

a) DOV/18/00764 – Erection of 35 houses, formation of new access road, associated landscaping including demolition of Stalco Engineering Buildings, former squash courts and no. 126 Mongeham Road.

Stalco Engineering Works and land rear of and including 126 Mongeham Road, Great Mongeham.

Reason for report – The number of third party representations and Member Call-In by Cllr Manion for the following reason:

'I note the flooding issue and I do not believe that this application deals with this issue effectively. I also note the impact on local roads and support comments by Kent Highways and again find this application deficient. Therefore I request that this application not be granted without being considered by the full planning committee'.

b) Summary of Recommendation

Grant planning permission subject to receiving Natural England's agreement to the conclusion of the Habitat Regulations Assessment and to agree any minor amendments to the planning application, draft conditions and Section 106 planning obligation matters.

c) Planning Policy and Guidance

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that where the development plan contains relevant policies, an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise. For the purposes of S38(6) the development plan comprises the adopted Dover District Core Strategy (CS) 2010 and the Land Allocation Local Plan (LALP) 2015. In addition to the policies of the development plan there are a number of policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF adopted in 2012 and amended February 2019) and National Planning Practice Guidance (NPPG).

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy. Great Mongeham is defined as a village which has a function with a tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community.

CP6 – Infrastructure.

Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

DM1 – Settlement boundaries.

Development will not be permitted in land outside the rural settlement confines unless specifically justified by other development plan policies.

DM2 – Protection of employment land and buildings

Permission for redevelopment of land and buildings currently or last in use for employment purposes will only be granted if the land or buildings are no longer viable or appropriate for employment use.

DM5 – Provision of affordable housing.

The council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes.

DM11 – Location of development and managing travel demand.

Development that will generate travel will not be permitted outside the rural settlement confines unless justified by development plan policies.

DM13 – Parking provision.

Parking provision should be a design led approach but should be based on the standards set out in table 1.1 of the CS. The site is within a suburban edge/village/rural location a two bed house should be provided with 1.5 spaces a 3+ bed house should be provided with 2 independently accessible spaces.

DM15 – Protection of the countryside.

Development which would result in the loss of or adversely affect the character of the appearance of the countryside will only be permitted if amongst other things it is in accordance with allocations made on the development plan documents.

Land Allocations Local Plan (2015)

LA15 - Land allocated for residential development at Deal

Land Allocated for Residential Development at Deal			
Site	Design Guidelines	Approx. no. of dwellings	Issues
Stalco Engineering Mongeham Road	Mix of housing type and density. Higher density adjacent to the existing built form, progressively reducing north westwards towards the boundary with the open countryside.	36	Comprehensive development; Flood Risk; Conservation Area; Close to European Nature Conservation Designation; Waste Water pumping station and connection to the sewerage system at nearest point of adequate capacity.

DM27 – Providing open space.

Planning applications for residential development of five or more dwellings will be required to provide or contribute towards provision of open space.

Saved Dover District Local Plan (2002) policies

None relevant

National Planning Policy Framework (NPPF)(2019)

Paragraph 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective
- c) an environmental objective

Paragraph 11 - Plans and decisions should apply a presumption in favour of sustainable development...

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (in this case the policy refers to areas at risk of flooding); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 43 - The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

Paragraph 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction,
- b) are safe and accessible, and
- c) enable and support healthy lifestyles.

Paragraph 108 - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 124 - The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history;
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 - Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 155 and 157 - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. All plans should apply a sequential, risk-based approach to the location of development.

They should do this, and manage any residual risk, by (amongst other things):

- a) applying the sequential test and then, if necessary, the exception test.

Paragraph 158 - The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Paragraph 159 - If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

Paragraph 160 - For the exception test to be passed it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 161 - Both elements of the exception test should be satisfied for development to be permitted.

Paragraph 165 - Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

a) take account of advice from the lead local flood authority;

b) have appropriate proposed minimum operational standards;

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.

Paragraph 170 - Planning policies and decisions should contribute to and enhance the natural and

local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Paragraph 177 - The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 190 - Local planning authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a

heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal

Kent Design Guide 2006.

This guide is designed to help achieve high standards of design construction and provide a tool for refusing poor design.

d) Relevant Planning History

DOV/15/00829 – Outline application for the erection of 14 dwellings (all matters reserved). Land to the rear of Dairy Mews, Mongeham Road – Withdrawn.

e) Consultee and Third Party Responses

Principal Heritage Officer

May 2019 – A brick wall surrounding plot 1 is acceptable, a condition should be imposed requiring material samples to be submitted.

September 2018 - Plot 1 in particular which appears from the block plan to have a window facing out onto undesignated land with no other boundary treatment. Development seems rather dense on the site and is contrary to the established character of the part of the CA closest to the site which is linear in form and, apart from a few, properties generally with space around them. There is no street view from Mongeham Road and you might find this beneficial in considering implications on street scene and historic buildings opposite the access.

Housing Manager

17th January 2019 - The affordable housing provision is in accordance with the Council's planning policy. The type of affordable units to be provided and the split between affordable rent and shared ownership is in the process of being agreed.

Policy and Projects Manager

Advised that the Sequential Test was applied at the time of site allocation and the change in the flood zone mapping is not so significant to warrant a site-specific sequential test being carried out again.

Environmental Health:

18th January 2019 - No further comments to add

22nd August 2018 – The findings of the Acoustic Assessment ref P1299/01 and the report conclusion that the land is suitable for development subject to the proviso that adequate attention is paid to the glazing specification and ventilation strategy is agreed with.

As advised in the Desk Top Study recommendation, further intrusive investigation of the site is required, as the former use has potential to have caused contamination and, that there is potential for the site to be contaminated by activities on the land that immediately surrounds it. Standard land contaminations conditions are advised.

Tree and Horticultural Officer:

The hedgerow situated on the northeast boundary plays an important role in screening the proposed development site from the wider landscape. As such, it is imperative that it is sufficiently protected throughout all construction phases and is retained post-development. Details of suitable protection measures relating to all hedgerows and trees proposed for retention must be submitted for approval ensuring accordance with BS 5837:2012 – Tree in Relation to Construction.

A detailed landscaping plan must be secured through a condition of consent should the application be granted to include details of proposed tree/hedge planting to run the entire length of the northwest boundary.

Senior Natural Environment Officer

June 2019 – Comments awaited, a verbal up-date will be provided at the Planning committee.

17th May 2019 – To complete the Habitats Regulation Assessment (HRA) details of: how pollution will be dealt with at the construction phase needs to be provided, this can be in outline form and a condition can be imposed requiring a detailed Construction Environmental Management Plan (CEMP); and details of other extant planning permission where there may also be a pathway for pollution to the RAMSAR.

Natural England can take up to 21 days to comment on completed HRAs so this still leaves the problem of factoring this time period in before the planning committee. It is a legal requirement to consult them at the Appropriate Assessment (AA) stage and we cannot progress until we have received their response.

8th April 2019 - I support their (Natural England) objection, based upon a lack of information to determine no adverse effect upon the site integrity of the Thanet Coast and Sandwich Bay Ramsar. The document submitted by the applicant entitled 'Mongeham habitats conservation' no mention of pollution impacts upon the Ramsar/SSSI. I agree with the advice

given by NE on the approach that the applicant should take to deal with any pollution impacts associated with surface water runoff.

Principal Ecologist

Appropriate assessment will be required in respect of potential effects on the Thanet Coast and Sandwich Bay Ramsar Site which is less than 500m NW of the site accessed via a public footpath and also by a field drain. Therefore, both aquatic pollution and recreational impact pathways need to be addressed. This is in addition to the Thanet Coast Mitigation Strategy which deals with the impact of recreational activities on the European protected sites.

KCC Development Contributions:

As the former residence at No 126 is being demolished, the proposal will deliver a 'net' of 34 new homes, the revised KCC contributions: Primary education - £113,016; libraries - £1632.68. These figures are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment and are valid for 3 months from the date of this letter after which they may need to be recalculated.

There is a need rising for secondary education although due to the CIL reg 123 restrictions KCC are unable to pursue currently.

INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project.

KCC Archaeology

The area is of high archaeological importance and a condition (AR1) requiring a programme of archaeological works is suggested.

KCC Highway Services

10th May 2019 – No objection: The amended plans now overcome the objection, conditions are suggested. The site is allocated for 36 dwellings in the current Local Plan under Policy LA15 and the principle of development has therefore been accepted.

The proposals may generate around 22 two-way vehicle movements in the peak hours. This is unlikely to have a severe impact on the highway network, especially bearing in mind that the

movements will be spread across several routes to/from the site.

3rd April 2019 – The proposals are now acceptable in highway terms, subject to the safety audit being satisfactory and any relevant issues raised in the audit being satisfactorily resolved.

23rd January 2019 –

1. I have no objection to 7 dwellings being served off the existing access as this does not represent a significant increase in use of the same, bearing in mind the existing permitted use.
2. I note the visibility splays now shown at the proposed site access onto Mongeham Road, however the splay shown to the east should be 2.4 metres x 43 metres and can be measured to the centre line of the road.
3. Parking restrictions are required to protect the visibility splays at the access, allow room for the manoeuvring of a refuse vehicle and allow an eastbound driver to pass a westbound driver waiting to turn right into the site. Whilst this will remove some existing on-street parking opportunities, five replacement spaces are being provided in the initial section of new access road. Double yellow lines should therefore be added to the plans as follows:
 - i) Westwards to the boundary of no. 142/144 Mongeham Road, on the north side of the road;
 - ii) Eastwards to the existing site access on the eastern side of the garage, on the north side of the road,
 - iii) On the south side of the road between the entrance to Horseshoe Cottages and the boundary of nos. 143/145 Mongeham Road.
4. The proposed pedestrian crossing point with build-out in Mongeham Road is noted, however the visibility splays required are 1 metre x 43 metres in each direction. As indicated on the plan double yellow lines are required on the north side of the road to protect the visibility splays for pedestrians crossing, and this together with the build-out will result in the removal of three existing on-street parking spaces. Clarification is required on the width of carriageway remaining at the build-out.
5. At the access onto Mongeham Road there will still be pedestrians on the highway footway crossing the access, and suitable visibility splays (1 metre x 25 metres) into the site will be required from the crossing point on each side together with dropped kerbs and tactile paving. The crossing point will need to be located where optimum visibility is available for pedestrians to drivers approaching from all directions. It appears the three lay-by parking spaces on the east side of the access road will need to be moved further into the site to allow the provision of the 1 metre x 25 metres splay detailed above.
6. A safety audit and designer's response to any issues raised are required for the proposed new access junction and pedestrian crossing point.
7. The applicant has confirmed that the new street is to remain private, i.e. it will not be adopted by the highway authority.

I wish to place a holding objection until items 1-6 above have been satisfactorily resolved.

Natural England:

17th April 2019 – Withdraw objection: Following receipt of further information on 9 April 2019 Natural England is satisfied that the specific issues raised in previous correspondence relating to this development have been resolved.

NE consider that the identified impacts on Thanet Coast and Sandwich Bay Ramsar and Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI) can be appropriately mitigated with measures secured via planning conditions or obligations as advised and withdraw our objection.

It is noted that the Addendum to the Surface Water Disposal Strategy specifies that the proposed surface water disposal strategy has been amended to incorporate permeable paving and that such measures have been assessed using Ciria's SUDS design manual. Natural England concurs that the pollution hazard index for the site has been correctly identified as "low". Based on the proposed mitigation measures, the SuDS mitigation index for permeable paving is greater than the pollution hazard index for each contaminant type. As such, Natural England is satisfied that, providing these mitigation measures are secured via appropriate planning conditions, that there will be no adverse impacts on the Ramsar site and SSSI. In order to meet the requirements of the Habitats Regulations, the effectiveness of the proposed mitigation measures should be assessed via an appropriate assessment.

4th April 2019 – Objection due to insufficient information. The applicant needs to provide outline mitigation measures which will prevent contaminated water runoff from entering the water courses that flow directly into the RAMSAR and SSSI.

If Dover is minded to approve this application without complying with the Habitats Regulation the the authority is at risk of legal challenge.

7th March 2019 - For the deciding authority to be confident that a proposal would not result in an adverse effect on integrity, details of the drainage scheme for this site should be provided as part of this submission to demonstrate that impacts to the water quality of the adjacent European site can be mitigated.

At present, there is not sufficient information within the 'Drainage Impact and Flood Risk Assessment' to conclude no adverse effects on site integrity of the SPA and Ramsar site. Measures described within the report, including the storage pond only address the rate of flow as opposed to addressing water quality.

Natural England advises that in order for Dover (the Competent Authority) to carry out an Appropriate Assessment, the applicant needs to provide outline mitigation measures which will prevent contaminated water runoff from entering the watercourses that flow directly into the Thanet Coast and Sandwich Bay Ramsar site and Sandwich Bay to Hackling Marshes SSSI.

These outline mitigation measures must be able to be relied upon to avoid adverse effects on site integrity over the full lifetime of the plan or project and must be deliverable at the detailed design stage. The Appropriate Assessment should be able to demonstrate that such measures are known to be effective, reliable, timely, guaranteed and of sufficient duration. Such measures should be supported by evidence and there must be confidence that they will be effective and that they can be legally enforced (i.e. via suitable planning conditions) to ensure they are strictly implemented by the plan/project proposer.

Natural England advises that this application should not be approved until it has been confirmed that there will be no adverse impacts on the integrity of the European sites. If

Dover is minded to approve this application without complying with the Habitats Regulations then the authority is at risk of legal challenge.

25th January 2019 - As submitted, the application could have potential significant effects on the Thanet Coast and Sandwich Bay Ramsar and Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI).

Natural England advises there is not sufficient evidence to screen out water quality impacts to Thanet Coast and Sandwich Bay Ramsar and Sandwich Bay to Hacklinge Marshes SSSI. There is a potential pathway of impact from contaminated surface water runoff entering the watercourse to the south-west and north-west of the site. These watercourses flow directly into the Thanet Coast and Sandwich Bay Ramsar site and Sandwich Bay to Hackling Marshes SSSI.

At present, there is not sufficient information within the 'Drainage Impact and Flood Risk Assessment' to conclude no adverse effects on site integrity of the Ramsar site. Measures described within the report, including the storage pond providing 540m³, appear to only address the rate of flow as opposed to addressing water quality. Further, it is not clear where the attenuation pond will be situated on site / if the two attenuation tanks are being provided in place of the pond.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further details on the proposed drainage design, including what protection measures will be in place to ensure surface water runoff from the site does not significantly impact the designated sites.

Without this information, Natural England may need to object to the proposal.

With regards to the Habitats Regulations, for the deciding authority to be confident that a proposal would not result in an adverse effect on integrity, the proposal needs to be considered as a whole. In this respect, mitigation measures need to form an integral part of the proposal. Details of the drainage scheme for this site should therefore be provided in full as part of this submission to demonstrate that impacts to the water quality of the adjacent European site can be mitigated. We advise that this information is needed prior to determination, and not left to condition. Once mitigation measures have been provided, the Council, as the competent authority, will need to consider them via an appropriate assessment.

Recreational Disturbance at Sandwich and Pegwell Bay: It is noted that, as detailed in your email dated 9 January 2019, an Appropriate Assessment has been considered by the LPA which concluded that there is uncertainty with regard to the impacts of increased recreational activity at Sandwich and Pegwell Bay. We advise that the mitigation measures proposed appear to be ecologically sound. Our advice is that this needs to be confirmed by the Council, as the competent authority, via an AA to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017. Please note that Natural England is a statutory consultee for Appropriate Assessments.

Further impacts to Sandwich Bay to Hackling Marshes SSSI :

It is noted that there will be no direct link to Sandwich Bay to Hackling Marshes SSSI and therefore we are satisfied that additional impacts are unlikely to occur to the SSSI.

Kent County Council: Lead Local Flood Authority:

3rd May 2019 – No objection: Ground investigations undertaken at various locations across the site have demonstrated that infiltration through permeable paving may be a viable option and provides adequate pollution controls therefore, we remove our previous objections.

1st March 2019 - The information that has been requested is to demonstrate that the drainage system is feasible and will operate. Our earlier correspondence has indicated that there are issues in respect to both topographical levels and groundwater. I understand that these concerns have also been noted by the Environment Agency. We would have major concerns that planning proposal may not be deliverable as there would not be a working drainage system to support the development. Therefore we strongly recommend that this information is provided prior to determination.

31st January 2019 - We note that the proposals have been altered to located attenuation outside of Flood Zone 3 by installing cellular storage. However we would highlight that below ground storage would give no additional SuDS benefits other than peak flow control (contrary to paragraph 165 of the NPPF). Other SuDS features should be considered elsewhere within the development unless there is clear evidence that it would be inappropriate.

Notwithstanding the above, we have concerns that there could be insufficient depth between the proposed drainage and the invert level of the ordinary watercourse. We recommend that a topographic survey is undertaken on site to determine the invert level of the receiving watercourse and the site levels. In addition we would ask that a drainage layout is provided that includes the cover and invert level of the attenuation tanks and outfall.

The British Geological survey indicate that there may be shallow groundwater at the site. We would recommend that ground investigations are undertaken to determine the depth to groundwater as this may affect below ground storage.

Therefore, we recommend that the application is not determined until further information has been provided to demonstrate that the proposed drainage strategy is workable on site.

29th August 2018 - Whilst limiting the discharge rate to 2 litres a second for the site is acceptable however, attenuation features should not be located within areas of Flood Zone 3a. The possibility of a flooding event has the chance of impeding the storage capacity of the pond that serves the impermeable areas of the site. Therefore, the attenuation pond should be located outside flood zone to ensure that there is continuous free space within the pond to accommodate surface water from various storm events. The LPA should consider whether the positioning of attenuation within Flood Zone 3a would impact other fluvial flood risk matters (in consultation with the Environment Agency). As part of the drainage strategy we would expect to see drainage calculations provided. The calculations should include all storm events up to and including the 1 in 100 year plus an additional 40% allowance for climate change. We recommend that the application is not determined until further information is provided relating to the above points.

Public Rights of Way (PROW)

No objection to the development. It would be an improvement if a top layer was added to footpath ED38 to the existing surface (e.g tarmac) It would make for a more attractive access to the development. The preference would be for the developer to carry out the work. For an overlay of tarmac we would expect between 20mm to 40mm, higher if there is to be a camber for drainage.

Environment Agency:

Dated 5th April, received 8th May 2019 - We remove our objection to be replaced with the following condition; the development shall be carried out in accordance with the submitted flood risk assessment and mitigation measures and land contamination investigation

EA are aware that Kent County Council, as Lead Local Flood Authority, are now generally satisfied that the applicant's drainage and flood risk consultants have provided sufficient evidence to demonstrate that their latest surface water management strategy is conditionally acceptable.

We would still prefer to see a more 'sequential' site-layout that omits the residential units depicted in Flood Zone 3 (as required under the NPPF); however, we acknowledge that our flood map for the area shows that the site is appropriately defended from tidal flooding and would only be at risk during an extreme, combined, tidal/fluvial event.

5th April 2019 – We have reviewed the updated information and maintain our objection. The fluvial flood risk from the adjacent drainage network maybe exacerbated if the drainage system cannot function as designed. We are concerned with the location and functionality of the proposed surface water management system.

There remains a residual risk from tidal flooding to a portion of the site if the defences are not maintained or are breached within the lifetime of the development.

The LPA should request that the site is sequentially developed such that the highest risk areas of the site are used for the lowest risk forms of development.

In addition to flood risk there is concerns about land contamination and if planning permission is granted conditions are suggested.

4th February 2019 – We still have concerns with the proposed surface water management strategy, particularly in light of the recently revised 'flood map for planning' for the area.

The only amendment to the Flood Risk Assessment (FRA) appears to be a minor rewording of the conclusions and a revised drawing depicting attenuation tanks in place of the previously proposed pond.

The recently revised flood map for planning now shows that a more significant area of the site lies within FZ3 than when the FRA was originally produced. It now appears as though the proposed attenuation tanks and several of the residential units now lie wholly or partially within the area considered to be at 'high' risk from flooding.

We therefore maintain our objection on flood risk grounds and would require the latest flood risk mapping to be fully considered in any future submission.

Southern Water:

4th February 2019 – The comments in our response dated 30/08/2018 remain unchanged and valid for the amended details.

17th September 2018 –

- Our advisory distance of 15 meters is for both existing and proposed pumping stations. Please refer to Sewers for Adoption Standards for more details on pumping station distances.
- The rising main shows on our records as a brown sewer with lines spurring off the side and is thicker in width and is shown as a short dash and a long dash. A rising main is taking sewerage that is being pumped from the pumping station.
- Our comments advise that Southern Water can accommodate the foul sewerage disposal from the proposed development. A Section 106 connection application for foul is required.

30th August 2018 - Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

The exact position of the foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the foul rising main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Internal Drainage Board:

5th February 2019 - I note and support the comments made by KCC's Flood & Water Management team and the Environment Agency; that this application should not be determined until a suitable and workable SuDS has been agreed. The replacement of the originally proposed balancing pond with underground tanks is a retrograde step.

Kent Police, Designing Out Crime:

We have considered the amendments in relation to our response of 29 August 2018. Having reviewed the amended plans and documentation we are satisfied that the applicant/agent has addressed the points in the earlier response.

South Kent Coast Clinical Commissioning Group (SKCCG):

26th February 2019 - Any mechanism to create capacity of the Balmoral surgery has been fully explored with the only viable alternative being an internal redesign resulting in additional clinical space being created on the second floor. This investment will directly support

improvements within primary care by way of increased capacity at the site. This would also allow for the increase in patient numbers resulting from the housing development. The total indicative cost of the scheme would be in the region of £308,625 – broken down into £260,985 building cost, £32,640 IT and telephony costs and a further £15,000 to include professional fees. A draft indicative plan is attached for information only. The current NIA of the building is 991 sqm, the proposed expansion would create an additional 183 sqm of usable space. A surgery with an NIA of 1174 sqm would be able to cater for a patient list of up to 16,000, future proofing the delivery of services to the population of Deal.

SKCCCG has recently undertaken a review of the primary care estate portfolio and assessed each premises in terms of building condition and patients per sqm. NHS England latest guidance would suggest that for core primary care services to be delivered, primary care premises should offer an area of 0.08sqm per patient.

Therefore, in respect of this application a developer’s contributions is required as follows:

Build cost - £308,625
 Extended area – 183 sqm
 Cost per sqm - £1,686.47

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (occupancy x 0.08) x £1,686.47
2 bed unit	12	12 x 2 = 24	£3,238.02
3 bed unit	17	17 x 2.8 = 47.6	£6,422.07
4 bed unit	7	7 x 3.5 = 24.5	£3,305.48

SKCCCG therefore seek a total contribution of £12,965.57 plus support for our legal costs in connection with securing this contribution as calculated above which is believed to be just and fair and would be used as a contribution towards the build cost of the scheme outlined above.

Great Mongeham Parish Council:

Object for the following reason:

- The Parish Council object to the new street crossing as it reduces the number of on street parking spaces and is a long way from the entrance to the proposed development. The members still believe the entrance to the proposed development is too narrow.
- Over development of an unsustainable site
- The density and poor design give insufficient parking spaces for a rural location
- No public transport links, the bus stops referred to in the transport statement are not in use
- The members feel that the Land allocation document is now out of date and that the data used to indicate a sustainable location for 36 houses has changed,
- There is no longer a shop in the village or a bus service,

- The main road into and around the development is not of enough width to give a necessary access for emergency and refuse vehicles once it is blocked by parked cars,
- The additional proposal to use the existing access for 7 dwellings will just mean two
- substandard access roads on to this very busy road,
- The plans to put in double yellow line will reduce the number of on street parking spaces used by residents,
- The property on the entrance to the site (plot No1) and allocated visitor spaces just inside the estate prevent the provision of an acceptable junction onto Mongeham Rd, which is already a very busy road, lined with parked cars preventing adequate sightlines,
- There are no footpaths along Mongeham Road, making it dangerous for pedestrians to access other parts of the Village,
- The members are extremely concerned about the risk of flooding for the site and the village at large. The dyke that runs along the edge of the site is no longer being maintained, nor is north stream further up the water course. These water ways have not been properly maintained for years and additional water from the site flowing into this dyke could lead to flooding further down in the village as has happened in the past,
- Great Mongeham is already used as a Rat Run by traffic going to Dover and out to the Whitfield
- bypass or by people wishing to get onto the Sandwich Road and out to Thanet,
- The members are not convinced that the noise assessment is correct, no mention has been made of the car horns being sounded during MOT tests in the Garage

Sholden Parish Council:

Strongly supports the objection raised by Great Mongeham Parish Council

Public Representation

At the time of writing this report 27 letters of objection have been received and the comments are summarised as follows;

- Proposed pedestrian build out which is between our property & our neighbours, this in no way aids site lines for proposed development. I welcome attempts to slow traffic in the village, but chicane type works have been shown to radically increase pollution in surrounding areas with vehicles slowing or stopping,
- The crossing should not be this far down Mongeham Road,
- A crossing outside my house will cause disturbance,
- The yellow lines will lead to higher speeds,
- The yellow lines will result in the loss of much needed car parking spaces,
- As an immediate neighbour I did not receive a notification letter from the developer
- Mongeham Road is a busy rat run to the A2,
- Mongeham Road is congested all the time and on-street parking is horrendous
- Cars park on both sides of the road, making it difficult to pull safely out of driveways,
- Sight lines at the proposed junction appear inadequate,

- Mongeham Road is heavily used by traffic including tractors and very large lorries,
- The speed limit on Mongeham Road is 30mph, but a recent survey by the Parish Council indicates that cars often travel up to 50mph,
- Insufficient car parking spilling out onto Mongeham Road,
- Car parking on Mongeham Road reduces visibility,
- Most properties in Mongeham Road do not have off-street car parking,
- Residents already find it difficult to park,
- Traffic turning onto London Road is a hazard,
- There is no continuous footpath on Mongeham Road,
- The access is at the narrowest point in Mongeham Road
- Street lighting in Mongeham Road is poor,
- Emergency services use this road frequently,
- Large unsuitable vehicles associated with the scrap yard in Ellen's Road use this road frequently,
- The pub car park is used as a turning circle,
- The dustbin lorry must mount the pavement next to Horseshoe Cottages in order to back into Dairy Mews,
- The road infrastructure cannot cope with more development,
- There will be dangerous repercussions in immediately adjacent areas of the village of Gt Mongeham
- There is no bus service,
- Bus services have recently been curtailed, increasing the need to use cars,
- There is no village shop,
- There are no cycle lanes,
- The site would be over-developed,
- The site is at risk of flooding,
- Will increase flood risk in the area,
- When the field dykes are full, nearby dwellings with basements have some 3ft of water,
- In recent years basements have had to be pumped out,
- The field ditches will struggle to cope with the extra surface water runoff,
- The road cannot cope with flood water now so taking up green space surely will create drainage problems,
- The water table beneath this site is close to the surface,
- The site is rich in flora and fauna which will be destroyed,
- The wildlife living in the area and over the marshes will be affected,
- Bats and reptiles have been seen at the site,
- The outlook from Dairy Mews will be blighted
- The dwellings proposed behind the garage could be disturbed by noise which would put pressure on the garage to close,
- The nearest primary school, Hornbeam, is already oversubscribed,
- Will put pressure on the health care system,
- Access to the public footpath would have to be retained,
- Some plots are within the Southern Water advisory distance of 15m from the existing sewage pumping station,
- Who will carry out the highway safety audit? And will a site visit be used to inform it?
- Removal of the boundary treatment will cause disturbance to residents,
- The dwellings are small,

30 letters of support have been received and the comments are summarised below, however it should be noted, that most of the letters of support just stated that their support was given in a direct response to a letter drop which was carried out by the applicant;

- There has been canvassing for objections,
- An increase in the village population will help to sustain local facilities such as the pub and may make a local shop and bus route viable,
- The development would remove the noise associated with the Stalco engineering works,
- The new access is no more of a risk than Dairy Mews,
- The new access will require drivers to be more careful and drive sensibly,
- Houses would improve the look of the surrounding area,
- The need for sensible housing is an important part of growth to local communities which bring much needed funds to the area to help them thrive,
- In 40 years the brook has not flooded and has been reduced to a dribble of a stream,

f) 1. The Site and the Proposal

The Site

- 1.1 The application site is located within the urban confines of Deal, albeit at the far edge of the confines to the north west of Upper Deal and adjacent to the open countryside. The village confines of Great Mongeham is circa 300m to the west
- 1.2 The site is an elongated parcel of land which projects from the northern side of Mongeham Road into the open countryside beyond. To the north east and north west, the site is surrounded by open agricultural land. To the west the site is abutted by the long rear gardens of those properties fronting Mongeham Road at a Southern Water pumping station. At the front of the site to the south is a commercial garage known as South Court and no. 126 Mongeham Road which is a detached bungalow.
- 1.3 The north west corner of the site is within flood zone 3 but the remainder of the site is unaffected by flooding. The site sits adjacent to a conservation area which runs along the front of the site and partly along the western boundary of the southern water pumping station.
- 1.4 Mongeham Road is characterised predominantly by linear development. The main land use in proximity to the site is residential with the exception to this being South Court garage, the Three Horse Shoes pub and Leather Bottle pub which are located on the southern side of Mongeham Road.
- 1.x5 The application site is in several ownerships, half of the site is occupied by an engineering company known as Stalco, within this portion of the site there is a mixture of structures ranging from steel framed buildings, to shipping containers, trailers, recycling bins and a large brick built building containing squash courts. The site is a mixture of hard surfacing and grassed areas, the undeveloped part of the site is not maintained and is heavily vegetated and overgrown.
- 1.6 The Stalco engineering site is currently served by a 5m wide access which is located to the east of South Court garage. The first 50m of the access is a designated public right of way, after this point the public right of way skirts around the outside of the site

adjacent to the full length of the eastern site boundary. This road also provides access to the garage workshop. South Court garage have a right to use the access but no ownership rights. The proposed development will safeguard the access to the garage.

Proposed Development

- 1.7 The proposed development is seeking full planning permission for 35 dwellings, new access road, landscaping, boundary treatment and associated gardens and car parking. The demolition of existing buildings is also sought this will include all the buildings relating to the engineering works, the squash courts and no.126 Mongeham Road.
- 1.8 A new vehicle access into the site is required. It is therefore proposed to demolish the dwelling, no.126 Mongeham Road. This will ensure that an access can be provided which is of sufficient width to accommodate vehicles and pedestrians and for adequate sight lines to be provided at the junction. It is also proposed to utilise the existing access which will serve the car parking spaces associated with plots 27 – 35.
- 1.9 All the properties will be two storeys in height and will be a mix of detached, semi-detached properties and a few short-terraced rows of dwellings.
- 1.10 The development is proposing 35 dwellings, 25 of the units would be market and 10 of the dwellings would be provided for affordable housing. The housing manager has confirmed that the following mix of dwellings would be acceptable:

Size	Market	Affordable
2 bed flat	0	2
2 bed house	3	6
3 bed house	18	2
4 bed house	4	0
Total	25	10

- 1.11 The proposal also includes an equipped area of play space at the far end of the site and an area of open space which will also serve a purpose for biodiversity enhancement measures.
- 1.12 The site boundaries are well vegetated but there are no trees of any specific significance. The vegetation on the boundary will be tidied up and retained. New planting will occur within the site and on the boundaries where it is needed.
- 1.13 Plans will be on display.

2. Main Issues

- 2.1. The main issues to consider are:

- Principle of development
- Flood risk and drainage
- Ecology and Appropriate Assessment
- Visual impact on the countryside and conservation area
- Residential amenity
- Highways
- Development contributions
- Other matters
- Conclusion

Assessment

Principle of development

- 2.2 The site is located within the urban confines of Deal. The settlement hierarchy policy CP1 advises that Deal is a 'District Centre' and a secondary focus for development in the District; suitable for urban scale development. Policy LA15 of the LALP allocates this site for residential development. The policy advises that approximately 36 dwellings can be accommodated on the site. The preamble to the policy advises that 'the acceptability of any planning application proposals will be judged against general development plan policies and all other material considerations'.
- 2.3 In accordance with policy the principle of the development is acceptable and the assessment in this report will assess other general policies and all other material considerations.

Flood risk and drainage

- 2.4 The north west corner of the site sits within flood zone 3a. The Environment Agency up-dated the flood risk map during the course of this planning application and as a consequence a larger part of the site falls within the flood zone than it did originally when the application was submitted in July 2018.
- 2.5 The NPPF and NPPG emphasises the responsibility of the LPA to ensure that flood risk is understood, managed effectively and sustainably throughout all stages of the planning process. The NPPF requires the actual risk of flooding to a development to be appraised. The actual risk considers the likelihood of flooding under extreme conditions whilst considering the influence of any defence infrastructure, which may provide a level of protection to the site. If the defences, or drainage system were to fail properties would be inundated by floodwater. This is termed the residual risk of flooding.
- 2.6 Evidence shows that the residual risk of coastal flooding is high and the application site would be inundated during a flood event. However the Deal coastline is protected by a new defence scheme (completed in 2013) and the actual risk of coastal flooding at the site is extremely low.
- 2.7 The adopted SFRA advises that 'the northern half of the district, where the geology is less permeable, is relatively flat. Surface water runoff in this area is intercepted by the extensive network of drainage ditches. Historic records identify that the capacity

of these drainage ditches may be exceeded following an extreme rainfall event, particularly if the pumping station fails to operate as required.

- 2.8 The introduction of new development has the potential to increase the risk of flooding to neighbouring sites and properties through increased surface water runoff resulting from an increase in impermeable area, preventing water from naturally infiltrating into the ground. As such, the management of surface water runoff is considered an essential element for reducing future flood risk to both a development site and its surroundings. One of the most effective ways of reducing and managing flood risk is to maintain the existing rate of discharge of surface water runoff from development sites through the use of SuDS. The NPPF encourages the use of Sustainable Drainage Systems (SuDS) in all developments. SuDS is a term used to describe the various approaches that can be used to manage surface water runoff in a way that mimics the natural environment. Appropriately designed SuDS can be utilised such that they not only attenuate flows, but also provide a level of improvement to the quality of water passed onto the watercourses.
- 2.9 There is a clear hierarchy of options for discharging surface water runoff from developments. The most preferential option is to infiltrate water into the ground, as this deals with the water at source and serves to replenish groundwater. If this option is not viable, the next option of preference is for the runoff to be discharged into a watercourse. Only if neither of these options are possible, the water should be conducted into the public sewer system.
- 2.10 A surface water management strategy (SWMS) incorporating the use of SUDs is therefore required for this development. The applicant has considered three options for the attenuation of service water, the first option considered a pond and the second option underground storage tanks. Both of these options are considered to be unacceptable due to their siting within the flood zone. The third option proposes the use of permeable paving across the development site. The Environment Agency and Lead Local Flood Authority have advised that this in principle is an acceptable solution, but further detail is requested pursuant to planning conditions.

Sequential Test

- 2.11 Residential development is classified as a 'More Vulnerable' use and is not a compatible use in an area at high risk of flooding. The NPPF requires that the sequential approach to development is applied to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.
- 2.12 The Environment Agency has advised that the site should be developed based on a 'sequential' site-layout that omits the residential units depicted in Flood Zone 3 (as required under the NPPF); however, they acknowledge that the flood map for the area shows that the site is appropriately defended from tidal flooding and would only be at risk during an extreme, combined, tidal/fluvial event.

- 2.13 The applicant has provided a document called 'Sequential Test Statement' dated March 2019. The Statement does not refer to the Council's Strategic Flood Risk Assessment which was published in March 2019. The applicants have not identified any other comparable sites at a lower risk of flooding.
- 2.14 The Policy and Projects Manager has since advised that the Sequential Test was applied at the time of site allocation and the change in the flood zone mapping is not so significant to warrant a site-specific sequential test being carried out again.
- 2.15 However the sequential approach to locating development should be adopted at the site level. In this instance only the north west corner of the site is within the flood zone and 4 out of the 35 dwellings proposed are within the flood zone. For example, more vulnerable elements of the scheme should be located where the risk of flooding is lowest (e.g. on the higher parts of the site). The higher risk areas of the site (e.g. lower-lying parts of the site) should only be allocated for less vulnerable elements (e.g. parking or recreational land). The Sequential Approach should also be applied within the design of the internal layout of the building. This would mean that more vulnerable elements such as sleeping accommodation should preferably be located above the less vulnerable elements (e.g. parking, living accommodation on lower floors).
- 2.16 The applicant was asked to explain the rationale behind the site layout and why it is deemed necessary to site dwellings within flood zone 3. At the time of writing this report the rationale behind the sequential development of the site had not been submitted. However it is surmised that the less vulnerable uses such as the amenity space, equipped play area and reptile translocation area are all located within flood zone 3. It would be possible to put the majority of the car parking associated with the dwellings in the flood zone area, but car parking courts, remote from the dwellings would pose other problems such as security and design and would not be considered favourably. Members are reminded that the flood maps were amended after the planning application was submitted and therefore to avoid flood zone 3, the whole layout of the site would have to be re-visited. On balance it is accepted in the circumstances of this case, that the sequential approach has been taken as far as it can be whilst maintaining the reasonable functionality of the development.
- 2.17 Members will be given a verbal up-date at the Planning Committee regarding the applicant's sequential approach to the development of the site.

Exceptions Test

- 2.18 The exceptions test also needs to be passed. Members should note that there are two criteria which make up the exceptions test;
- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk,
 - A site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

- 2.19 It is clear that the development will provide some wider sustainability benefits, such as; delivering much needed family sized dwellings, 30% of which would be affordable homes; the development of a brownfield (previously developed land) site; support to local services and facilities and an economic benefit during the construction process.
- 2.20 As explained above a variety of measures to provide rainwater attenuation have been considered and discounted. Permeable paving throughout the site is now proposed for surface water attenuation. The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) are satisfied with the level of information relating to surface water drainage and flood resilient/ resistant measures. The LLFA advise that ground investigations undertaken at various locations across the site have demonstrated that infiltration through permeable paving may be a viable option and provides adequate pollution controls. As this is a full application, the LLFA request pre-commencement conditions are attached to this application because further details of the proposed drainage system are necessary before any work on site can take place. This ensures the proposed drainage strategy is suitable to manage surface water for the site and to not increase the risk of surface water flooding. The suggested condition from the LLFA requires further infiltration testing to be done to ascertain the ground invert level before development commences. This condition is considered reasonable and necessary to ensure the site is developed in a proper manner.
- 2.21 The EA and LLFA have removed their original objections and are now satisfied that the details submitted, demonstrate in principle, that this development will not increase flood risk elsewhere.
- 2.22 The applicant has provided information relating to flood mitigation and resilient measures. Flood resistance is where water is prevented from getting into the building. Resistance can take the form of barriers over door openings and air bricks or raising the floor level. This type of measure is appropriate for development where the property is considered more vulnerable and where internal flooding could make recovery from an event less practical. Flood resilience measures are general used to minimise the disruption and damage caused by the flood. Typical flood resilience measures can include tiled floors and high-level plug sockets.
- 2.23 The applicant confirms that the following flood resistance and resilience measures will be used within the development (Members are advised that a condition should be imposed to secure the implementation of these features):
- The proposed minimum ground floor level for the proposed development is set at 4.9mAOD (as advised by the EA).
 - The design layouts include no sleeping accommodation at ground floor level.
 - All power sockets will be located a minimum 450mm above the finished floor level.
 - Solid concrete floor construction will be used with no underfoot voids.
 - Water resistant plaster will be used on the ground floor walls, the use of stud partitions on the effected plots will be avoided.

- The EA operate a flood warning broadcast in areas that are likely to be at risk, this serves operates 24 hours each day.

2.24 It is necessary for Members to be satisfied that the sustainability benefits of the scheme out weigh the flood risk. To clarify the level of flood risk, the Environment Agency have advised that flood map for the area shows that the site is appropriately defended from tidal flooding and would only be at risk during an extreme, combined, tidal/fluvial event - for which the above mitigation measures will address. Therefore, in this instance Members are advised that the residual level of flood risk is low. Bringing forward this allocated site for housing (including 30% affordable housing) will provide economic, social and environmental benefits which are considered to outweigh the harm.

Appropriate Assessment

2.25 The development site is located approximately 3.3 kilometres from the Special Protection Area (SPA) and

approximately 463 metres from the Ramsar site. It is connected to the Thanet Coast & Sandwich Bay Ramsar and Site of Special Scientific Interest (SSSI) via the local ditch network.

2.26 This site is legally protected for its wildlife interest under both National and European law. The case of the People over Wind and Sweetman, ruled on at the Court of Justice of the European Union in April 2018, has had implications for the adopted approach that the Council had been utilising in respect of the potential impact of residential development on the European ecological sites at the Thanet Coast and Sandwich Bay. Until the ruling, the Council had been factoring in an ecological mitigation scheme at the screening stage, meaning that no Appropriate Assessment (in accordance with the Habitats Regulations 2017) was required to be undertaken. The European ruling determined that mitigation measures could not be accounted for at the screening stage. In consultation with Natural England it has been identified that an Appropriate Assessment needs to be undertaken in relation to the potential effects of recreational pressure and the potential for pollution from the surface water runoff entering the surrounding aquatic system during both the construction and operational phases of the development. Accordingly, on that basis, a likely significant effect on the European sites has been identified.

2.27 Paragraph 177 of the NPPF was amended in February 2019 and now states that: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an Appropriate Assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

2.28 Accordingly, the presumption in favour of sustainable development does not apply in the case until an appropriate assessment has concluded that there will not be an adverse effect in the RAMSAR or SSSI.

2.29 DDC has a legal duty to consider potential impacts upon sites protected for their nature conservation value and functions as a 'competent authority' when addressing the requirements of the European Habitats Directive 1992, transposed into UK law by the Conservation of Habitats & Species Regulations 2017 (Habitats Regulations). The aim of the Habitats Directive is to "maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of community interest". An Appropriate Assessment (The Conservation of Habitats and Species Regulations 2017 Regulation 63: Appropriate Assessment) has been undertaken on this basis and the formal comments of Natural England are awaited.

2.30 The Appropriate Assessment has a four-stage process:

- Stage1 - is the screening of likely significant effects upon European protected sites (it is a high-level risk assessment) - Two likely significant effects were identified at this screening stage:
 - Possible pollution runoff into a ditch during both the construction and operational phases of the project. The ditch borders the northern edge of the development zone and feeds into the Thanet Coast & Sandwich Bay Ramsar and Sandwich Bay to Hacklinge Marshes SSSI.
 - Disturbance of bird species forming notified features of both the Thanet Coast & Sandwich Bay SPA and Ramsar sites, caused by recreational pressure as a result of increased housing within the district.
- Stage 2- is called an Appropriate Assessment. DDC must proceed to this stage if likely significant effects have been identified at Stage 1. This examines the proposals in detail and must consider the development both alone and in combination with other live planning applications. It applies the integrity test, to establish whether the development would adversely affect the integrity of the European site(s) considering their Conservation Objectives (produced by Natural England).
- Stages 3 and 4 - are the derogations, they apply the tests of no satisfactory alternative and overriding reasons of imperative public interest (IROPI), respectively.

2.31 All four tests must be passed before the Council can grant planning permission for a development. In preparing the Habitats Regulation Assessment (HRA), the competent authority, may only grant planning permission where it is able to ascertain either:

a) that it will not have a likely significant effect on a European site (either alone or in combination with other plans and projects), or;

b) that it will have no adverse effect on the integrity of a European Site following an appropriate assessment. If such effects cannot be ruled out, the proposal cannot proceed unless the further tests given in Regulations 64 and 68 of the Habitats Regulations can be satisfied.

Pollution of the Ramsar ditches

2.32 The applicant has provided outline mitigation measures which will be used to prevent contaminated water runoff from entering the watercourses that flow directly into the Thanet Coast and Sandwich Bay Ramsar site and Sandwich Bay to Hackling Marshes SSSI – The applicant relies upon the provision of a surface water drainage

strategy to mitigate any impacts at the operational stage of the development. They have followed the guidance in the CIRIA SUDS manual 2015 and chosen permeable paving as a SUDS feature.

- 2.33 The applicant was asked to supply additional information to include a construction environment management plan (CEMP), and to look at the possible effects of other extant planning applications which may act in combination with the Stalco site to contaminate the Ramsar/SSSI. The applicant has submitted a construction environmental management plan (CEMP) and details relating to the in-combination effects within the zone of influence (Titled 'Effect of surface water discharge on the RAMSAR site').
- 2.34 The assessment of risk takes into account the precautionary principle (where there is scientific doubt) and to comply with case law (People Over Wind & Sweetman v. Coillte Teoranta) The Senior Natural Environment Officer has completed the HRA to stage 2 Appropriate Assessment and concludes that on the basis of the mitigation measures proposed by the applicant that the development will not have an adverse effect upon the integrity of the Thanet Coast & Sandwich Bay Ramsar when considered alone. The mitigation measures proposed by the applicant in the drainage strategy/CEMP should form a condition of any planning permission, with follow up compliance monitoring by the Competent Authority.
- 2.35 The precautionary principle is embedded in the integrity test, the Competent Authority needs to show that there would be no harm to the integrity of the site caused by the project either alone or in combination with other plans and projects before granting planning permission. The scheme has been assessed in combination with other live applications within the zone of influence of the Thanet Coast & Sandwich Bay Ramsar.
- 2.36 The Senior Natural Environmental Officer has carried out a review of many types of plans and projects within the Zone Influence and has identified three housing schemes (these are listed in the HRA report) which have been given planning permission but have not been built out to date.
- 2.37 The applicant has also submitted a short report titled the 'Effect of surface water discharge on the RAMSAR site' this report identifies a network of drainage ditches surrounding the application site and the RAMSAR site, this is considered to be the Zone of Influence. The applicant highlights two known developments one of which is extant and the other which has recently been 'put forward', the applicant concluded that they would not result in an in-combination effect.
- 2.38 In addition, the applicant submits that the ditches fall outside of the village settlements and for this reason other development opportunities are likely to be limited. Pollution control measures within the site will be implemented and this will prevent, and the surface water attenuation will ensure that no surface water will discharge into the adjacent network of ditches. The applicant concludes that there is unlikely to be a cumulative effect due to the limited opportunities of further development within the zone of influence.

Recreational pressure

- 2.39 Detailed recreational surveys at Sandwich Bay and Pegwell Bay were carried out in 2011,2012 and 2018. However, applying a precautionary approach and with the best

scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.

- 2.40 Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.41 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites. The recreational impact of the development would be mitigated by this Mitigation Strategy.
- 2.42 The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that any harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.
- 2.43 For the Thanet Coast & Sandwich Bay SPA, the applicant relies upon developer contributions to the Thanet Coast mitigation strategy. The applicant intends to pay the tariff levied on all schemes in excess of 15 units, (based on the total number of bedrooms constructed). The tariff is used to fund visitor surveys and analysis of bird survey data, to try to establish whether development in Dover district is having an adverse impact upon SPA bird species. The contribution will be secured by a section 106 legal agreement.

Summary of the Habitat Regulations Assessment (HRA) Conclusion

- 2.44 The Stalco engineering site development proposals were considered in light of the assessment requirements of Regulation 63 of the Conservation of Habitats & Species Regulations 2017, by Dover District Council, which is the competent authority responsible for authorising the projects and any assessment of them, required by the regulations.
- 2.45 Having carried out a screening assessment of the projects, the competent authority concluded that the project may have a significant effect upon the Thanet Coast & Sandwich Bay Ramsar and the Thanet Coast & Sandwich Bay SPA, (in light of the definition of this term in the Waddenzee ruling of the European Court of Justice Case C-127/02). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the sites, in light of their Conservation Objectives.
- 2.46 Following the Appropriate Assessment, in accordance with the regulations, the competent authority has ascertained that the project would not have an adverse effect upon the integrity of the Thanet Coast & Sandwich Bay SPA , or Ramsar,

either alone or in combination with other plans or projects. Natural England has been consulted on the Appropriate Assessment at their final views are awaited and a verbal up-date will be given at the Planning Committee Meeting.

Ecology

- 2.47 A preliminary ecological appraisal was carried out in September and October and updated in December 2018. A visual bat survey of the buildings and trees was carried out, together with a bird, badger and a reptile survey. The report concludes that the site is suitable for reptiles. A reptile presence/absence survey included a series of seven visits between 13th – 29th September 2018 was carried out. The results indicated a small population of slow worms and a large population of lizards. The applicant's ecologist advises that translocation will have to be undertaken as the first operation on site and at some time during the period of usually April to September inclusive.
- 2.48 The applicant's architect has advised that the reptiles will be translocated to the open area adjacent to plot 12 at the far northern end of the site. The receptor site is within the flood zone and the Council's Senior Natural Environment Officer will need to confirm if this area is suitable for reptiles. A detailed programme for translocation procedure has been requested, as well as a plan for future management. It is likely that this can be secured by a pre-commencement condition, but the Natural Environment Officer will have to confirm this approach.
- 2.49 The applicant's ecologist also advises that 'it is strongly recommended that, in order to accord with the NPPF and to provide some positive ecological benefits, some of the wildlife conservation measures and mitigation suggested by Gunnell, Murphy and Williams (2013) for instance, for the built environment should be incorporated into any proposed Scheme by means of a biodiversity plan for any completed development. Such measures could include:
- The provision of bird and bat boxes.
 - The provision of log piles for invertebrates.
 - The provision of bumble bee nest boxes.
 - Provision for some of the species on the Kent BAP species list where applicable to the site and conditions.
 - A scheme of native species landscaping and similar measures'.
- 2.50 The above biodiversity enhancement measures can be secured by way of a planning condition if Members are minded to grant permission. The comments of the Council's Senior Natural Environment Officer will be provided verbally at the planning committee meeting.

Visual impact

- 2.51 The site is located at the edge of the urban confines but projects into the open countryside, surrounded by agricultural land to the north, east and west. The visual appearance of the countryside is held in high regard and policy DM15 of the CS advises that if development would adversely affect the character or the appearance of the countryside it will only be permitted if amongst other things it is in accordance with land allocations.
- 2.52 There is a public footpath some 300m to the north of the site, the footpath cuts across the agricultural fields and runs east to west, parallel with the site boundary. The topography of the land is varied but in general the land level declines from the footpath down to the application site. The site is visible from this public footpath, the existing Stalco Engineering buildings are widely visible from many vantage points, but as the observer travels further west along the footpath, the mature vegetation on the northern boundary does soften and to some extent screens the Stalco building.
- 2.53 Plan drawing no.10D shows the footprint of the existing building overlaid on the proposed development, this plan clearly shows that the scale of the existing building is much greater than the proposed development and is also sited much closer to the site boundary than the proposed development.
- 2.54 The LALP policy LA15 offers some brief design guidelines and advises that 'Higher density adjacent to the existing built form, progressively reducing towards the boundary with the open countryside'. The applicant has followed this design advice, proposing just a few larger dwellings at the northern end of the site. An open space provides a buffer between the development site and the countryside, which helps to soften the visual impact and provides a transition from the built form to the open countryside. The provision and siting of the open space has also been informed by the extent of the flood zone and for the requirement to provide a reptile receptor site and an equipped area of play. This area and the use of it will be managed by a management company which the applicant can be required to set up by way of a planning condition.
- 2.55 Plot 13 is situated on the footprint of the Stalco building and its closest point would be 8m from the rear boundary. The rear garden extends to the east but would not abut the site boundary as the reptile receptor site provides a separation buffer. It is therefore considered that the dwelling and the associated domestic paraphernalia will not have a significant detrimental visual impact on the surrounding countryside.
- 2.56 A public footpath runs adjacent to the western site boundary and increases in height towards the north, when it becomes elevated approximately 2m above the ground level of the site. Vegetation on both sides of the footpath provides screening from the wider countryside and views from the east. During the negotiations the applicant was asked to extend the rear garden of those dwellings abutting the public footpath to approximately 10m (plots. No 24 – 27 and 14-16) to ensure that there was enough space for the vegetation buffer to be retained and for those properties to receive an ample amount of natural light to the rear garden.
- 2.57 Plots no. 1 – 12 run parallel with the west boundary and abut the southern water pumping station and the rear garden of no.150. Negotiations with the applicant sought to increase the depth of the rear gardens for these dwellings from less than

5m to depths which now range from between 8m – 10m. This boundary will remain screened by vegetation and separated from the wider countryside by the development in between, as such it is considered that the new development will not have an adverse impact on the character of the countryside.

- 2.58 Plan drawing 07E shows the proposed boundary treatments and indicates a 1.8m high timber post and rail fence with wire mesh to be sited on the inside of the existing vegetation on all the site boundaries. The plan also indicates that the existing hedge on the site boundaries will be infilled with a mixture of native species. This is a good form of boundary treatment which will provide security, whilst not being visually dominant.
- 2.59 The main access road is relatively straight, and the layout of the site allows for a framed vista straight through the site to the open countryside beyond. The layout of the site is dictated by the elongated shape of the site and the position of the new vehicle access.
- 2.60 The layout of the site provides a mixture of dwelling sizes and types, all of which have their own private garden space and allocated car parking. The site is not dominated by hardstanding as pockets of vegetation have been introduced to provide a soft visual appearance. The use of boundary treatments has been carefully considered, close boarded fences are used in between the rear gardens and are set back from the public realm, where boundary treatment is required in visually prominent positions such as surrounding plot 1 an attractive brick wall is proposed.
- 2.61 The site is not within the conservation area but the boundary wraps around the south and west of the site. The site entrance is clearly visible from the conservation area and therefore it is necessary to ensure that the development would not detract from the special character and appearance of the conservation area. The new access is facilitated by the demolition of dwelling no. 126, the dwelling is of no architectural merit and the loss would not be harmful to the conservation area.
- 2.62 The visual appearance of the site access is considered to be acceptable. It is proposed to plant some semi mature trees on either side of the access road, on the east side, 6 semi-mature trees are proposed, this will screen the side of South Court garage. On the west side 1 tree is proposed at the entrance (behind the sight lines) and beyond this 5 car parking spaces will be provided but will be surrounded by soft landscaping.
- 2.63 The design of the dwellings has been influenced by the surrounding architecture and the adjacent development at Dairy Mews. The dwellings will have steeped pitch roofs and gable ends on porches and garages. The material palette is varied and includes red brick, white render and timber boarding. The exact details are not known but if permission is granted a condition should be imposed requiring details to be submitted. The design approach is acceptable.

Residential Amenity

- 2.64 The layout of the site has been carefully negotiated and amended to ensure that the future dwellings will have a good standard of amenity. The layout now shows that the rear gardens of the properties are all at least 8m in depth and where rear gardens

back on to the side of other properties the depths of the gardens are no less than 9m. This will ensure that all properties have a reasonable level of privacy.

- 2.65 It is advised that a condition is imposed to prevent first floor side windows in the elevations of plot, 18, 22, 24, 32 in order to prevent overlooking in the rear gardens of adjacent dwellings.
- 2.66 The separation distance and orientation of the plots ensure that the amount of natural light received at each dwelling and the outlook will be sufficient and not prejudiced by the layout of the site. Each dwelling is provided with a private amenity spaces and ample room to provide a bin and bicycle store.
- 2.67 The nearest dwellings are no. 5 and 10 Dairy Mews. They are situated on the other side of the existing vehicle access, with a separation distance of 13m between them and the nearest dwellings in the application site. This is sufficient distance to protect residential amenities.
- 2.68 To the west of the site the nearest dwelling is no. 150 Mongeham Road. This dwelling is set back beyond the frontage development along Mongeham Road and the rear garden is only separated from the site by a drainage ditch. There is a 30m separation distance between the rear elevation of plots 2 and 3. This is considered to be sufficient distance to avoid harm to residential amenities.
- 2.68 The removal of the engineering business could be seen as a positive enhancement to existing residential amenities. A heavy industrial business such as engineering would not normally be compatible with a residential use.
- 2.69 South Court garage is a commercial property which specialises in car mechanics and MOTs. It is important that any new residential development does not prejudice the working of this garage. In order to ascertain the noise levels generated at the garage, a noise assessment was carried out by the applicant and verified by the Council's environmental health officer. The noise results which were registered were deemed to be acceptable. Nonetheless, through negotiations with the applicant the site has been designed, so as to increase the distance and reduce the relationship between the garage and the residential properties.

Highway safety and car parking provision

- 2.70 The majority of the third party concerns relate to the traffic impact on Mongeham Road. Particular concerns relate to congestion of traffic, car parking and traffic speed. KCC Highway Authority have been consulted and a safety audit has been carried out. The plans have been amended in accordance with their advice and the recommendations from the safety audit.
- 2.71 This housing site was allocated with no.126 Mongeham Road, on the understanding that this property would be demolished in order to provide a vehicle access into the site. It was agreed with the highway engineer on site that adequate visibility splays at the junction with Mongeham Road could be provided (2.4m x 44m x 44m). To ensure that adequate visibility is maintained at the new junction new yellow lines are required either side of the access and opposite.
- 2.72 The provision of yellow lines will result in the loss of available on-street car parking in an area where car parking is already limited. To replace those spaces lost as a

consequence of the yellow lines, it has been agreed to provide an additional 5 off-street car parking spaces just within the access road of the development.

- 2.73 It is proposed to retain the existing Stalco engineering access, this vehicle access will be retained to provide access to the South Court Garage workshop and to the car parking spaces associated with plots 27, 28, 31, 32, 33, 34 and 35. The highway authority have confirmed that this is acceptable as the level of use would be significantly lower than the existing use as Stalco engineering. The sight lines from this access are considered to be acceptable to the highway authority.
- 2.74 It is noted that the public footpath in Mongeham Road is intermittent and pedestrians walking to and from the site would be forced to walk in the road if approaching the site from south side. The nearest bus stop is in St Richards Road which is located a short walk to the south east of the site. To improve the pedestrian link and highway safety, the KCC Highway Engineer advised that a new pedestrian build out should be provided in Mongeham Road.
- 2.75 The crossing point is needed to allow residents of the new development access to/from the existing footway network, bus stops and services/amenities on the south side of Mongeham Road. The siting of the crossing point is to tie in with the end of the existing footway on the south side and also avoid the increasing level difference between footway and carriageway to the east of this point. A build-out is proposed to minimise the loss of on-street parking whilst still ensuring adequate visibility is available at the crossing point.
- 2.76 Plans have been submitted to show these off-site highway works and as a result of a highway safety audit the pedestrian build out location has been moved by a few meters. This has resulted in the need to re-advertise the plans. The public consultation has now expired and the additional third party comments have been included in the comment section above.
- 2.77 With regard to policy DM13 (parking provision) the site is considered to be a suburban edge location. The policy advises that the provision of car parking should be a design-led approach but as a starting point should be informed by the standards in table 1.1 of the CS. The parking plan drawing no. 05E shows the number of car parking spaces and their allocations. Plots 1 – 22 are provided with 2 car parking spaces and are either provided in tandem or adjacent. It is acknowledged that the policy advises the seeking of independently accessible car parking spaces however in this instance it was considered that tandem parking is appropriate in order to create a visually attractive street scene with soft landscaping.
- 2.78 The smaller two-bedroom dwellings will be provided with 1.5 spaces in accordance with the policy. Each property will be allocated 1 car parking space with the 0.5 of a space being non-allocated.
- 2.79 The site accommodates 13 visitor spaces, in bays and laybys throughout the site; 55 designated spaces; 6 non-designated spaces and 4 additional spaces (associated with plots 12-16). In addition to this the dwellings are all provided with a cycle shed or a cycle rack within the garage. The highway authority is satisfied that there is an adequate provision of parking within the site for the new dwellings and for the displacement of car parking from Mongeham Road.

- 2.80 The highway authority has reviewed the road network and the vehicle tracking paths within the site. The site is to remain unadopted and therefore the highway authority does not raise an objection to the internal road layout within the site.

Development Contributions

- 2.81 The applicant acknowledges that the development would attract the requirement for affordable housing in line with Core Strategy policy DM5 which advises that 30% of dwellings to be affordable. In this case 30% of 35 dwellings is 10.5, representing 10 affordable dwellings on site. The applicant has agreed this requirement. Plan drawing no.06E highlights the tenure and size of each plot. The affordable housing are allocated at plots 26 – 35. Plots 31 and 32 are two bed flats, the remainder are a mix of 2 and 3 bed dwellings. The provision of the affordable housing can be secured by a planning condition, however at this stage a social registered landlord has now been secured.
- 2.82 KCC Property Services has also indicated that the proposed development would attract the need for the following contributions:
- Primary education – £113,016.00
 - Library book stock – £1632.68
- 2.83 A further informative is added by KCC Property Services recommending the provision and adoption of superfast broadband.
- 2.84 Policy DM27, contained within the land allocations local plan, defines the amount of open space contributions required for new development. The application does propose a dedicated equipped play area, which will be sited adjacent to plot 12 at the rear of the site. The play area will be easily accessible by future residents and accessible to residents in Great Mongeham which will provide a wider community benefit. The management and future maintenance of the site will be provided by a management company, the details of which should be secured by a planning condition.
- 2.85 The applicants have recognised that the development falls into the category requiring contributions to be made to the Thanet Coast Mitigation Strategy. As described above, the required payment is £1862 and has been agreed by the applicants.
- 2.86 The SKCCG has advised that the Balmoral surgery will be put under additional pressure as a direct impact from the proposed development. An internal remodelling of the surgery is proposed, and a build cost has been estimated and divided proportionately to this development. A figure of £12,965.57 is sought and the applicant has confirmed that this figure is acceptable.
- 2.87 In total, financial contributions of £129,476.25 are sought, which are considered to meet the requirements of the CIL regulations. The applicants have indicated that they are willing to meet these costs and a draft section 106 agreement has been submitted

Other Matters

- 2.88 The applicant engaged with the LPA officers at an early pre-application stage. The applicant was made aware at an early stage that a number of robust technical reports would be required to support the planning application including a Flood Risk Assessment. During the course of the application the applicant liaised and negotiated with the planning officer to ensure that the layout of the development evolved to create an attractive street scene and to provide a good level of amenity for future occupiers.
- 2.89 All statutory consultees responded within the 21 day consultation period. The concerns raised by the statutory consultees were passed promptly onto the applicant and the additional technical information relating to flood risk, surface water management and pollution control measures were sought from the applicant in a timely manner.
- 2.90 A Planning Performance Agreement (PPA) is in place and timetables and targets were agreed with the applicant to ensure that the application was decided in a timely manner. The applicant has not been able to meet specific targets that were set, which has resulted in statutory consultee responses not being available for this report.

Sustainability

- 2.91 The site represents a significant vacant brownfield site within the urban confines of Deal. The application site is allocated for residential development in the LALP and is acknowledged to be a sustainable site. There is an identified need for housing in the district – the extent of which has necessitated greenfield releases. National guidance and other complementary development plan policies seek to focus and prioritise development on this type of site.
- 2.92 To assess any impacts of the development, it must be considered in terms of the dimensions of sustainable development as set out in paragraph 7 of the NPPF. These are economic, social and environmental.

Economic impact

- 2.93 The development would bring some economic benefits in terms of the development contract for 35 dwellings, although this would be finite in terms of time. The development would also provide 35 new dwellings for residents, although there is no certainty about where these people would come from or, accordingly, how much additional economic benefit for the area that would represent. Some benefit would be available to local shops in the vicinity, however, for a wider range of facilities that the new residents might support, they would need to travel beyond the immediate area. This also has to be balanced with the loss of engineering business (which in any event has wound down in recent years). Accordingly, this limits the contribution that the proposal makes to the economic role that the planning system seeks to achieve.

Social impact

- 2.94 In terms of the social role, the occupants of the new dwellings would to some degree become part of the local community and support the viability of local services e.g.

schools and nurseries, health facilities etc. Furthermore, 30% of the total number of housing units would be affordable housing. These are social benefits weighing in favour of the proposal.

Environmental impact

- 2.95 A Construction Environmental Management and details relating to the 'in-combination' effects of other planned development within the zone of influence have been submitted. A screening assessment has been completed by the competent authority and following the Appropriate Assessment, in accordance with the regulations, the competent authority has ascertained that the project would not have an adverse effect upon the integrity of the Thanet Coast & Sandwich Bay SPA , or Ramsar, either alone or in combination with other plans or projects. Natural England has been consulted on the Appropriate Assessment and their comments will be reported verbally at the meeting.
- 2.96 It is acknowledged that the site has a population of reptiles, including the common lizard and slow worms. A plan highlighting the translocation process and the future management of the receptor site is still awaited. Reptiles are a protected species and therefore officers must be satisfied that the development will not cause harm. Further information is expected from the applicant but had not been received at the time of writing this report – it is expected that a verbal up-date can be given to Members at the Planning Committee.
- 2.97 In the absence of a rationale to provide justification to the sequential approach, residential development will be situated in an area at high risk of flooding, which is strongly discouraged by the NPPF. If the applicant provides further information Members will be verbally updated at the Planning Committee meeting.

Conclusion

- 2.98 The NPPF paragraph 11 and the three core principles of sustainable development, as considered above is a key consideration. It states that permission should be granted unless the adverse impacts of the proposal demonstrably outweigh the benefits.
- 2.99 In this case, the benefits of the proposal can be considered to be the provision of 35 new dwellings, some of which would be affordable, and the, albeit limited, economic benefits. This must be considered against the environmental impact.
- 2.100 The adverse impacts of the proposal will need to be outweighed by the benefits. Members will be given a verbal up-date at the Planning Committee meeting.

g) Recommendation

- I. **SUBJECT TO** receiving Natural England's agreement to the conclusion of the Habitat Regulations Assessment and to agree any minor amendments to the planning application, draft conditions and the entering into of a Section 106 planning obligation covering the matters outlined in this report **PERMISSION BE GIVEN** subject to:

- 1) Commencement within three years from the date of this permission; Development to be carried out in accordance with approved plans;
 - 2) Submission of materials for approval;
 - 3) Submission of details of surfaces for approval;
 - 4) Submission of details of boundary treatment;
 - 5) Submission of details of bin storage;
 - 6) Removal of permitted development rights for alterations, extensions and out buildings
 - 7) Submission of details of landscaping scheme;
 - 8) Submission of details of lighting scheme;
 - 9) Submission of details of drainage;
 - 10) SUDS management scheme;
 - 11) To be completed in accordance with the submitted CEMP received 3rd June 2019;
 - 12) To be completed in accordance with flood risk resistance and resilience measures received 3rd June 2019;
 - 13) Submission of Land contamination survey;
 - 14) Details of PRow re-surfacing;
 - 15) Details of procedure for reptile translocation and future monitoring.
- II** Powers be delegated to the Head of Planning, regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee

Case Officer

Rachel Humber