



Agenda

Meeting: **Planning and Licensing Committee**
Date: **16 August 2018**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre, Folkestone**

To: **All members of the Planning and Licensing Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://shepway.public-i.tv/core/portal/home>.

6. **Supplementary Information and Speakers (Pages 3 - 38)**

*Explanations as to different levels of interest

(a) A member with a disclosable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

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PLANNING AND LICENSING COMMITTEE

16th August 2018

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

1. Y17/1042/SH PRINCES PARADE PROMENADE, PRINCES PARADE, HYTHE, KENT

Hybrid application accompanied by an Environmental Statement for the development of land at Princes Parade, comprising an outline application (with all matters reserved) for up to 150 residential dwellings (Use Class C3); up to 1,270sqm of commercial uses including hotel use (Use Class C1), retail uses (Use Class A1) and / or restaurant/cafe uses (Use Class A3); hard and soft landscaped open spaces, including childrens' play facilities; surface parking for vehicles and bicycles; alterations to existing vehicular and pedestrian access and highway layout; site levelling and groundworks; and all necessary supporting infrastructure and services. Full application for a 2,961sqm leisure centre (Use Class D2), including associated parking; open spaces; and childrens' play facility.

Brian Morgan, member of public, to speak against application
Gillian Bond, member of public, to speak in support of application
Cllr Ewart-James, ward member, to speak on application
Sue Rowlands, applicant's agent, to speak on application

1.0 UPDATE

1.1 As a result of a further consultation response from the Environment Agency the recommendation in the officer report is amended as follows:

RECOMMENDATION

- i That the Planning and Licensing Committee authorise the Development Management Manager to grant planning permission for the proposed development subject to the Environment Agency withdrawing its objection to the application following further discussions and any necessary amendments to the application relating to surface water drainage.**

- li That the Development Management Manager be authorised to grant planning permission subject to the conditions set out below with any additional conditions or amendments to conditions she considers to be necessary following the submission of revised plans and drainage details**

and subject to a S106 planning obligation relating to the affordable housing and public space management and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and the legal agreement.

iii In the event that following discussions the Environment Agency does not withdraw its objection to the application that the application be reported back to the Planning and Licensing Committee to consider the Environment Agency's outstanding concerns.

1.2 In relation to public benefits, paragraphs 8.95 and 8.108 of the officer's report both state that it would be outside of the ability of the LPA to secure public health benefits through facilities and services provided within the leisure centre for use by the South Kent Coast Clinical Commissioning Group (SKCCG) via a suitably worded condition, as it would be outside of the control of the applicant.

1.3 Following further discussion, it is considered that the following could reasonably be imposed, should permission be granted:

Prior to the first opening of the Leisure Centre a detailed plan setting out a schedule of publicly accessible health and well-being related benefits, delivered within both the leisure centre and on the areas of public open space, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the South Kent Coastal Clinical Commissioning Group. The programme shall be implemented in accordance with the details set out in the agreed plan.

2.0 CLARIFICATION

Socio-Economics

2.1 Within the report at paragraph 8.244, the suggested figures for job generation are all Full Time Equivalent (FTE).

Flooding

2.2 Within paragraph 8.177 of the report, it is stated that all buildings will have a finished floor level (FFL) of 7.9 metres aODN. For clarification, the submitted plans show the FFL for the proposed leisure centre will be at 7.9 metres aODN, whilst the FFL of all other buildings will be set at a minimum of 7.8 metres aODN.

Floor Areas

2.3 Two differing figures have been used within the report in respect of the floor area of the proposed leisure facility; 3,013 sq. metres and 2,961 sq. metres. To clarify, the larger figure is a gross internal floor area, which includes voids, whilst the

smaller figure excludes these areas. They both cover the same structure and facility, hence their interchangeability.

Protected Landscapes

- 2.4 The Kent Downs Area of Outstanding Natural Beauty (AONB) is located to the north and north-west of the application site and is approximately 260 metres away at the closest point. Natural England advised that the LPA use national and local policies, together with local landscape expertise and information to determine the proposal, with regard to impact.
- 2.5 Within the Landscape Visual Impact Assessment (LVIA) submitted with the application the baseline studies show that it is outside of the visual influence of the application site and proposed buildings, so it was scoped out of the environmental impact assessment. Given the distance of the site from the boundary of the AONB, the intervening built development and the height of the proposed buildings it is considered that this was the correct approach.

3.0 REPRESENTATIONS

- 3.1 Additional representations have been received objecting on the following grounds:

- The moving of the road will impact upon disabled visitors;
- The beach will be overlooked, reducing privacy and seclusion;
- Light and noise disturbance for the surrounding area;
- The swimming pool will use up parking capacity;
- Development layout and density is insensitive to the surrounding area;
- Development will increase house prices;
- The swimming pool will be in a more exposed location than the existing pool;
- There are insufficient GP spaces in the Hythe area;
- There is no need for a hotel in Hythe;
- It cannot be legal for a council to grant itself planning permission.

- 3.2 Additional representations have been received supporting the proposal on the following grounds:

- Local children will have nowhere to learn to swim if the current pool is not replaced;
- Unquestionable need for a new pool;
- A new pool will help support the UK National Drowning Prevention Strategy;
- The proposal will provide cafes etc which the Seabrook area lacks;
- The site is overgrown and of no use to the community.

- 3.3 Further representation received from Save Princes Parade residents' group objecting on the following grounds:

- Surface water drainage to the canal is unacceptable;
- Porous paving could offer a route for contaminants to the surface and could, over time, become blocked and therefore impermeable;
- Is any engineering work to the canal acceptable to Historic England;
- The proposed pond would reduce the area of usable green open space;
- Has the drainage work been properly costed within the financial viability calculations;
- It is not acceptable to rule out the 'do nothing' approach when assessing alternatives;
- The timetable for development has already slipped, reducing the time between delivery on Princes Parade compared with Nickolls Quarry;
- The ecological mitigation strategy is lacking with regard to clear timings in relation to the proposed development timetable;
- The badger report does not detail mitigation;
- There is no guarantee that the maritime grassland to be lost will regrow;
- Conditions are being used to secure details of a range of crucial items;
- The RSPB were not consulted;
- Land stability has not been addressed;
- The ecological buffer zone will be less than the 20m suggested by the Environment Agency.

3.4 Further representations have been received from the Save Princes Parade Group regarding the Viability Cost Appraisal Report and a Financial Appraisal prepared by Martin Arnold, a Chartered Surveyors and Construction Consultant. Within this, the veracity of the Viability Cost Appraisal Report submitted with the application is questioned and alternative conclusions are drawn that suggest that the Nickoll's Quarry site would be less expensive to develop than the Princes Parade site. This is available in full in the planning file on the Council's website as is the response from Betteridge and Milsom, on behalf of the applicant rebutting the points that have been raised.

3.5 An e-petition of 6,580 names was received (an update to an earlier document), addressed to Cllr Monk, requesting confirmation "to the people of Hythe and the local community in Seabrook that you will reject any proposal to develop the site at Prince's Parade". However, the petition cannot be considered as an objection against the proposal as the signatories have not signed the petition on that basis. In addition, in accordance with the Council's constitution, petitions relating to Planning and Licensing matters will not be received or considered by Full Council meeting.

3.6 Representation was received from Cllr Mrs. C. L. Sacre objecting on the following grounds:

- The relocation of Princes Parade would create a private beach for future inhabitants of the development;
- Proposal would deprive local residents of access to the beach and a wildlife haven;

- Local councillors should respect the environment and the wishes of local residents.

4.0 CONSULTATION RESPONSES

4.1 Consultation responses are available in full on the planning file on the Council's website. Responses received since the officer's report was published are summarised below.

4.2 Natural England

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

4.3 Environment Agency

27.07.18

Object to the proposed discharge of surface water into the Royal Military Canal (RMC).

We are disappointed that the applicant is now intending to discharge the surface water generated by this proposed development into the RMC. This was an option for surface water management that was originally discussed with the applicant's Flood Risk consultants and discounted owing to the lack of capacity within the receiving watercourse. It was agreed that a direct discharge to the sea was the most sustainable and least problematic solution from a flood-risk management perspective.

Whilst we agree that the surface water management system can largely be dealt with through a detailed design submission at the discharge of conditions stage (as recommended by KCC, the LLFA for the area), we would be unable to withhold an objection to any submission that proposes a discharge of surface water to the RMC.

The cover letter states that the applicant's consultants have undertaken further assessment of the drainage requirements. We would have expected to see any such assessment submitted to support this revision, and we should ideally have been involved given the previously agreed approach.

We would also like to take the opportunity to remind the applicant that any works (including the construction of outfalls) within 8m of the RMC will require a Flood Risk Activity Permit from the Environment Agency, and that we are unlikely to grant permission to any works that we deem inappropriate of that may serve to exacerbate the flood risk to the receiving watercourse or surrounding areas.

Fisheries, Biodiversity and Geomorphology

The buffer zone shown in the mitigation strategy document is acceptable. Although the buffer zone tapers towards the eastern end of the site, the green

space available at the western end of the site is wide enough to compensate for this narrowing.

Groundwater and Contaminated Land

We have reviewed Appendix 1 Surface Water Strategy and Summary of ES Consultation and reiterate our comments provided in KT/2017/123369 dated 16th November 2017.

Adequate assessment of land potentially affected by contamination should be undertaken prior to the positioning of surface water soakage areas and excavations designed to accommodate the infrastructure of the development.

There must be no discharge into land impacted by contamination of land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. There must be no discharge to made ground.

The underlying historic landfill 'Princes Park' accepted putrescible and difficult waste. It is currently unknown if this landfill has the potential to produce landfill gas. It should be demonstrated that proposed drainage methods will not influence or exacerbate conditions in, on or under the site.

If the Council is minded to grant permission against our advice we would ask them to contact us for further discussion.

4.4 KCC Flood & Water Management

No further comment received.

4.5 KCC Ecological Advice Service

30.07.18

We have reviewed the additional information submitted and we advise that we have the following comments to make:

Ecological Surveys

The following surveys have been carried out within the proposed development site:

- Amphibian
- Reptile
- Breeding birds
- Botany/NVC
- Mammal
- Invertebrates
- Badger

The submitted surveys have detailed the following:

- Nationally notable invertebrates present within the site.
- Breeding population of common toads.

- Presence of slow worms, common lizards and grass snakes
- 36 species of bird recorded within the site /surrounding area during the surveys.
- Use of the site by breeding birds – potentially 26 species breeding within the site or adjacent habitat
- Foraging Badgers and two active Setts within the site
- Suitable habitat for hedgehog (although none were recorded during the survey)
- Least 8 species of foraging bat within the site.

When we originally reviewed the submitted surveys we did have concerns that the surveys were carried out predominately from the boundaries of the site however from speaking to the planning officer we understand that large areas of the site are impenetrable due to dense scrub / vegetation.

We accept that the surveys provide a good understanding of the species present within the site and we currently do not require the submitted specific species surveys to be updated at this stage of the planning application.

We highlight that the proposed development will result in a loss of suitable habitat for protected/notable species (including foraging and commuting habitat). The submitted information has made recommendations for ecological mitigation which we largely accept, however we highlight that our main concern is the lack of certainty of when the habitat creation works will be implemented. We advise that there is a need to create the open spaces within the 2nd phase.

We advise that if planning permission is granted there is a need for the following conditions to be included:

1. Prior to works on each phase a preliminary ecological appraisal (PEA) must be carried out. The results of the PEA, recommended specific species surveys and a review/updated of the detailed mitigation strategy (submitted as part of condition 3) must be submitted to the LPA for written approval.

2. Prior to any habitat clearance works commencing a habitat creation plan clearly setting out the habitats which will be created during phase two must be submitted to the LPA. The submitted plan must clearly align with the detailed mitigation strategy to be submitted as part of condition 3

3. No development shall take place (including any ground works, site or vegetation clearance) until a detailed ecological mitigation strategy (Informed by the Ecological Mitigation and Enhancement Plan; Lloyd Bore; August 2017)) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;*
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;*
- c) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;*
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*

- e) *Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;*
- f) *Use of protective fences, exclusion barriers and warning signs;*
- g) *Initial aftercare and long-term maintenance (where relevant);*
- h) *Disposal of any wastes for implementing work.*
- i) *Interim management plan to ensure the habitats created/enhanced as part of the mitigation strategy will be managed appropriately.*

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

4. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within 3months of commencement of the development. The content of the LEMP shall include the following.

- a) *Description and evaluation of features to be managed;*
- b) *Aims and objectives of the management plan*
- c) *Appropriate management options for achieving aims and objectives;*
- d) *Prescriptions for management actions, together with a plan of management compartments;*
- e) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;*
- f) *Details of the body or organisation responsible for implementation of the plan;*
- g) *Ongoing monitoring and remedial measures.*

The Plan must be implemented as detailed within the approved plan.

5. Within 3 months of commencement of the vegetation clearance works an ecological monitoring plan must be submitted for written approval by the LPA. The plan must clearly set out how the ecological mitigation and habitat creation works will be monitored for the construction period and 5 years post construction. Results of the monitoring must be submitted to the LPA and inform the updates of the Ecological mitigation strategy and Landscape and Ecological Management Plan.

6. No development shall take place until a "lighting design plan for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) *Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;*
- b) *Show how, where and what external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.*

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

We have reviewed the submitted information and advise that we have the following detailed comments to make:

Ecological Mitigation

An ecological mitigation strategy has been submitted and it provides an anticipated development timeframe however as detailed in previous correspondence there is no guarantee of the implementation of the works.

All existing vegetation will be lost due to the proposed site remediation works within the first phase and the development will commence in 3 subsequent phases. It is intended to create the linear park (running East to West) during the 2nd phase when the leisure centre and road realignment is being implemented. As the linear park will create a vegetated buffer between the proposed development site and the LWS we are supportive of this approach however we do raise concerns that there will be no habitat creation works within the rest of the site until phases 3 and 4 are implemented.

As it is currently understood what habitat creation is proposed, particularly within the western park we suggest that there is a need for these habitats to be created as soon the remediation works have been completed (if planning permission is granted). The habitat creation works will enable protected/notable species recorded during the surveys re-establish and provide connectivity throughout the site. The early establishment will provide plenty of time for the vegetation and habitats to have established prior to the occupation of the development (if granted). If there is a delay to works commencing in phase 3 and 4 it will not affect the implementation of the habitat creation works.

As detailed within our response we have concerns about the timing for the habitat creation works and advise that if planning permission is granted there is a need for the habitat creation and ecological enhancements areas to be implemented during phase 2.

NVC surveys

The NVC surveys have resulted in difference conclusions to the ARCH Habitat surveys (which were carried out in 2011) and the additional information provided by the ecologists have not satisfied us why it is unlikely that sand dune habitat is present on site.

Fixed dunes with herbaceous vegetation is described as: *The herbaceous vegetation of fixed dunes in the UK exhibits considerable variation. The most widespread type is Atlantic dune grassland, consisting of a short sward characterised by red fescue Festuca rubra and lady's bedstraw Galium verum and typically rich in species of calcareous substrates.*

From reviewing the historic landscape plans, we do acknowledge that the maps indicate that the majority of the area was used as landfill – however if sand was

used during the capping process it is possible that the habitat established on site.

The ecological mitigation strategy has indicated that different habitats can be created within the proposed development (for example maritime grassland species) therefore there are opportunities to re-create habitats within the site and this must be demonstrated within a habitat creation plan.

The mitigation strategy has confirmed that a green roof will be created on the leisure centre roof if planning permission is granted. We advise that the species composition to be included within the site must be based on the results of the botanical surveys.

Reptiles and amphibians

Common lizard, slow worm and grass snake have been recorded on site. The submitted information has detailed that the proposed receptor site is located to the north of the canal. When we originally commented, we raised concerns that the aerial photos suggested that the site already has suitable reptile habitat and it is likely that reptiles (and amphibians) are already present within this site. A reptile survey has been carried out within the proposed receptor site and it has confirmed that low numbers of grass snake were present during the survey. We accept that if managed correctly in the long term, the proposed receptor site is sufficient to support the reptile population recorded within the proposed development site. The proposed receptor site area is used as informal recreation and therefore there is a need to ensure that the area is managed appropriately. If planning permission is granted there is a need for a receptor site management plan to be included within the Site wide ecological mitigation strategy.

A breeding population of toads have been recorded within the site and adjacent canal and the proposed development will result in a loss of terrestrial habitat and connectivity within the whole site and the wider area. To minimise the impact the development has on the toad population there is a need to ensure the early establishment of the habitat creation works. As detailed above there is a need for habitat to be created within the wider site as soon as possible.

There is a need to ensure that the drainage scheme will not negatively impact the toad population and there is a need to ensure that where gully pots are required wildlife kerbs are also used. Gully pots must not be offset from the kerbside as this is not supported by the Sustainable Drainage Team.

The proposed road is between the development and the Royal Military Canal and there is a risk that the development will result in toad mortalities as they commute between terrestrial habitat and the canal. We advise that wildlife tunnels are located under the road to enable safe movement across the road – we understand that the road is part of the outline planning permission and if planning permission is granted we advise that the information relating to this point can be addressed as part of the reserve matters applications.

Badgers

The submitted report details the following:

- Sett A (currently not active) will be retained
- Sett B and C are active will be lost and an artificial sett created
- Sett D (currently not active) will be lost

When we originally commented on the badger survey and mitigation strategy we raised concerns that the badger mitigation was not implementable as it was our understanding that the whole site was to be completely cleared to enable the capping to be carried out.

However additional information has been submitted detailing the following:

- Sett A and a 30metre buffer will not be part of the capping works.
- The site clearance works and capping will be phased to enable the replacement sett to be created prior to the removal of Sett B, C and D.

Based on the additional information submitted we accept that sufficient information has been submitted to demonstrate that the proposed badger mitigation can be implemented.

No information has been provided on the location of replacement sett and we advise that it must be located within an area which is connected (via vegetation) to the Military Canal to ensure foraging opportunities are retained.

As discussed above, if planning application is granted, the development will result in a loss of habitat and currently it is intended that the majority of the habitat creation works will not occur until phase 3 or 4. Therefore there will be a delay in the creation of suitable foraging habitat within the site. If planning permission is granted there is a need to ensure that the planting for the open spaces are created as soon as possible to ensure it has sufficient time to establish.

Lighting

The lighting assessment has clearly demonstrated that there will be an increase in lighting within the site. Currently the only lighting associated with this site will be associated with the houses across the canal (we understand the adjacent road doesn't have lighting). Therefore there will be a significant increase in lighting within the site.

The lighting plan does indicate that the proposed lighting will spill in to the adjacent LWS and we do query if there is a need for so many lights to be incorporated in to the development. Whilst we accept that there is a need for lighting the proposed lighting should be minimal. Due to the ecological interest of the site and surrounding area the lighting should be designed with ecology as the major constraint.

5.0 NATIONAL PLANNING POLICY FRAMEWORK 2018

- 5.1 The revised National Planning Policy Framework (NPPF) was published on 24th July 2018 after the publication of this report and the sections identified at paragraphs 7.5 – 7.11 have been replaced as set out below.

7.5 The following paragraphs of the National Planning Policy Framework are of particular reference to this application:

Chapter 2: Achieving sustainable development

- 8 – Achieving sustainable development
- 11 – Presumption in favour of sustainable development

Chapter 4: Decision making

- 38 – Positive, creative and proactive approach to development proposals
- 47 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise
- 49 – Prematurity
- 55 – Planning conditions
- 56 – Planning obligations

Chapter 5: Delivering a sufficient supply of homes

- 73 – Requirement to provide a minimum 5 year supply of housing, including a buffer

Chapter 7: Ensuring the vitality of town centres

- 86 – Sequential test for main town centre uses
- 87 – Preference to be given to accessible edge of centre and out of centre sites
- 89 – Impact assessment for out of centre retail and leisure required for development over locally set threshold or 2,500 sqm where there is no local threshold

Chapter 8: Promoting healthy and safe communities

- 91 – Healthy, inclusive and safe places
- 92 – Social, recreational and cultural facilities
- 96 – Access to network of high quality open spaces
- 97 – Safeguarding existing open space, sports and recreational buildings and land
- 98 – Safeguarding public rights of way

Chapter 9: Promoting sustainable transport

- 109 – Development should only be refused if there would be an unacceptable impact on highway safety
- 110 – Applications should give priority first pedestrian and cycle movements
- 111 – All developments generating significant traffic movements to produce travel plans

Chapter 10: Supporting high quality communications

112 – Expansion of electronic communications networks

Chapter 11: Making effective use of land

Chapter 12: Achieving well designed places

127 – Criteria for assessing good design

130 – Permission should be refused for poor design

131 – Great weight to be given to outstanding or innovative design

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

155 – Development to be directed away from areas at highest risk of flooding

158 – SFRA and sequential test

159 – Exceptions test

163 – Development must not increase flood risk elsewhere & need for site specific FRA

164 – Minor developments & changes of use need to meet requirements for site specific FRAs

165 – Major developments should incorporate SUDS

Chapter 15: Conserving & enhancing the natural environment

175 – Principles for safeguarding biodiversity, SSSIs and irreplaceable habitats

176 – SPAs, SACs and Ramsars

Chapter 16: Conserving & enhancing the historic environment

189 – Applicants should describe the significance of the heritage asset

190 – LPAs to identify and assess significance of a designated heritage asset

192 – Criteria to be used when determining applications

193 – Great weight to be given to the asset's conservation irrespective of level of harm that would be caused

194 – Proposals that result in any harm or loss of significance require clear & convincing justification

195 – Proposals resulting in substantial harm or loss

196 – Proposals resulting in less than substantial harm

200 – New development within settings to enhance or better reveal their significance

7.8 Paragraphs 14 and 17 are replaced by 7 to 14

7.9 Paragraphs 186 and 187 are replaced by 38

7.10 Paragraph 7 is replaced by 8

7.11 Paragraphs 8 -9 are now contained in 8

6.0 APPRAISAL

NPPF

- 6.1 The officer's report was assessed against the NPPF 2012 and the draft revised NPPF. The recently published revised NPPF2018 has been reviewed and the policy aims of the sections applicable to this application have not altered significantly. There is relevant new text in paragraph 193 relating to heritage assets which was implicit in the 2012 document but was not explicitly stated. The paragraph is set out below with the new text in italics:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). *This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.*

- 6.2 Paragraph 196 deals with less than substantial harm and, as in the 2012 document, requires the harm to be weighed against the public benefits of the proposal.
- 6.3 The officer report deals in detail with the harm to the scheduled monument and the policy requirement to give great weight to its conservation. Therefore the appraisal of this matter does not require further consideration as a result of the new NPPF.
- 6.4 Having assessed the revised NPPF the officer report is considered to be in accordance with it and current government policy.

Ecology (Badgers)

- 6.5 In response to the KCC Ecological Advice Service concerns regarding badger mitigation, clarification has been sought from the applicant's ecologist. Monitoring work had concluded that there were four setts identified within the site, with two of the setts (setts A and D) not in 'current use' by badgers, and the remaining two (setts B and C) in 'current use' by badgers.
- 6.6 The applicant's ecologist has set out that it is proposed to deliver an artificial sett on the northern embankment of the application site, between sett A, which will be retained, and sett B, which will be lost, with the exact location to be specified in the badger licence application to Natural England.
- 6.7 Sett A can be retained in its current form as this area (the sett location and a minimum 30m radius around it) does not need to be capped in connection with remediation works. Consequently, it will remain available throughout the construction phase, however, it will not be relied upon for alternative shelter for badgers following the closure of sett B under licence.
- Prior to the commencement of site clearance works, a c.30m buffer zone, using propped Heras fencing or similar, will be established around Sett A (which is to be retained) and Setts B and C (which are to be closed under licence). These exclusion zones will be clearly demarcated on plans and on the ground and will be identified in the Construction Environment

Management Plan (which will be produced and delivered at the Reserved Matters stage, as is standard practice for any site development);

- The site outside of the three exclusion zones will then be cleared (in accordance with all other ecological mitigation measures / supervision requirements) and capped. These works will not need to be carried out under / covered by the badger mitigation licence;
- Once the capping of the relevant section of the northern embankment has been completed, the artificial sett will be created within this section of the northern embankment (as per the location details provided above). Setts B and C will then be closed under licence, once badgers have located and are using the artificial sett and/or Sett A (i.e. they have located suitable alternative cover, as evidenced by camera trap / field evidence);
- Sett A will remain open, protected and available to badgers during the construction stage and the long-term.
- Foraging will continue to be available within the wider canal corridor between the application site and Twiss Road throughout the construction stage and as new habitats establish.

6.8 Based on the details already submitted and the additional details provided above, it is considered that an appropriate and proportionate detail of badger mitigation has been provided by the applicant and that there is no reason to consider that a badger mitigation licence would not be granted by Natural England.

Surface water drainage

6.9 When the application was submitted it was proposed that the surface water would be disposed of via outfall to the sea. However, due to the need to cross third party land the application was amended and the proposal is now to discharge into the Royal Military Canal (RMC). As can be seen from the consultee responses above the EA has objected to this. A meeting is being arranged between planning officers, EA officers and the applicant's drainage consultant on 22nd August to find an acceptable solution. If a solution in terms of draining into the RMC is not achievable the fallback position is to revert to the original scheme to discharge into the sea. The officer recommendation is amended to reflect this and is set out later in these supplementary sheets.

Legal agreement

6.10 Any request for contributions should be in accordance with Regulation 123 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it is:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

Affordable Housing

6.11 Policy CSD1 of the Shepway Core Strategy Local Plan states that development proposing 15 dwellings or more should provide 30% affordable dwellings on-site, subject to viability. As such, from the 150 dwellings proposed, the affordable housing units would equate to 45 units and the applicant has confirmed that the application will be policy compliant and deliver 30% affordable housing on site, significantly contributing to meeting affordable housing need within the district.

Open Space

6.12 The areas of open space within the proposed development that won't be maintained by the District Council, such as parking courts, un-adopted roads and land not within public open spaces or private gardens, should be maintained by a management company, the setting up and funding of which would be required by the planning obligation.

NHS

6.13 The South Kent Coastal Commissioning Care Group (SKCCCG) has requested a contribution of £151,200 to support improvement to the primary care infrastructure at Oakland Health Centre in Hythe, as the closest practice to the development, by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

6.14 However, the draft Infrastructure Delivery Plan (IDP), which identifies the need for additional capacity in the area, recognises that a number of other sites, excluding Princes Parade (as this provides the Leisure Centre) will fund an increase in Primary Care capacity to mitigate the impact of the housing growth. This is likely to be via the expansion of Oaklands surgery.

6.15 The applicant has not declined to pay the contribution, but has committed to discussions with the NHS SKCCCG, in order to establish how best to accrue public benefits from the proposed development, if planning permission is granted.

Financial appraisal

6.17 With regard to the representations that have been received regarding the Viability Cost Appraisal Report and the Financial Appraisal which question the conclusions drawn and suggest that the Nickoll's Quarry site would be less expensive to develop than the Princes Parade site, the points raised have been responded to by the applicant. It is considered that the applicant has adequately demonstrated why Princes Parade is preferable to Nickolls Quarry in terms of its ability to deliver the leisure centre.

7.0 CONCLUSION

7.1 Having taken into consideration all the further representations and consultee responses that have been received, the only outstanding matter is that of the surface water drainage. The Environment Agency has agreed to meet with the Council's planning officers and the applicant's drainage consultation to discuss

how its objection can be overcome and this is being arranged for 22nd August. Given this, the application is still recommended for approval subject to the Environment Agency withdrawing their objection and the recommendation has been amended to seek delegated authority for the Development Management Manager to grant planning permission subject to this being the case.

RECOMMENDATION

- i. That the Planning and Licensing Committee authorise the Development Management Manager to grant planning permission for the proposed development subject to the Environment Agency withdrawing its objection to the application following further discussions and any necessary amendments to the application relating to surface water drainage.**
- ii. That the Development Management Manager be authorised to grant planning permission subject to the conditions set out below with any additional conditions or amendments to conditions she considers to be necessary following the submission of revised plans and drainage details and subject to a S106 planning obligation relating to the affordable housing and public space management and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and the legal agreement.**
- iii. In the event that following discussions the Environment Agency does not withdraw its objection to the application that the application be reported back to the Planning and Licensing Committee to consider the Environment Agency's outstanding concerns.**

Conditions

1. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site, 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.

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 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. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site, 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 saved policy SD1 of the Shepway District Local Plan Review.

5. The submission of reserved matter applications pursuant to the development hereby approved shall be for no more than 150 dwellings and shall demonstrate compliance with the documents and plans listed below through an accompanying Design Statement:

- Planning, Design and Access Statement August 2017;
- Illustrative Masterplan IM 007;
- Parameter Plans – Application Site Area – Red Line PP – ASA 001;
- Parameter Plans – Maximum Number of Storeys Plan PP – SH – 005;
- Parameter Plans – Access and Circulation Plan PP – AC – 004;
- Parameter Plans – Land Use Plan PP – LU 003;
- Parameter Plans – Development Zones Plan PP – DZ 002;
- Parameter Plans – Maximum Heights Sections PP – MHS – 006.

Reason:

In accordance with the details of the application.

6. No work on the construction above foundation level of any building or buildings shall take place until samples of the materials to be used in the construction of the external surfaces of the building or buildings hereby permitted 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.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

7. No site clearance or construction of any part of the development shall take place until evidence has been provided to and agreed by the local planning authority that full funding is available for the leisure centre and that it is deliverable with that funding.

Reason:

Planning permission has only been granted for the overall development in order to facilitate the provision of the leisure centre.

8. No construction on any dwelling shall commence until the foundations for the leisure centre have been completed.

Reason:

Planning permission has only been granted for the overall development in order to facilitate the provision of the leisure centre.

9. No more than 50 dwellings shall be occupied prior to the leisure centre being open and operational.

Reason:

Planning permission has only been granted for the overall development in order to facilitate the provision of the leisure centre.

10. No work on the construction of the buildings above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted 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.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

11. No construction work above the slab level of any building on site shall take place until full details of hard landscape works, including details of all materials to be used, have been submitted to the local planning authority and approved in writing.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

12. No construction work above the slab level of any building on site shall take place until full details of soft landscape works have been submitted to the local planning authority including an implementation programme and maintenance schedule. No building shall be occupied until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

13. The first 5m of any access to the public highway, taken from the back edge of the highway, shall be surfaced in a bound permeable material.

Reason:

To prevent loose material being transferred onto the highway and reduce flooding, in the interests of highway safety.

14. The details required by condition 1 shall include details of all pedestrian and vehicular visibility splays either side of any access to the highway. Such visibility splays as approved shall be provided before the buildings are occupied and shall be maintained clear of all obstructions in excess of 0.9 metres above the carriageway thereafter.

Reason:

To secure adequate visibility for vehicles and pedestrians using the site in the interests of highway safety.

15. The provision of vehicular and cycle parking facilities as approved for each reserved matter shall be made prior to the occupation of the units they serve, both residential and non-residential. These facilities shall be kept available for parking purposes in connection with the development at all times.

Reason:

It is necessary to make provision for adequate off street car and cycle parking to prevent obstruction of the highway and to safeguard the amenities of occupants and visitors to the development.

16. The details required by condition 1 shall include details of measures to prevent the discharge of surface water onto the highway. Such details as approved shall be implemented in full and thereafter maintained at all times.

Reason:

To prevent highway flooding, in the interests of highway safety.

17. Prior to the commencement of development, details of a site-wide lighting strategy, alongside details of a street lighting plan, and a lighting design plan for biodiversity, to include;

- a) details of the design or external appearance and siting of all street and footpath lighting;
- b) details of how the impact of the lighting on the wider landscape has been considered;
- c) the hours of operation;
- d) identification of those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- e) details of how, where and what external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory;

shall be submitted to the Local Planning Authority for approval, with such details as approved, implemented in accordance with the specifications and locations set out in the strategy and maintained thereafter in accordance with the strategy.

Reason:

To ensure the development would not result in harm to the character and appearance of the area and minimise light-related impacts upon foraging bats.

18. No additional external lighting, either freestanding or attached to any building or structure, beyond that approved by condition 16, shall be installed.

Reason:

To ensure the development would not result in harm to the character and appearance of the area and minimise light-related impacts upon foraging bats.

19. Prior to the first use or occupation of any building or dwelling hereby approved in any phase of the development, full details of the play areas to be provided within that phase, including all landscaping and play equipment, shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall be installed in accordance with a timescale to be approved in writing by the Local Planning Authority.

Reason:

To ensure appropriate equipped play is provided to serve the occupants of the Development and wider area.

20. All development shall be set back a minimum of 12 metres from the existing sea wall.

Reason:

In the interests of the safety of future occupants and property in the event of localised overland flow.

21. The finished internal ground floor levels of all buildings shall be set at a minimum of 7.8 metres aODN and thereafter retained.

Reason:

In the interests of the safety of future occupants and property in the event of localised overland flow.

22. Prior to the first use of any of the buildings hereby permitted, a 1m high secondary wall shall be constructed 11m back from the existing sea wall to prevent any localised overland flow reaching the development, in accordance with details to be submitted to the Local Planning Authority for approval in writing.

Reason:

In the interests of the safety of future occupants and property in the event of localised overland flow.

23. The details to be submitted in accordance with condition 1 shall show a full 8metre byelaw margin from the top of the bank of the Royal Military Canal to the start of any development to be left clear for Environment Agency access, which shall be provided in accordance with a timetable to be submitted for approval in writing prior to the commencement of development and shall thereafter be retained in its entirety in accordance with the approved details.

Reason:

In order to allow access for maintenance to the banks of the Royal Military Canal.

24. Prior to the commencement of development of any phase or sub-phase details of the proposed means of foul water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory disposal of foul water from the site.

25. Development of any phase or sub-phase shall not begin until a detailed sustainable surface water drainage scheme for the site 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 discharged from the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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 proposal.

26. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- a) A timetable for its implementation, and
 - b) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or

statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason:

To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

27. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that the flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full 'as built' drawings; and topographical survey of 'as constructed' features.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework 2018.

28. There shall be no development or new tree planting within 3.5 metres either side of the centreline of the combined rising main.

Reason:

In order to protect infrastructure.

29. Prior to commencement of development, details shall be provided of the measures proposed to protect public sewers, with such details as approved, implemented during the course of development.

Reason:

In order to protect existing infrastructure.

30. 1. Prior to commencement of the development of any phase or sub-phase a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing

by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - Adjoining land
 - Ground waters and surface waters
 - Ecological systems
 - Archaeological sites and ancient monuments and
- An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development of any phase or sub-phase, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority, for each phase and sub-phase. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. In the event that, at any time while the development of any phase or sub-phase 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.

31. There must be no discharge into land impacted by contamination or land previously identified as being contaminated, no direct discharge to groundwater and no discharge to made ground.

Reason:

To protect vulnerable groundwater resources.

32. Prior to the commencement of works on each phase or sub-phase, a preliminary ecological appraisal (PEA) must be carried out. The results of the PEA, recommended specific species surveys and a review/update of the detailed mitigation strategy (submitted as part of condition x) must be submitted to the LPA for written approval.

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development in accordance with the application.

33. Prior to any habitat clearance works commencing in any phase or sub -phase, a habitat creation plan clearly setting out the habitats which will be created during phase two must be submitted to the LPA. The submitted plan must clearly align with the detailed mitigation strategy to be submitted as part of the Ecological Mitigation and Enhancement Plan (EMEP).

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development in accordance with the application.

34. Prior to the commencement of development in any phase or sub phase, a Construction Environment Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. The Construction Environment Management Plan shall include, but not be limited to, the following:

- a) Details of wheel washing facilities/measures to prevent debris and soil from being deposited on the public highway;
- b) Access point for HGV's and site personnel;
- c) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;
- d) Dust suppression methods;
- e) Commitment to no burning of materials on site;

- f) Details of and location of any lighting used for construction;
- g) Details of plant and noise generated from operation of vehicles and machinery;
- h) Location of any fencing/hoardings in order to avoid physical encroachment into adjoining habitats;
- i) HGV routing;
- j) Hours of operation;
- k) Details of any temporary traffic management/signage required;
- l) Pollution prevention and control;
- m) Prohibition of dewatering or discharge of wastes into canal and use of temporary on-site drainage works to divert runoff away from the canal;
- n) Monitoring of works to avoid indirect effects upon surrounding habitats;
- o) Details of the supervised clearance and erection of herptile fencing and trapping and translocation of reptiles to created or enhanced off-site habitats;
- p) Details regarding the clearance of nesting habitat outside the breeding season;
- q) Details of appointment of an Ecological Clerk of Works (ECoW) for the duration of the construction stage;

All details of the approved Construction Management Plan shall be adhered to during the construction of that phase or sub phase.

Reason:

To ensure appropriate mitigation of environmental effects, the provision of adequate off-street parking for construction-related vehicles, in the interests of highway safety and to protect the amenity of local residents during the construction phase.

35. No development shall take place (including any ground works, site or vegetation clearance) within any phase or sub-phase until a detailed Ecological Mitigation and Enhancement Plan (EMEP) (informed by the submitted Ecological Mitigation and Enhancement Plan, LloydBore, August 2017; Appendix 4: Schedule of Environmental Mitigation; Appendix 5: Ecological Mitigation Strategy, Lloyd Bore REF: 3609-LLB-RP-EC-0010-S4-P04 03/07/2018; Appendix 6: Reptile report, Lloyd Bore REF: 3609-LLB-RP-EC-0011-S4-P01 26/06/2018; Appendix 7: Badger Report, Lloyd Bore REF NO. 3609-LLB-RP-EC-0012-S4-P02 03/07/2018) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include but not be limited to:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);
- h) Disposal of any wastes for implementing work;
- i) Interim management plan to ensure the habitats created/enhanced as part of the mitigation strategy will be managed appropriately.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development.

36. Prior to the commencement of development of any phase or sub-phase of the development hereby permitted, a detailed landscape and ecological management plan (LEMP) for the whole site shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall detail the biological and ecological protection and enhancement of the site and shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of the management plan;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development.

37. Within 3 months of commencement of the vegetation clearance works of any phase or sub-phase, an ecological monitoring plan for the whole site must be submitted for written approval by the LPA. The plan must clearly set out how the ecological mitigation and habitat creation works will be monitored for the construction period and 5 years post construction. Results of the monitoring must be submitted to the LPA and inform the updates of the Ecological Mitigation and Enhancement Plan (EMEP) and Landscape and Ecological Management Plan (LEMP).

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development.

38. Prior to the commencement of development in any phase or sub-phase, details of a realignment and phasing strategy for Princes Parade shall be submitted to the LPA for approval in writing, with such details as approved, implemented thereafter.

Reason:

In order to minimise the extent and duration of parking displacement and ensure that roadworks follow highway authority procedures in the interests of highway safety and the amenity of road users.

39. Prior to the construction of any structure above foundation level in any phase or sub-phase, details of measures to improve/enhance the Royal Military Canal and its interpretation, together with a timetable for implementation of such measures that are agreed, shall be submitted to the Local Planning Authority for approval, with such measures as approved, implemented thereafter in full, in accordance with the approved timetable, and thereafter retained and maintained.

Reason:

To ensure that features of archaeological interest are enhanced.

40. No development shall take place in any phase or sub-phase of development 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.

Reason:

To ensure that features of archaeological interest are properly examined and recorded.

41. No development shall take place in any phase or sub-phase 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.

Reason:

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

42. Construction shall not commence for each phase or sub-phase until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development within that phase or sub-phase 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.

The development hereby permitted shall not be used/occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved 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), for each phase or sub-phase. Such evidence shall be in the form of a post-construction 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.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

Detailed

43. The development 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).

44. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

45. Prior to the first opening of the Leisure Centre a detailed plan setting out a schedule of publicly accessible health and well-being related benefits, delivered within both the leisure centre and on the areas of public open space, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the South Kent Coastal Clinical Commissioning Group. The programme shall be implemented in accordance with the details set out in the agreed plan.

Reason:

To ensure that the public health and well-being benefits arising from the scheme are maximised and delivered.

46. No work on the construction of the leisure centre above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted 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.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

47. No construction work above the slab level of the leisure centre shall take place until full details of both hard and soft landscape works have been submitted to the local planning authority including details of surfacing materials and planting abutting the public highway, an implementation programme and a maintenance schedule. Use of the leisure centre shall not commence until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason:

In order to protect and enhance the appearance of the area.

48. Details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; details of the planting mix for the 'green' roof; and an implementation programme.

Reason:

In order to protect and enhance the appearance of the area.

49. The first 5m of any access from the back edge of the highway shall be surfaced in a bound permeable material.

Reason:

To prevent loose material being transferred onto the highway and reduce flooding, in the interests of highway safety.

50. Prior to construction above foundation level of the leisure centre, details of all pedestrian and vehicular visibility splays either side of any access to the highway shall be submitted to the local planning authority for approval, in writing. Such visibility splays as approved shall be provided before the buildings are occupied and shall be maintained clear of all obstructions in excess of 0.9 metres above the carriageway thereafter.

Reason:

To secure adequate visibility for vehicles and pedestrians using the site in the interests of highway safety.

51. Prior to construction above foundation level, details of vehicular and cycle parking facilities for the leisure centre and the eastern public car park shall be submitted to the local planning authority for approval in writing, with such details as approved made available prior to the first use of the leisure centre and kept available for parking purposes at all times thereafter.

Reason:

It is necessary to make provision for adequate off street car and cycle parking to prevent obstruction of the highway and to safeguard the amenities of occupants and visitors to the development.

52. Prior to construction above foundation level of the leisure centre, details of measures to prevent the discharge of surface water onto the highway shall be submitted to the local planning authority for approval in writing. Such details as approved shall be implemented in full and thereafter maintained at all times.

Reason:

To prevent highway flooding, in the interests of highway safety.

53. Prior to the first use of the leisure centre hereby approved, full details of the play area to be re-provided, including all landscaping and play equipment, shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall be installed in accordance with a timescale to be submitted to and approved in writing by the Local Planning Authority at the same time, and thereafter retained and maintained.

Reason:

To ensure appropriate equipped play is provided to serve the occupants of the Development and wider area.

54. The finished internal ground floor levels of the leisure centre shall be set at a minimum of 7.8 metres aODN and thereafter retained.

Reason:

In the interests of the safety of future users and property in the event of localised overland flow.

55. Prior to the commencement of development of the leisure centre, details of a lighting strategy, street lighting plan, and a lighting design plan for biodiversity, shall be submitted to the Local Planning Authority for approval, with such details as approved, implemented in accordance with the specifications and locations set out in the strategy and maintained thereafter in accordance with the strategy. The strategy shall include;

- a) details of the design or external appearance and siting of all street and footpath lighting;
- b) details of how the impact of the lighting on the wider landscape has been considered;
- c) the hours of operation;
- d) identification of those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- e) details of how, where and what external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory;

Reason:

To ensure the development would not result in harm to the character and appearance of the area and minimise light-related impacts upon foraging bats.

56. No additional external lighting, either freestanding or attached to the leisure centre or other structure, beyond that approved by condition 54, shall be installed.

Reason:

To ensure the development would not result in harm to the character and appearance of the area and minimise light-related impacts upon foraging bats.

57. Prior to the commencement of development of the leisure centre, details of the proposed means of foul water sewerage disposal for the leisure centre shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To prevent flooding by ensuring the satisfactory disposal of surface and foul water from the site.

58. Development shall not begin until a detailed sustainable surface water drainage scheme for the leisure centre 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 discharged from the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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 proposal.

59. The leisure centre hereby permitted shall not be used until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) A timetable for its implementation, and
- b) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason:

To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

60. The leisure centre shall not be used until a Verification report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that the flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full 'as built' drawings; and topographical survey of 'as constructed' features.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework 2018.

61. Details of a full 8metre byelaw margin to be left clear for Environment Agency access, from the top of the bank of the Royal Military Canal to the start of any development associated with the approved leisure centre, shall be submitted for approval in writing to the local planning authority prior to the commencement of development and shall be provided in accordance with a timetable to be submitted for approval in writing prior to the commencement of development and shall thereafter be retained in its entirety in accordance with the approved details.

Reason:

In order to allow access for maintenance to the banks of the Royal Military Canal.

62.1. Prior to commencement of the leisure centre development, a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - Adjoining land
 - Ground waters and surface waters
 - Ecological systems
 - Archaeological sites and ancient monuments and
- An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to

commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority, for each phase and sub-phase. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. 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.

63. Prior to commencement of development of the leisure centre, details shall be provided of the measures proposed to protect public sewers, with such details as approved, implemented during the course of development.

Reason:

In order to protect existing infrastructure.

64. Before development commences within each phase or sub-phase of the development, details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multipoint destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of development with sufficient flexibility to meet the needs of existing and future

residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reason:

To ensure that there is sufficient capacity for high speed telecommunications provision

65. Prior to commencement of development within any part of the site, a detailed phasing plan, setting out the timings for the implementation of the leisure centre, housing, commercial uses, promenade, open space, play space and road re-alignment, shall be submitted to the local planning authority for approval, with such details as approved, thereafter adhered to, unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of ensuring that the public benefits of the scheme are brought forward.