementary Planning Guidance/Documents**

Affordable Housing

### **Government Advice**

## National Planning Policy Framework (NPPF) 2019

6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 8 – Three overriding objectives, economic, social and environmental

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 48 – Giving weight to emerging plans.

Paragraphs 59 to 66 – Delivering a sufficient supply of homes

Paragraph 104 to 106 – Promoting sustainable transport

117 to 118 – Effective use of land

127 to 131 – Achieving well designed places

149 to 154 – Climate change, flooding and coastal change

165 – Sustainable urban drainage systems

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170 to 177 - Conserving and enhancing the natural environment and habitats and biodiversity.

178 to 181 – Contamination and air quality

## National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

Natural Environment

## National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive  
Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'*.
- N3 - Support rich and varied biodiversity

## 7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and sustainability
- b) Ecology and biodiversity
- c) Parking and highway safety
- d) Design/layout/visual amenity
- e) Residential amenity
- f) Affordable Housing
- g) Flood Risk and Drainage
- h) Infrastructure provisions
- i) Other Matters

### **a) Principle of development and sustainability**

7.2 The Core Strategy identifies that the strategic priority for the Romney Marsh Area is to accommodate development in the towns of New Romney and Lydd and at sustainable villages. Greatstone is identified in the Core Strategy as a primary village. Such villages are able to contribute to strategic aims and local needs; and as settlements with the

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potential to grow and serve residents, visitors and neighbourhoods in the locality with rural business and community facilities.

- 7.3 Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. An exception is made where this would conflict with other policies, including causing harm to designated sites of importance for biodiversity. This report will consider the impact on biodiversity and in noting the consultation responses from Natural England and Kent County Council Ecology, find that no significant harm to designated sites would result.
- 7.4 Paragraph 118 of the NPPF, in subsection d), promotes and supports the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. The paragraph identifies building on or above car parks. It is considered that land available within the Greatstone area is constrained by the potential for flood risk and that the proposal would represent a suitable development on under-utilised land.
- 7.5 Policy RM11 of the Places and Policies Local Plan allocates the site for residential development with an estimated capacity of 16 dwellings. The criteria of the policy in relation to the proposed scheme is addressed below, however the more detailed elements are also discussed in the subsequent sections of this report:

1. *A traffic assessment is undertaken to assess the loss of part of the car park on this site. This should demonstrate the impact on local roads in the vicinity. There must be a commitment to retention and improvement of the access to the eastern part of the existing car park for continuing public use and a further 50 public parking spaces within the allocation site.*

An assessment has been provided to demonstrate that a car park with marked spaces for 49 vehicles would be sufficient to meet the demand. KCC Highways and Transportation have been consulted and have no objection to the development.

2. *Extra flood resistant and resilient construction measures are incorporated into the design of the development to reduce the risk of life to occupants in an extreme flood event and improve flood risk management.*

A Flood Risk Assessment has identified that the scheme would incorporate the required measures and, in terms of the residential component, these would be further addressed in the detailed designs at the reserved matters stage, The Environment Agency, Southern Water and Kent County Council, as the Lead Local Flood Authority, have no objection to the development.

3. *A surface water drainage strategy forms a fundamental constituent of the design concept for the site, and is submitted to the satisfaction of the statutory authority.*

The Flood Risk Assessment incorporates a surface water drainage strategy. As noted above The Environment Agency, Southern Water and Kent County Council, as the Lead Local Flood Authority, have no objection to the development.

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4. *Biodiversity enhancement measures are put in place to minimise any effects on the Special Protection Area and wetland of international importance and Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest.*

A comprehensive series of reports have been submitted with recommendations to be put in place, minimising any effects to the nearby international sites, to be secured by condition. Natural England and Kent County Council Ecological Advice Service have been consulted and concur with the findings of the submitted reports in that the development would not have an adverse impact on the integrity of the sites.

5. *Mitigation and enhancement measures are incorporated in to the design of the development to minimise effects on the local Biodiversity Action Plan Priority Habitat*

A Construction Environmental Management Plan and a Biodiversity Management Plan to incorporate measures post construction have been submitted to satisfy this criteria.

6. *The archaeological potential of the land is properly considered and measures to monitor and respond to any finds of interest; and*

Kent County Council Archaeology have been consulted on the application and consider that the site's location is on a shingle beach ridge of relatively modern origin and that no archaeological measures are required.

7. *The England Coast Path is accommodated in the site layout to ensure permeability throughout and beyond the site.*

This has been accommodated within the site layout and users of the path would be unaffected by a minor diversion to the route as defined on the Public Rights Of Way mapping.

- 7.6 Overall given the site's allocation in the emerging Places and Policies Local Plan and that the relevant criteria have been addressed it is considered that the principle of development would be acceptable and that the three principles of sustainability (economic, social and environmental) would be achieved.

## **b) Ecology and Biodiversity**

- 7.7 The site is adjacent the boundaries of the Dungeness, Romney Marsh and Rye Bay Ramsar site, Special Protection Area and Special Area of Conservation, sites of international importance are sited approximately 15m to the east. Sections of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest lie adjacent the northern boundary and to the east.

- 7.8 Regulation 63 of The Conservation of Habitats and Species Regulations 2017 requires a competent authority to make an appropriate assessment of the implications of a plan or project for a site where development may have a significant effect on a European site. In accordance with the regulation, and having consulted Natural England and Kent County Council Ecological Advice Service, Folkestone and Hythe District Council formerly concluded, in a decision dated 18<sup>th</sup> July 2019 that *"this project alone or in-combination will not have an adverse effect on the integrity of the Dungeness, Romney*

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*Marsh and Rye Bay Special Area of Conservation (SAC), the Dungeness, Romney marsh and Rye Bay Special Protection Area (SPA), the Dungeness, Romney Marsh and Rye Bay Ramsar site and the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) provided the works area carried out as set out in the application and the planning conditions and mitigation measures in the methodology statement provided by the applicant”.*

- 7.9 The following documents relating to biodiversity have been submitted - Habitat Regulations Assessment (HRA) Outline Report, Information Towards a Habitat Regulations Assessment (ITHRA), Winter Bird Report (Coastal), Ecological Impact Assessment (EIA), Botanical Survey Report, Biodiversity Management Plan and an Outline Construction Environmental Management Plan (Biodiversity)
- 7.10 Kent County Council's Ecological Advice Service have considered the submitted documentation and consider that sufficient information has been provided to enable the applicant to demonstrate that the proposed development will not result in a likely significant effect on the designated sites.
- 7.11 Natural England concurs with the submitted documents that the proposed will not have an adverse effect on the integrity of the Dungeness SAC and the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site. This is subject to the following mitigation measures.
- A detailed Construction Environmental Plan (CEMP) to mitigate potential adverse effects during the construction phase of the development.
  - A detailed planting and on-going maintenance schedule and soft landscaping scheme to mitigate against potential adverse effects during the construction and operation phases of the development.
- 7.12 The EIA identifies that an area of degraded and relict sand dune grassland c.0.25ha will be lost to the development. The sand dune grassland sections within the Coast Drive car park are subject to significant and varying levels of nutrient enrichment and disturbance from local residents' vehicles and trampling by visitors and dogs. The habitats within the application site are not currently managed for wildlife. The scheme would provide an opportunity to manage public access to the adjacent sections of coastal habitat. This would include in particular educating visitors through signage and controlling access to areas supporting habitat of principle importance, qualifying features of the adjacent designated sites and winter high-tide roosts containing sanderling and other shore birds. This can be secured by condition.
- 7.13 The Outline Construction Environmental Plan (CEMP) proposes that Heras (or similar) fencing with debris netting would be used to minimise the risk of materials, machinery and debris entering adjacent habitats, and to minimise the risk of disturbance of roosting sea birds. Ecological protection signage would be attached to the fencing. Waste arising from the construction activities would be removed from the site and taken to appropriate waste-disposal locations. Any shingle within the working area, required for access or parking, would need to be covered with a temporary trackway to prevent rutting of the shingle. Post development the fencing and any building debris would be carefully removed. It is recommended that the provision of a final CEMP be secured by condition.
- 7.14 The Biodiversity Management Plan sets out measures to secure long terms benefits for bio-diversity including setting out a timetable for and measures to be taken over a

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period of five years upon completion of the development. This includes the planting of native species suitable for coastal habitat and maintenance to control invasive species. This can be secured by condition

- 7.15 The EIA has identified that artificial lighting can have impacts on certain species and that the mitigation be incorporated into the design of the dwellings. Such measures include the use of light cancelling glazing for any windows overlooking the designated site(s) and that any external lighting be directed away from the designated site(s). It is recommended that a Lighting Impact Strategy is submitted, in accordance with paragraphs 8.62 to 8.66 of the EIA, to ensure that appropriate mitigation is secured within the proposed residential development. This can be required by condition
- 7.16 It is considered that subject to the recommended conditions the development would be in accordance with policy CO11 of the Local Plan Review and emerging policy NE2 of the Places and Policies Local Plan. It is also considered that the development would not give rise to any adverse or harmful impacts on the integrity of the Dungeness, Romney Marsh and Rye Bay Ramsar site, Special Protection Area and Special Area of Conservation or on the SSSI. As such, in this respect the application is considered acceptable.

## **c) Parking, access and highway safety**

- 7.17 The vehicle parking bays would meet the required 5m x 2.5m space standard of the Kent Design Guide Interim Guidance Note 3 (IGN3). The site would be able to accommodate turning space for a refuse vehicle/fire tender or similar sized vehicle. The full application would provide 49 public spaces and 39 private spaces.
- 7.18 It is noted that a number of residents have stated that the provision of 49 public car parking spaces would lead to a displacement of vehicles parking on the road, to the detriment of local amenity and highway safety. Notwithstanding these concerns, KCC Highways and Transportation have assessed the application and, based on the submitted car parking assessment, are satisfied that the quantum of public car parking spaces would provide more than adequate capacity for the current demand. It is noted that emerging policy RM11 seeks the provision of 50 public car parking spaces, however a shortfall of one space is not considered to be significant to justify an amendment to the application given the need identified in the car parking assessment. It is also a relevant consideration that the eastern section of the existing car park would be retained with access adjacent the sea cadet hut allowing overspill parking if required. This access would also be available to allow access to the beach for Environment Agency vehicles, for which a minimum width of 5m is required. The plan has also been amended to provide satisfactory surfacing materials and a suitable adoption area provided. Access will continue to be from the existing access point onto Coast Drive. The Highway Authority has no objection to the scheme subject to recommended conditions.
- 7.19 The outline application is for 20 dwellings however details relating to the eventual scale, design and subsequently the number of bedrooms are matters for the reserved matters stage. The IGN3 requirement for a suburban edge/village/rural location is that 1 and 2 bedroom flats are provided with 1 space, 1 and 2 bedroom houses 1.5 spaces per unit with 1 space possibly allocated per unit and 2 spaces for houses of 3 bedrooms or more. It is considered on this basis that the provision of 39 spaces would be an



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appropriate level of parking provision for the quantum of development proposed, namely 20 dwellings.

- 7.20 Provision of a six metre wide access to the Crown Land, as required by the Environment Agency would be provided at the northern end of the site adjacent to the sea cadet hut. This would allow the public full access to the beach and use of the England Coast Path National trail. A secondary access would be provided within the residential part of the site.
- 7.21 For the outline residential scheme a condition requiring cycle parking provision is recommended. As the government has recently announced plans to phase out the sale of non-electric vehicles by 2035 a condition securing an electric vehicle charging points at the ratio of one per dwelling, prior to the first occupation of each dwelling, is recommended as per the requirements of the emerging policy T2 of the Places and Policies Local Plan.
- 7.22 Noting the consultation response from the Highway Authority it is duly considered that the proposal would not result in any detrimental highway amenity or safety issues and that both facets of the proposal would be in accordance with saved policies TR11 and TR12 of the Local Plan Review and to emerging policies T2 and T5 of the Places and Policies Local Plan.

## **d) Design and Layout**

- 7.23 The proposed public and private parking areas to be located within the site would be of a satisfactory layout enabling safe and easy access and egress for the intended vehicles together with turning heads for larger vehicles. Soft landscaping incorporating native species appropriate for the environs adjacent the protected nature sites would be used to provide a break between sections and to soften the appearance of the parking area.
- 7.24 The details pertaining to the proposed residential development within Zone A of the application site would be considered at the reserved matters stage, should permission be granted. This would allow the layout, scale, design and materials of the dwellings and the surrounding landscaped area to be considered in full at that time.
- 7.25 Zone A has an area of approximately 0.2ha and the quantum of development, namely 20 dwellings, would result in a density of 100 dwellings per hectare. This would be above the norm for the Greatstone area, however a development comprising a mix of dwellings including flats is likely and given the 15m depth of the site, this density would be acceptable. Sufficient separation would be able to be accorded to existing dwellings as discussed below.
- 7.26 It is considered that the design and layout of the proposed car parking areas would be in accordance with saved policy BE1 of the Local Plan Review and emerging policies HB1 of the Places and Policies Local Plan. The design and layout of the residential part of the development would be dealt with at the reserved matters stage if planning permission is granted.

## **e) Residential Amenity**

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- 7.27 Emerging policy HB1 of the Places and Policies Local Plan (PPLP) states that development should not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook.
- 7.28 There would be an approximate back to back separation distance of 25m between existing dwellings on Coast Drive and the proposed residential development. The Building Research Establishment's document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011) sets out a 25° test to assess whether potential development would lead to overshadowing. If the whole of the development falls below a line drawn at 25° from the horizontal there is unlikely to be a substantial effect on daylight and sunlight. Based on the height of the building mass, as indicated on Drawing Number PR57.12 the residential development would be below such a line, and unlikely to give rise to a substantive effect on daylight and sunlight.
- 7.29 The detailed design, appearance and fenestration arrangements are matters to be considered within the scope of a reserved matters application. The Council supports high quality design in new developments and, in the likelihood that windows would make maximum use of coastal views, it is considered that the development could be designed such that the privacy of existing residents is respected. Given this it is considered that the amount of development proposed can be accommodated on the site without a significant impact on existing residential amenity.
- 7.30 In order to ensure a good quality living environment for future occupiers emerging policy HB3 of the PPLP requires new development to provide sufficient internal floor space, private external space and discrete storage space for refuse bins and cycles. There are not considered to be any constraints preventing the dwellings from being designed to provide a high quality living environment for future occupiers. The policy also requires a minimum of 20% of homes on major new build developments to meet the accessibility and adaptable Building Regulation M4 (2) Adaptable Homes, and this can be secured through the use of a condition.
- 7.31 Subject to the detailed designs within the scope of a reserved matters application it is considered that there would not be an adverse impact on residential amenity resulting from the development and that the development would be in accordance with emerging policies HB1 and HB3 of the Places and Policies Local Plan.

## **f) Affordable Housing and Infrastructure Provision**

- 7.32 CSD1 of the Core Strategy requires that new housing developments of 15 or more units should provide 30% affordable housing on site or through a financial contribution of broadly equivalent value off site, subject to viability. The proposal would require the provision of 6 affordable dwellings and this can be secured within the provision of a S106 agreement. The Council's Housing Officer considers this should be through the provision of five 2 bed units and one 3 bed unit.
- 7.33 In accordance with policy C3 (Open Space) of the Places and Policies Local Plan the open space requirement amounts to 1,385m<sup>2</sup>. This is based on a total requirement of 3.01 hectares per 1,000 population, which translates to 30.1m<sup>2</sup> per head of population. The application proposal is predicted to give rise to a resident population of 46 persons. Policy C3 allows for the payment of an off-site contribution and, given the proximity of the site to the area of open space and play space located immediately to the north of

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the application site it is reasonable and appropriate for an off-site contribution to be sought. Based on the housing mix information drawn from the planning application form, the proposal would be required to provide for an off-site open space contribution of £25,345.50.

7.34 Policy C4 (Children's Play Space) applies to proposals of 10 or more family dwellings (2 or more bedrooms) and generates a play space need of 79m<sup>2</sup> for the development proposal. This calculation is based on the number of units with 2 or more bedrooms, meaning 1-bed units are not counted as part of the calculation. As the generated play space requirement falls below the smallest category of play space provision it is appropriate for an off-site contribution play space to be sought, equating to £15,839.50.

7.35 Taken together, the combined off-site contribution required to meet the policy requirements for open space and play space amounts to £41,185. The secured contributions would be spent to address the areas for improvement to the nearby area of open and play space that runs alongside Grand Parade, which was assigned site ID 79 - The Greens as identified within the open space and play space audits undertaken on behalf of the District Council. This contribution can be secured through a S106 agreement.

## **g) Flood Risk and Drainage**

7.36 The majority of the site is within Flood Zone 3a with lesser areas within Zone 2. A site specific Flood Risk Assessment has been submitted in accordance with the requirements of the NPPF.

7.37 Emerging policy RM11 requires development on the site to incorporate extra flood resistant and resilience construction measures into the design of the development to reduce the risk of life to occupants in an extreme flood event and improve flood risk management. As the application for residential development is in outline form the details of the design of the dwellings, to include the flood resilience measures, would be considered at the reserved matters stage. The Environment Agency recommends that the minimum floor level of buildings at risk from flooding should be 300mm above the design flood level, which is the 1 in 200 year extreme water level plus the appropriate allowance for climate change. The guidance also requires all sleeping accommodation to be set 600mm above the design flood level. The submitted FRA indicates that the design flood level for the development is 5.0m AODN. A condition is recommended to ensure that the floor levels of the residential development exceed 5.3m AODN for living accommodation and 5.6m for sleeping accommodation and that flood resistance and resilience measures are incorporated into the design of the development.

7.38 Paragraph 165 of the NPPF requires major developments to incorporate sustainable drainage systems. Policy RM11 also states that a surface water drainage strategy forms a fundamental constituent of the design concept for the site.

7.39 The Lead Local Flood Authority has reviewed the Surface Water Drainage Strategy – Herrington Consulting (June 2019) and has no objection in principle to the proposed drainage arrangements for the car parking area and have recommended conditions be attached for the site as a whole. Subject to the recommended conditions the scheme is considered acceptable with regard to flood risk and drainage issues in accordance

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with saved policy U4 of the Local Plan Review, emerging policy CC3 of the Places and Policies Local Plan

## **h) Other Matters**

- 7.40 Policy CSD5 of the Core Strategy requires that all developments should incorporate water efficiency measures. New dwellings should include specific design features and demonstrate a maximum level of usage to meet the higher water efficiency standard of the Building Regulations to achieve a maximum use of 110 litres per person per day. This can be secured by planning condition.
- 7.41 Emerging policy E8 of the PPLP requires all major development within the district to enable Fibre to the Premises (FTTP). This can be secured by planning condition.
- 7.42 KCC Archaeology have been consulted on the application and consider that no archaeological measures are required.
- 7.43 The Phase 1 Desk Study Report by Southern Testing and Environmental concluded that the risk to human health and controlled water receptors from potential on site and off site sources are low to moderate. The Council's contaminated land adviser considers the report to be of suitable scope and standard. A condition is recommended, such that if any contamination is found during the course of the development, an investigation and risk assessment is undertaken and where remediation is necessary a remediation scheme be prepared. This would ensure compliance with saved Local Plan Review policies SD1 and U10a and the NPPF.

## **Environmental Impact Assessment**

- 7.44 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

## **Local Finance Considerations**

- 7.45 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.46 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £57.86 per square metre for new residential floor space with the exception of the 6 No. affordable housing units which are exempt.

## **Human Rights**

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7.47 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

## **Public Sector Equality Duty**

7.48 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- j) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- k) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

## **Working with the applicant**

7.49 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## **8. CONCLUSION**

8.1 The proposal is a hybrid application encompassing full planning permission for the development of a car park and outline application, with all matters reserved, for a residential development of 20 dwellings.

8.2 The proposal would incorporate the provision of six affordable housing units and provide a financial contribution towards improving facilities at nearby play areas.

8.3 It is considered that the proposal accords with existing and emerging policies of the Development Plan and is consistent with the requirements of the National Planning Policy Framework.

## **9. BACKGROUND DOCUMENTS**

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

## **10. RECOMMENDATION**

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**That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing affordable housing consisting of 5 two bedroom units and 1 three bedroom units and financial contributions towards open space provision of £41,185; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.**

## Conditions:

1. The development (full application) must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Reason:

As required by Section 92 of the Town and Country Planning Act 1990.

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

Reason:

As required by Section 92 of the Town and Country Planning Act 1990 (as amended)

4. In relation to the outline element of the scheme within Zone A, approval of the details of the layout, scale, appearance of the buildings, and landscaping, hereinafter called "the reserved matters", shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Such details are necessary for the full consideration of the proposal and have not, so far, been submitted.

5. Plans and particulars of the reserved matters referred to in condition 3 above, relating to the layout, scale and appearance of the buildings, and landscaping, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in the accordance with the aims of policy SD1 of the Shepway District Local Plan Review.

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6. The detailed development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PR57.02 REV F, 669/201B, 669/202B, 669/203B, 669/301B and 669/301B

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

7. The finished floor level for all living accommodation shall be set at a minimum of 600mm above the design flood level at a minimum of 5.6m ODN.

Reason:

To reduce the risk of flooding to the proposed development and its future users

8. The flood resilience measure outlined in Section 7.3 of the submitted Flood Risk Assessment will be incorporated into the design of the dwellings.

Reason:

To reduce the risk of flooding to the proposed development and its future users.

9. Access through the site with a minimum width of 5m and equipped with a suitable surface for heavy plant machinery shall be provided to the shingle crest

Reason:

To allow sufficient access for Environment Agency plant to ensure maintenance and/or improvement works to the frontage are not impeded.

10. No work about slab level of the dwellings shall commence until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

Reason:

In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

11. Prior to occupation each dwelling shall be provided with a Fibre to the Premises connection of the highest available specification.

Reason:

In order to ensure the future provision of superfast fibre optic broadband for occupants.

12. A minimum of 20% of the market dwellings shall be constructed in accordance with the accessibility and adaptable Building Regulations M4(2) Adaptable Homes standards, unless demonstrated to be unfeasible in design or viability terms.

Reason:

To encourage high quality and inclusive design.

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13. A Construction Traffic Management Plan shall be submitted and approved by the Local Planning Authority to include, but not limited to, include the following:
- Routing of construction and delivery vehicles to/from the site
  - Parking and turning areas for construction and delivery vehicles and site personnel
  - Timing of deliveries
  - Provision of wheel washing facilities
  - Temporary traffic management/signage

Reason:

In the interests of public amenity and highway safety.

14. The private vehicle parking and vehicle turning facilities shown on the approved plans shall be kept provided and available for parking purposes in connection with the approved development prior to the first occupation of any dwelling and retained at all times thereafter.

Reason:

To ensure the permanent retention of the facilities for parking purposes within the curtilage of the site in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties in accordance with saved policies TR5, TR12 and SD1 of the Shepway District Local Plan Review.

15. The access to the site, as shown on the approved plans, shall be completed prior to the use of the site commencing and maintained thereafter.

Reason:

In the interests of amenity and highway safety.

16. Secure covered cycle storage provision shall be provided prior to the occupation of any of the dwellings hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority and permanently retained.

Reason:

To encourage alternative modes of sustainable transport in accordance with saved policies TR5, TR12 and SD1 of the Shepway District Local Plan Review.

17. All dwellings hereby permitted shall have an electric vehicle (EV) charging point installed prior to first occupation which shall thereafter be retained in good working order.

Reason:

To improve the sustainability of the site.

18. Development shall not begin in any zone until a detailed sustainable surface water drainage scheme for the site and a scheme for its ongoing management and maintenance has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall 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 within the curtilage of the site without increase to flood risk on or off site.



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The drainage scheme shall also demonstrate (with reference to published guidance)

- 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, managed and maintained 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

19. No building or car park on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied or brought into use 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 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 system incorporated.

Reason:

To ensure that flood risks from development 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 155 of the National Planning Policy Framework.

20. No development shall commence until an appropriate best practice Construction Environment Management Plan to avoid/mitigate potential adverse effects during the construction phase caused by factors including, but not limited to
- Increased contaminated surface water run-off
  - Potential habitat destruction
  - Increased light pollution
  - Increased air pollution and dust emission
  - Increased disturbance

has been submitted to and approved in writing by the local planning authority and the development shall place in accordance with these details.

Reason: to safeguard the construction phase from harming the natural environment.

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21. Within six months of work commencing details of how the development will enhance biodiversity to include the provision of native plant species in keeping with the surrounding botanical assemblage and an implementation and management plan shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and thereafter retained and maintained in accordance with the approved details.

Reason:

To encourage the enhancement of biodiversity in accordance with paragraph 175 of the National Planning Performance Framework.

22. The reserved matters application shall be accompanied by a Lighting Impact Assessment to show that internal and external lighting sources are designed to minimise the dispersal of artificial light in accordance with paragraphs 8.61 to 8.66 of the Ecological Impact Assessment and no external lighting sources shall be installed on the southern, northern and eastern aspects of the buildings.

Reason:

To safeguard adjacent habitats and species from exposure to such sources in the interest of protecting and enhancing biodiversity.

23. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason:

To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF: 2019.

24. The public vehicle parking and vehicle turning facilities shown on the approved plans shall be kept provided and available for public parking purposes prior to the first occupation of any dwelling and retained at all times thereafter.

Reason:

To ensure the permanent retention of the facilities for public parking purposes in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties in accordance with saved policies TR5, TR12 and SD1 of the Shepway District Local Plan Review.

## Informatives:

1. This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under

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Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.

2. This permission does not convey any approval for the required amendments to the existing vehicle crossing or any other works within the highway for which permission must be obtained from Kent Highway Services, Ashford Highway Depot, Henwood Industrial Estate, Javelin Way, Ashford, Kent TN24 8AD
3. Street naming and numbering