

Application No: 20/1212/FH

Location of Site: Land rear of 2 Willop Close, Dymchurch, TN29 0HU

Development: Erection of 2 three-bedroom dwellings and associated parking.

Applicant: Mr J. Jones

Agent: RDA Architects, Evegate Park Barn, Smeeth, Kent, TN25 6SX.

Officer Contact: Ross McCardle

SUMMARY

This application seeks planning permission for the erection of two detached dwellings on land to the rear of existing houses at Willop Close, Dymchurch. Previous Planning applications at this site have been refused on the grounds of flood risk. However - due to the upgrading of the sea defence works, the site is now at lesser risk and considered to be safe under the exceptions test. In addition to this, additional information has been submitted to demonstrate that the sequential test can be passed. The development is not considered to give rise to harm to visual, residential, or highway amenity, and the provision of two well-designed houses would contribute towards meeting the Council's five-year housing land supply. The application is therefore recommended for approval.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

- 1.1. The application is reported back to the planning and licencing committee after having been presented to the 23rd March meeting, and deferred by Members for further information in regards site drainage. The printed minutes state:

RESOLVED

That consideration of this application be deferred in order to allow discussions to take place with the applicants on an additional planning condition being imposed, which would require the development to be served by pumped drainage, discharging to the Willop Basin.

(Vote: 7 For, 1 Against; 4 Abstentions)

- 1.2. The application was then again deferred from the 27 July meeting for officers to further investigate issues raised relating to flood risk.
- 1.3. The application was originally called-in to committee by Cllr. Treloar.

2. BACKGROUND

- 2.1. The application seeks planning permission for the erection of two dwellings on land to the rear of 1 and 2 Willop Close, Dymchurch. A detailed description of the proposed development (including drawing extracts) and the site and its surroundings (including

photographs), the relevant planning history for the site, a list of consultation responses, and a list of the relevant planning policies are set out in full within the original report to committee, attached here as **Appendix 1**.

- 2.2. As set out above, Members voted to defer determination of the application from the March meeting to enable officers to explore with the applicant the potential for additional conditions to be attached, securing pumped surface water drainage from the site to discharge within the Willop Basin, and from the July meeting to enable further investigation of flood risk issues. This matter is discussed in detail below.

3. FURTHER CONSULTATION RESPONSES

- 3.1 The Council's Arboricultural Manager has no objections to the proposals subject to the conditions set out below.

- 3.2 Seven further letters of objection have been submitted since the application was deferred at the March committee meeting; including five from the same email address. They raise the following issues not already covered within the original committee report:

- The developer is being given unfair advantage;
- *"The developer and architect have constantly changed the measurements in this development..."* [**CPO comment:** the drawings have not been amended throughout the course of the application];
- The planning committee previously visited the site and refused permission for a house on the site [**CPO comment:** presumably in 1984 or 1990, as set out in the planning history at section 4 of Appendix 1];
- The site is due a 1 in 100 year flood in approximately 20 years' time [**CPO comment:** that is not how flood risk probability works. The likelihood of a serious flood in any one year is 1 in 100];
- This is a test case to allow wholesale development on the marsh;
- Boundary planting would interfere with underground water storage units;
- Overlooking and loss of privacy would be contrary to the Human Rights Act;
- Is Willop Close a private road?
- Development here would be contrary to footnote 6 of the NPPF [**CPO comment:** footnote 6 excludes areas at risk of flooding from the *automatic* presumption in favour of sustainable development];
- No contaminated land assessment has been provided [**CPO comment:** this is not a requirement of this application, and Members are directed to the contamination consultant comments at 5.1 of the original report, where it is noted they have no objection];
- A similar development at nearby 24 Hythe Road (ref. Y15/0774/SH) was refused permission earlier this year due to unacceptable flood risk [**CPO comment:** the two schemes are not comparable, as set out in the original report];
- An application for two dwellings to replace the existing bungalow at 5 Marine Avenue, nearby (ref. Y19/1072/SH) was refused (partly) on flood risk grounds [**CPO comment:** that site is set at a marginally lower level than the current application site, and the principal reasons for refusal focus on the unacceptable scale, layout, and amenity impacts of the proposal – which would have resulted in a significantly harmful degree of overlooking for existing residents];
- Pre-application advice for a residential development in Dunstall Gardens, St Marys Bay was considered negatively by the planning officer due to flood risk [**CPO comment:** the pre-application advice in question dates to 2017, prior to the

adoption of the SFRA, and the scheme had other issues leading the officer to consider it would not be acceptable];

- Objectors have been unable to find record of other residential applications approved in this area;
- Expansion of the Beach Holiday Centre is placing additional load on local drains; and
- Relevant tree surveys have not been provided.

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

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

4. POLICY UPDATE

Core Strategy Review (Submission Draft)

- 4.1 Since the application was originally submitted the emerging Core Strategy Review (Submission Draft) has progressed to a further advanced stage.
- 4.2 Further to public consultation, formal submission, and review by the Inspectors between 10 March 2020 and 1st July 2021 the Inspectors wrote to the council on 1st July 2021 to state that the Core Strategy Review complies with the duty to cooperate and can be made 'sound' by amendment through main modifications.
- 4.3 The Inspectors followed up their initial assessment by letter on 16th July 2021, stating that, subject to main modifications concerning detailed policy wording they consider that the plan's spatial strategy and overall approach to the district's character areas and settlements is sound. The Inspectors find that the housing requirement is justified and that the Core Strategy Review will provide an adequate supply of housing over the plan period and at least a five year supply of housing land at the point of adoption. In accordance with National Planning Policy Framework (2021) paragraph 48, the policies in the Core Strategy Review can therefore be afforded significant weight, having regard to the Inspectors' outline of main modifications required.
- 4.3 In terms of decision-making this means that the policies set out within the appended report can be given significant weight.

National Planning Policy Framework 2021

- 4.4 The original (appended report) refers to the NPPF 2019; this was superseded by the NPPF 2021 which was released on 20 July. The general thrust of the advice and guidance there-in is the same as set out within the original report but there are a number of enhancements that strengthen the overarching requirement for well-designed, sustainable development. For example there is now reference to the importance of the National Design Guide and National Model Design Code, and the use of area-specific design guides.
- 4.5 NPPF 2021 paragraph numbers have changed from the 2019 version, and it is worth re-stating the guidance here to avoid confusion in trying to translate paragraph numbers from the original (appended) report.

Para. 8 sets out the three main strands of sustainable development: economic, social, and environmental. Para. 11 then sets out that to achieve these aims

development proposals that accord with an up-to-date development plan should be approved “without delay” but excludes identified flood risk areas from the automatic presumption in favour of development. Para. 12 clearly sets out that the starting point for decision-making is the development plan.

Para. 20 requires Councils to have strategic policies that make sufficient provision for housing, infrastructure, and community facilities in appropriate locations, while ensuring conservation of natural and historic environments. Para. 22 then sets out that such strategic policies should look ahead over a minimum of 15 years (hence the lengthy span of the adopted and emerging Local Plans).

Section 5 of the NPPF requires Councils to deliver a sufficient supply of homes, of varying types and tenures, to meet an identifiable need. Para. 68 requires Councils to have an identifiable supply of specific and deliverable housing sites to meet demand for at least 5yrs hence, and para. 73 advises Councils to identify and allocate sites to meet this need.

Para. 111 states that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Para.119 encourages best, most productive use of land to meet the need for homes, while safeguarding the environment and ensuring safe and healthy living conditions. Para. 124 encourages development at appropriate densities, taking into account the character of the site and the need for different types of housing.

Section 12 aims to achieve well-designed developments and places.

Para. 174 requires planning decisions to protect and enhance the natural environment; to protect valued landscapes; minimise impact upon and provide net gain for biodiversity; and mitigate and remediate despoiled land and pollution. Para. 175 deals with biodiversity in particular, and sets out that developments which give rise to significant harm in this regard should be refused.

Section 14 seeks to ensure development meets the challenges of flooding and climate change.

Para. 154 requires developments to avoid increased vulnerability and to ensure risks can be managed through suitable adaption measures. Para. 159 directs “inappropriate” development away from areas of flood risk, but advises that where development is necessary in such areas it needs to be made safe for its lifetime without increasing risk elsewhere. Paras. 161 to 165 require the sequential and exceptions tests to be applied to development within flood risk areas, and para. 165 stipulates that both parts of the exceptions test must be met for development to be permitted. Para. 167 requires submission of site-specific flood risk assessments, and incorporation of mitigation measures within new development.

5. APPRAISAL

- 5.1 The principle of development, scale, design, highways, and local amenity are discussed within the original report attached at Appendix 1. Members voted that the item be deferred solely for the reason set out at 1.1 above.

5.2 Therefore, and in light of the above, the issues for consideration under this report are:

- a) Comparison to the recommendation for refusal at 24 Hythe Road and 5 Marine Avenue;
- b) Flood risk;
- c) Site drainage;
- d) Impact on protected trees.

a) Comparison to the recommendation for refusal at 24 Hythe Road and 5 Marine Avenue

5.3 Application ref. Y15/0774/SH sought planning permission for the erection of a detached two-storey house at 24 Hythe Road, approximately 1 mile to the west of the current application site. Along with reasons relating to design and impact on ecology that application was refused (in April this year) on the grounds of flood risk:

The application site is located in an area at moderate/significant risk of tidal flooding as identified in the Shepway District Council Strategic Flood Risk Assessment, taking into account climate change to year 2115 and flood zones 2 and 3. The application proposes to introduce one dwelling on the site, increasing the risk to harm to life in the event of a flood, placing life and emergency services at greater risk. As such the application is unacceptable in flood risk terms and fails the exceptions test as the provision of one additional dwelling would not provide any wider sustainability benefits and is therefore contrary to the NPPF and policy SS3(c) of the Shepway Core Strategy Local Plan 2013.

5.4 These are though two materially different sites and, perhaps crucially, the submitted Flood Risk Assessment for 24 Hythe Road identified that the development proposed there would *increase* flood risk off-site (i.e. increase the risk to surrounding properties), which is wholly contrary to the requirements of the NPPF, the Sequential Test, and the Council's adopted policies, as identified in the reason for refusal. The FRA for Willop Close sets out that there will be no increase to flood risk as a result of the proposed development.

5.5 A further difference is that the finished floor levels at Hythe Road would not have been able to meet the Environment Agency's minimum requirements for sleeping accommodation. The FFL needed to be raised by a minimum of 300mm from what was shown on the submitted drawings, but doing so would have given rise to unacceptable impacts upon the adjacent listed building. Sleeping accommodation would therefore have been at risk in the event of a flood.

5.6 The two developments are therefore not comparable, and the refusal of permission for a new dwelling at 24 Hythe Road should have no bearing on this application for development at Willop Close.

5.7 The objector has also referred to a refusal at 5 Marine Avenue (Y19/1072) which is set at a slightly lower level than the current application site and had significantly unacceptable scale, design, and amenity impacts; and a negatively-considered pre-

app at Dunstall Gardens, which was considered prior to adoption of the SFRA and had issues of layout and appearance.

- 5.8 Neither of these cases are directly comparable to the application at hand; there are material differences in terms of site circumstances and policy/guidance that resulted in those applications being refused.

b) Flood risk

- 5.9 Additional objections have raised concern that the development would increase flood risk on neighbouring land.
- 5.10 The issue of flood risk was considered at paragraphs 7.2 to 7.12 (inclusive) of the original report, set out at Appendix 1. To address this particular concern, however: the submitted Flood Risk Assessment (prepared by Herrington Consulting), at paragraph 6.1, notes the potential for displacement of floodwater onto neighbouring land and sets out that *“where development is proposed in tidal floodplains such as is the case here, it is generally accepted by the Environment Agency that raising the ground or building on the floodplain is unlikely to impact on maximum tidal levels.”* I.e. where the source of flooding is tidal (wave overtopping in this instance) the act of raising the building will not affect the water levels on neighbouring land.
- 5.11 Members are advised that the Environment Agency, the statutory consultee for applications in flood risk zones, do not object to this development on the grounds of flood risk and they have not identified this scheme as having potential to increase off-site flood risk, as set out within the original report.
- 5.12 Paragraphs 7.10 and 7.11 of the original report (appended), set out that the Council’s Strategic Flood Risk Assessment does not show this site to be at “extreme” risk. The SFRA is carried out for the three different character areas (marsh, downs, and urban areas) individually in recognition of the different circumstances each of these zones faces; a single District-wide SFRA would result in no development on the marsh at all, which is contrary to local and national policies in regards sustainable development, helping communities grow, and accommodating future growth/needs. The local-level SFRA which has been adopted by the Council does not preclude residential development in this area as a blanket restriction. Furthermore, and as set out at paragraph 7.5 of the original report, there are no other locally-available sites (i.e. within the specifically assessed character area) that officers can direct the applicant to instead of this site. The sequential and exceptions tests have been met, and I do not consider it would be reasonable to refuse permission on the basis of flood risk in this instance.
- 5.13 Finally Members should note that the applicant and agent have confirmed the proposed dwellings will be set on raised “beam and block” foundations, which create a void below the ground floor level allowing any flood water to pass beneath the property without impedance. (This does not affect the overall height of the buildings as shown on the proposed drawings.) The agent has also stressed that this method of construction means that there is no need for any infill / backfill of the site, as has been suggested by local objectors.
- 5.14 I am therefore satisfied (further to my conclusions within the original report) that the development is acceptable in flood risk terms.

c) Site drainage

- 5.15 At the March committee meeting it was clear that Members were particularly concerned about surface water drainage within the site, and the impact of the proposed houses upon groundwater levels.
- 5.16 The applicant's flood/drainage consultant has confirmed the existing surface water run-off rate for the site is 1.8 l/s/ha (5.8 l/s/ha during a 1 in 100 event). They also confirm that this will rise to 2 l/s/ha as a result of the development, and after connection to the public sewer (a connection point sits within the access road immediately to the south-east of the site); an increase of 200ml s/ha. The site extends to approximately 0.08ha, meaning a real terms increase of 16ml per second. This is not a significant amount, is not likely to lead to significant on or off site impacts, and would in any case be addressed by conditions relating to flooding and drainage set out below.
- 5.17 Members also raised concern in regards the weight of the proposed houses and the impact thereof upon groundwater levels ("bulb pressure"). The applicant engaged a geotechnical engineer to review the plans, and they comment as follows (my emphasis in **bold**):

Based on online British Geological Survey records, the geology at Willop Close is indicated to be Tidal Flat Deposits (Sand) overlying Tunbridge Wells Sand Formation at depth, with storm beach deposits expected to the seaward side of the main road.

A 16m deep borehole log, with detailed descriptions of the expected soil profile, is available for the nearby Southern Water Pumping Station and it is reasonable to expect the ground conditions at Willop Close will be similar as the ground conditions are generally quite consistent in this area of the Romney Marsh.

A typical profile in this area, as demonstrated by the borehole at the pumping station, would be similar to the following sequence:

- *Ground Level - 0.55mbgl **MADE GROUND** consisting of re-worked silty fine to coarse SAND*
- *0.55m - 2.10m Stiff grading with depth to firm and becoming soft brownish grey silty sandy CLAY with some subrounded gravel of flint*
- *2.10m - 4.50m Soft or firm sandy silty CLAY with a little gravel of flint*
- *Below 4.50m Loose, gradually improving with depth, to medium dense silty fine and medium SAND*

A well-established approach to foundation construction for low-rise housing on the above profile, and in the overall Romney Marsh area in general, is to adopt either strip, pad or raft foundations with designs based on imposing low bearing pressures on the underlying strata.

Typically, the allowable bearing capacity assumed for such designs is assumed to be 50KN/m² and this agrees with commonly used geotechnical guidance for the design of foundations on soft or loose soils, including NHBC Chapter 4.4 Foundations: Strip & Trench Fill Foundations.

The construction approach on Romney Marsh is often further enhanced by ensuring that the underside of the foundations is placed at relatively shallow depth within the naturally occurring stiff or firm 'crust' commonly present across

the marsh. This 'crust' overlies soft layers which are typically encountered at around 1.2m to 1.5m below existing ground level.

Final design of these foundations should be subject to review based upon the findings of a geotechnical site investigation. Ideally, the investigations would be carried out under the supervision of a geotechnical engineer with experience of the local conditions.

We are unaware of any sites on Romney Marsh where the foundation design approach described above has led to detrimental changes in the groundwater conditions. Nor would we expect any significant problems to occur because the foundations are bearing onto strata which is above the water table. In addition, the assumed low bearing capacity also ensures that the imposed load on the underlying soils is minimised. Furthermore, the load is effectively spread out with increasing depth so that it is reduced to negligible at relatively shallow depth.

A final point to add is that the uppermost 3m to 4m is also generally quite cohesive with relatively low permeability and this further helps to minimise any changes to the groundwater flow as a result of the nominal changes in pressure caused by new low-rise buildings imposing low bearing pressures.

- 5.18 I note that the geotechnical engineer refers to a need for final foundation design to be reviewed further to on-site investigations. This is secured by condition 3. below. I am satisfied, subject to the imposition of this condition, that the weight of the proposed buildings would not affect local groundwater levels.
- 5.19 Given the above, the development is not reliant on the importation of material to the site. They will be set upon block and beam foundations that require no infill, distribute the weight of the buildings appropriately (as above), and allow water to flow freely under the structure in the event of a flood.
- 5.20 I note local objection in respect of new planting / soft landscaping interfering with below-ground cellular storage, but this can be prevented through the use of root barriers surrounding any storage cells. Roots can be directed downwards or around obstacles, and such methods are common on projects involving underground utility pipes.
- 5.21 As set out at 1.1 above: Members voted to defer the item for officers to explore whether the applicant would accept a condition to secure pumped drainage from the site, with a suggestion that this should discharge into the Willop Basin.
- 5.22 I consider that the above details demonstrate that a pumped drainage system would not be necessary; the site is not considered to be at unacceptable flood risk, surface water drainage rates will be affected by 0.2 l/s/ha, and the method of construction would not place an unacceptable degree of pressure on groundwater. It is therefore not evident that a pumped drainage system is necessary or relevant to the development.
- 5.23 A pumped drainage system discharging to the Willop Basin would require crossing third-party land, the most direct route being through the garden of 108 Hythe Road. It is not possible to secure works through third party land by condition, as this requires the applicant/developer to secure something that they have no right to do (i.e. works on someone else's land). Such a condition would therefore not be reasonable.

5.24 The NPPG (at para. Paragraph: 003 Reference ID: 21a-003-20190723) states:

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. *necessary;*
2. *relevant to planning;*
3. *relevant to the development to be permitted;*
4. *enforceable;*
5. *precise; and*
6. *reasonable in all other respects.*

5.25 For the reasons above the applicant is not inclined to accept a condition to this effect, and I consider that a condition requiring the works in question would be unnecessary and unreasonable, would therefore fail to meet the tests above, and should not therefore be imposed.

d) Tree surveys

5.26 Councillors will be aware of an email circulated to them by a neighbouring resident in which the Council's arboricultural officer notes that relevant tree surveys had not been provided. This situation arose from a miscommunication as to when the details had to be provided by the applicant, i.e. prior to the decision being issued or prior to commencement on site. This has now been clarified and the relevant surveys submitted and assessed.

5.27 As set out above: the arb. officer has no objections to the content of the submitted tree surveys or to the proposed development, subject to condition 8 below. This condition secures details of ground protection measures, canopy pruning of the two Ash trees over-sailing the site, and an arboricultural watching brief to ensure ground excavation works don't significantly damage any tree roots.

5.28 The proposal is therefore considered to be acceptable in respect of its impact upon trees (which Members should note actually lie outside of the application site).

Environmental Impact Assessment

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

Local Finance Considerations

5.30 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.

5.31 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £59.04 per square metre for new residential floor space.

Human Rights

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

Public Sector Equality Duty

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

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

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

Working with the applicant

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

6. CONCLUSION

5.1 This application seeks planning permission for the erection of two houses on land to the rear of 1 and 2 Willop Close, Dymchurch. The site is considered to be a sustainable urban location within the defined built up area boundary, where the principle of residential development is generally acceptable. While local objections to the proposals are noted the scheme is considered to be acceptable in terms of scale, design, amenity impacts, impacts to protected trees, and highway safety and convenience, and there have been no objections from any statutory consultees.

5.2 While Members deferred the item for further consideration in regards site drainage, I am satisfied that there is no evidence to suggest that the development would give rise to unacceptable impacts on either surface water, ground water, or flood risk either on- or off-site.

- 5.3 The development is considered to be acceptable, and is therefore recommended for approval subject to the conditions set out below (subject to the Chief Planning Officer's delegated authority to agree and finalise the wording of the conditions and add any other conditions that he considers necessary).

7. BACKGROUND DOCUMENTS

- 6.1 The consultation responses set out at Section 3.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

Conditions:

Time limits

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Drawings

2. No development shall take place other than in complete accordance with drawings (all prefaced 20.128) 03 rev. P, 04, 05, 06, 07, and 08.

Reason: For the avoidance of doubt.

Pre-commencement

3. No development shall take place until the design and specification for the foundations of the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed wholly in accordance with the approved details.

Reason: In the interests of preventing groundwater flooding

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and convenience.

5. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

6. (1) No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

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

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments; and

(iii) An appraisal of remedial options and identification of the preferred option(s).

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

(3) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

7. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

8. No development shall take place until an updated arboricultural method statement (to include detailed layout of ground protection measures along the south-western boundary of the site, pruning recommendations for the canopies of the Ash trees over-sailing the site, and details of an arboricultural watching brief for the duration of any on-site excavations) has been submitted to and approved in writing by the Local Planning Authority. Upon approval the development shall be carried out in accordance with the agreed details.

Reason: To ensure the trees are adequately protected and retained.

9. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

10. No development beyond laying of foundations shall take place until details have been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the dwellings hereby permitted. Following approval the infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process, and be available for use on the first occupation of the dwellings unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

Reason: To ensure that the new development is provided with high quality broadband services.

11. No development beyond the construction of foundations shall take place until details of how the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in Dwellings, have been submitted to and approved in writing by the Local Planning Authority. Upon approval the measures shall be implemented as agreed and thereafter retained and maintained in perpetuity.

Reason: To support the transition to a low carbon future through the use of on-site renewable and low-carbon energy technologies.

During development

12. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Flooding and drainage

13. No development beyond the construction of foundations shall take place until full details of the method of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies.

14. No development shall take place until a detailed surface water drainage / management strategy (including proposal for long-term maintenance and management of any on-site SUDS) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. On approval the scheme shall be implemented as agreed and thereafter maintained in perpetuity.

Reason: To ensure the site is properly drained and to ensure the development does not exacerbate the risk of on/off site flooding.

15. The development shall be carried out in accordance with the submitted flood risk assessment Herrington Consulting FRA updated September 2020) and the mitigation measures it details:

- Finished floor levels shall be set no lower than 3.44m above Ordnance Datum (AOD);
- All sleeping accommodation to be set on the first floor above 3.74m ODN;
- Flood risk resilience measures outlined in the FRA (section 7.3) shall be incorporated into the dwellings wherever practicable.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To minimise risk in the event of a flood.

Ecology and landscaping

16. Within three months of development commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This includes the planting of native species and the provision of bird/bat boxes. The approved details will be implemented as agreed and thereafter retained.

Reason: In the interest of enhancing biodiversity.

17. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

18. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

Highways and parking

19. The vehicle parking spaces shown on the approved drawings shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users.

20. Prior to the first occupation of any dwelling hereby permitted suitable Electric Vehicle Charging ductwork capable of receiving the underlying infrastructure for a future Electric Vehicle Charging point to serve each dwelling shall have been installed, details of which shall have been submitted to and agreed in writing by the Local Planning Authority prior to installation.

Reason: In the interest of sustainable development and reducing carbon emissions.

Amenity

21. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the first floor flank walls of the dwellings hereby permitted.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers.

22. No development permitted by Classes AA or B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) shall be carried out.

Reason: In the interests of the residential and visual amenity.

Informatives:

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Appendix 1 – Original Report

Appendix 2 – Site Location Plan