

**AGENDA ITEM NO: 9/1(c)**

<b>Parish:</b>	<b>Outwell Upwell</b>	
<b>Proposal:</b>	<b>The development of up to 26 affordable dwellings with associated infrastructure and open space with all matters reserved except access</b>	
<b>Location:</b>	<b>Land NW of Whetstone Way, Whetstone Way Outwell Norfolk PE14 8RN</b>	
<b>Applicant:</b>	<b>George Scarborough Ltd</b>	
<b>Case No:</b>	<b>22/01657/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 21 November 2022 Extension of Time Expiry Date: 10 November 2023</b>

**Reason for Referral to Planning Committee** – The views of both Outwell and Upwell Parish Councils are contrary to the officer recommendation and at the instruction of the Sifting Panel (08/02/23).

**Neighbourhood Plan:** No

**Case Summary**

The application site comprises a parcel of grazing/agricultural land (0.97ha) to the Northwest of Whetstone Way, abutting but outside the defined development area of the village of Outwell (which is combined with Upwell to create a Key Rural Service Centre). Outline permission is sought for the development of up to 26 dwellings. All matters are reserved for future consideration save for the means of access which is proposed to be taken off Whetstone Way.

The dwellings are proposed to be affordable units, and this comprises an 'entry-level exception site' in accordance with Paragraph 72 of the National Planning Policy Framework (NPPF 2023).

In terms of constraints, the site lies in an area classed a 'countryside' and within Flood Zone 1 and a Dry Island of the Strategic Flood Risk Assessment.

The application is accompanied by a Design & Access Statement, Preliminary Ecology Appraisal, Transport Statement, Affordable Housing Statement, Flood Risk Assessment & Drainage Strategy, Arboricultural Impact Assessment and Geo-environmental Assessment.

**Key Issues**

- Principle of development
- Cumulative impact
- Form and character
- Impact on neighbour amenity

Highway safety

Any other matters requiring consideration prior to determination of the application

### **Recommendation**

**A) APPROVE** subject to the completion of a Section 106 agreement to secure tenure of dwellings, SuDS and Public Open Space provision and maintenance and payment of GIRAMS fee within 4 months of this resolution to approve.

**B) REFUSE** if the Section 106 agreement is not completed within 4 months of the date of this resolution to approve.

## **THE APPLICATION**

The application site comprises a parcel of grazing/agricultural land (0.97ha) to the Northwest of Whetstone Way, abutting but outside the defined development area of the village of Outwell (which combined with Upwell creates a Key Rural Service Centre). Outline permission is sought for the development of up to 26 dwellings. All matters are reserved for future consideration save for the means of access which is proposed to be taken off Whetstone Way.

The dwellings are proposed to be affordable units, and this comprises an 'entry-level exception site' in accordance with Paragraph 72 of the National Planning Policy Framework (NPPF 2023).

The application is accompanied by a Design & Access Statement, Preliminary Ecology Appraisal, Transport Statement, Affordable Housing Statement, Flood Risk Assessment & Drainage Strategy, Arboricultural Impact Assessment and Geo-environmental Assessment.

## **SUPPORTING CASE**

The following statement of support has been made by the applicants' agent:

*"A significant body of technical work has been provided in support of the application. The proposed development has been prepared with a thorough understanding of the constraints and opportunities affecting the site. The illustrative Framework Plan takes these into account to unlock the development potential of the site.*

*The following planning benefits will be delivered to the local community as a result of the development proposals including:*

- *The delivery of up to 26 high quality affordable dwellings (see note on types)*
- *The development of homes in a highly sustainable location close to local services and frequent public transport services,*
- *Provision of 0.21 ha of public open space;*
- *Ecological benefits including the creation of new habitat;*
- *Economic benefits including increases in local expenditure and support jobs both directly and indirectly through proposed development.*

*The proposal represents sustainable development and in the context of paragraph 72 of the Framework will meet an identified need for entry-level exception sites through the delivery of an 100% affordable residential scheme suitable for first time buyers.*

*There is a clear unmet need for affordable housing across the Borough. Since the start of the Core Strategy period in 2011/12, the Council has delivered an average of 57 affordable dwellings per annum and delivered just 45 affordable dwellings in 2020/21. This compares with a current need for 202 affordable dwellings per annum, as identified in the Housing Needs Assessment 2020. Against this most recent assessment of needs, a shortfall of -312 affordable dwellings has arisen in the last two years alone. This sizeable shortfall comes in the context of poor housing affordability in the Borough.*

*The proposed development meets the definition of an entry level exception site in the context of paragraph 72 of the Framework, which remains an up-to-date expression of national planning policy and is provided for in the submitted Local Plan Review. This has been corroborated by the Council's own legal advice. Planning appeal decisions have held that entry level exception sites are distinct from rural exception sites, and that the relevant test is whether there is an unmet need at the authority level for entry-level affordable housing rather than the local settlement level. The proposed development is compliant with national planning policy and its approval will enable much-needed affordable housing to come forward without delay.*

*The development proposals are in full compliance with the requirements of relevant adopted Local Plan policies and the Framework. The proposal achieves economic, social and environmental gains and represents sustainable development as expressed at paragraphs 7 and 8 of the Framework.*

*It is the applicants' intention to bring forward a high quality design which members will have the opportunity to assess through the future Reserved Matters Application.*

*Types of Affordable Housing Permitted under Par 72 NPPF.*

*The type of affordable housing applicable under Par 72 are one or a mix of the following as set out in the NPPF Annex 2*

- a) Affordable housing for rent:*
- b) Starter homes:*
- c) Discounted market sales housing:*
- d) Other affordable routes to home ownership.”*

## **PLANNING HISTORY**

17/00549/O: Application Refused: 19/05/17 - OUTLINE APPLICATION SOME MATTERS RESERVED: For up to 9 serviced custom-build plots

16/00464/O: Application Withdrawn: 26/04/16 - Outline Application: construction of 9 dwellings

## **RESPONSE TO CONSULTATION**

**Outwell Parish Council: OBJECT** - Council fails to see much change in the access point into this site off Whetstone Way which still looks inadequate to take on a further 52 cars. Surmising the average per household is 2.

Outwell Parish Council reiterates that with the original number of Affordable housing in our Key service area amounting to almost 300 plus the compliment of 50 being supplied by Freebridge, 8 on Oakley Homes Estate and Hall Road supplying 5 coupled with the fact there will be another 8/10 from Upwell amounts to 73, there is already an adequate supply locally.

Slayley Homes have built their Estate and sold their properties with the proviso that they paid £260,000 for offsite affordable homes. Consequently this money went into the provision of a Rural Exception Site for our Key Service Centre. When it came to the criteria of this Site it was changed at the 11th hour to allow for people from outside to rent as we did not have enough call for these houses from inside our own area. This area is out of the village boundary and would be now taking up grade A agricultural land.

**Upwell Parish Council: OBJECT** - Upwell Parish Planning Group continue to refuse this application as previously submitted, and also support the objection submitted by Outwell Parish Council.

**Highways Authority: NO OBJECTION** subject to conditions relating to detailed plans of roads, footways, foul and surface water drainage; road constructed to binder course surfacing level before occupation; and on-site construction vehicle parking and wheel-washing facilities during construction period.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions relating to contaminated land, plus advice on EV charging points and heating systems.

**Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION** subject to conditions relating to drainage, lighting, noise and construction management plan plus site hours.

**Greenspace Officer: NO OBJECTION** – In line with Council Policies DM16 and CS14, schemes of 20 to 99 units attract a requirement for 17m<sup>2</sup> per dwelling of 'suitably equipped' children's play space.

With reference to Fields in Trust guidance, this development would meet the requirements to need a Local Area of Play (LAP):

- Small area of open space, provided for young children (up to age of eight), close to where they live.
- Play value can be achieved by equipment, or demonstrative features that otherwise indicate play is 'positively encouraged', ideally offering a range of play activities.
- Minimum activity zone of 100m<sup>2</sup>.

The landscaping plans show extensive wildflower meadow planting – we would not count wildflower meadow towards public open space as its infrequent cuts means it is inaccessible for long periods of the year. The Borough Council also are not equipped to maintain wildflower as it is maintenance intensive and requires the collection of arisings, so we could not adopt.

We would prefer areas of open water/SUDs were not located in open space: They will not count towards open space requirements and will not be adopted by the Borough Council.

**Norfolk Constabulary: NO COMMENTS** on amended scheme – initially advice given on pursuit of Secured by Design accreditation.

**Natural England: NO OBJECTION** subject to Habitats Regulations Assessment.

**Senior Ecologist: NO OBJECTION** – subject to condition relating to Construction Environment Management Plan.

**Environment Agency: NO COMMENTS**

**Anglian Water: NO OBJECTION** – adequate capacity in mains sewerage; comments on surface water drainage.

**Conservation Officer: NO OBJECTION** - The setting of the listed tower has already been compromised by the existing surrounding development. This further development will therefore cause minimal additional harm.

**Senior Ecologist: NO OBJECTION** subject to conditions relating to a Construction Ecology Management Plan, registration of site under District Level Licensing Scheme, plus an Ecological Design Strategy.

**Housing Development Officer: COMMENTS** - The advice note produced by Counsel has been reviewed and noted that it considers entry level exception sites still form part of wider national policy on affordable housing. The written ministerial statement published in May 21 announced the replacement of entry level exception sites with first homes exception sites, the statement further states in designated rural areas, rural exception sites are the sole exception site that can come forward. However, the advice received confirms NPPF para 72 remains extant policy and therefore entry level exception sites can still be permitted.

Entry-level exception sites are used to meet a borough wide housing need opposed to rural exception sites which meet an identified local housing need. The applicant has confirmed the detail surrounding the tenure and types of the housing will be confirmed at reserved matters stage.

A S106 agreement will be required to secure the 100% affordable housing.

## **REPRESENTATIONS**

2 no. items of correspondence received OBJECTING and raising the following summarised grounds:

- Inappropriate location on open undeveloped land;
- Need for affordable housing is met;
- Transport impacts;
- Loss of open land;
- Disturbance of construction traffic through residential estate;
- Amenity of adjoining gardens/residences; and
- Utility provision not defined.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

**CS14** - Infrastructure Provision

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM16** – Provision of Recreational Open Space for Residential Developments

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The main issues to consider in determining this application are as follows:

- Principle of development
- Cumulative impact
- Form and character
- Impact on neighbour amenity
- Highway safety
- Any other matters requiring consideration prior to determination of the application

### **Principle of Development:**

There is confusion over the status of entry level exception sites as there has been conflicting guidance since 2017 from Planning Policy Guidance and Written Ministerial Statement – this will be explored below.

The primary source of government policy is the National Planning Policy Framework (NPPF). The policies contained in it are material considerations which should be considered in dealing with applications from the day of its publication.

Planning Policy Guidance (PPG) is also a material consideration in planning decisions. It is available online and is updated on a fairly regular basis.

The Government also issues Written Ministerial Statements (WMSs) to update policy guidance. Whether they amount to a change in policy is dependent on the circumstances, including the wording of the WMS itself.

Entry Level Exception Sites were included in the 2019 version of the NPPF at Paragraph 71.

The Government released a WMS in July 2021 following a consultation exercise to effectively replace Entry Level Exception Sites with First Homes. The government clearly intended to change national policy with the publication of the WMS as it stated that in designated rural areas, rural exception sites are the sole exception site that can come forward. This was supported by the publication of the PPG on 24 May 2021, most recently updated on 23 December 2021, however the policy changes communicated by the WMS were not included in the changes to the current NPPF (September 2023).

For clarity Outwell lies within a designated rural area (defined by Section 157 of the Housing Act 1985) as does the majority of our borough (95 out of the 101 Parishes in West Norfolk).

So the WMS and PPG conflict with the wording of the current NPPF, para 72, both previously, and now.

Given this tension between policy/guidance your officers have sought Counsel opinion on the matter.

It is advised that each of the WMS, the PPG and the NPPF are material considerations for the purposes of the application and the weight of each is a matter for the decision maker.

NPPF, para 72 (as now current at September 2023) remains current policy and entry-level exception sites form part of a wider national policy on affordable housing.

If a similar tension arose between development plan policies, the tension would be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Therefore NPPF, para 72 still provides a valid route by which permission may be granted in appropriate instances.

This proposal is therefore for the development of up to 26 affordable dwellings effectively an entry-level exception site as endorsed by Paragraph 72 of the National Planning Policy Framework (NPPF 2023) which states:

*“72. Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. These sites should be on land which is not already allocated for housing and should:*

*a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*

*b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.”*

Footnotes attached to the above state that ELES should not be larger than 1ha in size or exceed 5% of the size of the existing settlement, or be permitted in National Parks, Areas of Outstanding Natural Beauty or land designated as Green Belt.

The development site is just under the site area threshold and at 26 dwellings this is 2.47% of the existing settlement of Outwell (1,049 dwellings taken from Council Tax register January 2023) well under the 5% maximum figure.

Para 72 as stated above only has numeric qualifying criteria comparative to the existing settlement not cumulative impact. On that basis the principle of development is considered to be acceptable.

**Cumulative impact:**

Outwell Parish Council indicate that there will be further housing schemes in the village which will provide affordable units when built out. There are 4 units on New Road, 8 units on Wisbech Road and further units on Isle Road 10 units committed by Section 106 agreement but likely to be 50 units the latter to be developed by Freebridge Housing Association.

Upwell Parish Council support the views of Outwell Parish Council.

The proposed entry level units are aimed at a borough-wide need and the application is accompanied by an Affordable Housing Statement undertaken by Tetlow King Planning. This indicates that there is a clear unmet need for affordable housing across the Borough and since the start of the Core Strategy period in 2011/12, the Council has delivered an average of 57 affordable dwellings per annum and delivered just 45 affordable dwellings in 2020/21. This compares with a current need for 202 affordable dwellings per annum, as identified in the Housing Needs Assessment 2020. Against this most recent assessment of needs, a shortfall of -312 affordable dwellings has arisen in the last two years alone. It also opines that this sizeable shortfall comes in the context of poor housing affordability in the Borough.

Our Housing colleagues accept that there is a significant need for affordable dwellings in the borough. In light of Counsel opinion, they raise no objection to the proposal, subject to a Section 106 agreement to secure the affordable units going forward.

Outwell combined with Upwell is a Key Rural Service Centre in the settlement hierarchy with a good range of services and capable of accepting some additional growth.

26 units equates to just over 1% of the combined number of dwellings within the two parishes (Outwell 1,049 + Upwell 1,330 = 2,379 dwellings).

It is a village edge site within comfortable walking distance of all the facilities and services that the KRSC has to offer. The proposal would therefore constitute sustainable development.

Whilst the local concerns are noted, the weight given to meeting an identified borough-wide housing need is significant and would accord with national policy and guidance, plus Policy CS09 of the Core Strategy (2011).



### **Form and Character:**

Both Outwell and Upwell have estate development in depth behind frontage development on the road hierarchy. This proposal would effectively add on to the existing Whetstone Way estate. In terms of form and character this is similar to existing extensions off Birdbeck Drive and Isle Road.

The Design & Access Statement infers that there would be a mix of single and two storey properties on the site which would be similar to those already on Whetstone Way.

### **Impact on Neighbour Amenity:**

This application is in outline form with layout, appearance, scale and landscaping reserved for future consideration under a Reserved Matters Application (RMA).

The inter-relationships between proposed and existing dwellings would be addressed at the RMA stage, however the closest dwellings affected by the proposal would appear to have adequate rear garden depths to indicate that this should not be problematic.

There could be an effect on the locality during construction works however this would be relatively short-lived. The amenity of neighbours including hours of construction works could be protected via a Construction Management Plan as endorsed by our CSNN colleagues.

### **Highway Safety:**

The access to the site is proposed via Whetstone Way upgrading the existing access to the field into a Type 6 road to meet highway standards. The existing highway network is capable of taking the increased vehicular movements associated with both the construction traffic and ensuing residential properties. The Local Highway Authority raises no objection subject to conditions relating to detailed plans of roads, footways, foul and surface water drainage; road constructed to binder course surfacing level before occupation; and on-site construction vehicle parking and wheel-washing facilities during construction period.

Para 111 of the NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is clearly not the case – an acceptable access to the site can be achieved in accordance with Policies CS11 of the CS (2011) and Policy DM15 of the SADMPP (2016).

### **Other matters requiring consideration prior to the determination of this application:**

*Surface Water drainage:* The application is accompanied by a Flood Risk Assessment and SW drainage strategy which promotes a SUDS scheme. The details of this and its future maintenance may be secured via Section 106 agreement.

*Setting of listed building:* The Old Mill Tower is a Grade 2 listed building situated some 150m south-east of the application site. Our Conservation Officer confirms that the setting of the listed tower has already been compromised by the existing surrounding development of Whetstone Way (principle established when Fenland DC were responsible for administration of this village). This further development will therefore cause minimal additional harm.

*Trees:* There are trees on the periphery of the overall field but not within the developable area of the application site. The application is accompanied by an Arboricultural Assessment which can be secured via condition.

*Ecology:* A preliminary Ecological Appraisal (PEA) (Philip Parker Associates, 2022) has been submitted in support of the application. This report identifies the habitat within the development sites as scattered scrub, scattered trees, species poor semi-improved grassland, introduced shrub and dry ditches. Natural England have identified a potential in-combination recreational impact from this development which can be dealt with through a GIRAMS payment which may be secured via Section 106 agreement. A Shadow HRA is provided for the development which the LPA can adopt as their record of HRA. No other impacts are anticipated on protected sites from the proposed development.

Certain conditions are suggested by our Senior Ecologist to secure no adverse implications on protected species and a Construction Ecology Management Plan plus an Ecological Design Strategy. With these measures the proposal could comply with Policy CS12 of the Core Strategy and Policy DM19 of the SADMPP.

*Public Open Space:* In line with Council Policies DM16 and CS14, schemes of 20 to 99 units attract a requirement for 17m<sup>2</sup> per dwelling of 'suitably equipped' children's play space.

With reference to Fields in Trust guidance, this development would meet the requirements to need a Local Area of Play (LAP):

- Small area of open space, provided for young children (up to age of eight), close to where they live.
- Play value can be achieved by equipment, or demonstrative features that otherwise indicate play is 'positively encouraged', ideally offering a range of play activities.
- Minimum activity zone of 100m<sup>2</sup>.

This provision and its maintenance can be secured via Section 106 agreement.

*Contamination:* The application is accompanied by a Geo-Environmental Assessment which indicates presence of asbestos-containing material/fibres. A suite of conditions is recommended by Environmental Protection to ensure that the site can be made suitable for the proposed residential use.

*Utility provision:* Third party objectors have criticised that no information has been submitted to demonstrate that there is existing provision of services, utilities and data connectivity to serve the additional dwellings. Anglian Water indicate that there is capacity in the sewerage system however the remainder will be down to the utility providers.

## **CONCLUSION**

Para 72 of the NPPF endorses the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area.

It is recognised that there is a clear unmet need for affordable housing across the Borough. There is a current need for 202 affordable dwellings per annum, as identified in the Housing Needs Assessment 2020.

So national policy supports this type of exception site on the edge of existing settlements to redress the need.

There are other qualifying criteria in that the ELES should not be larger than 1ha in size or exceed 5% of the size of the existing settlement, or be permitted in National Parks, Areas of Outstanding Natural Beauty or land designated as Green Belt.

The development site is just under the site area threshold and at 26 dwellings this is 2.47% of the existing settlement of Outwell (1,049 dwellings taken from Council Tax register January 2023) well under the 5% maximum figure. It also does not lie within a National Park, AONB or designated Green Belt.

Whilst the local concerns are noted, the weight given to meeting an identified borough-wide housing need is significant and would accord with national policy and guidance, plus Policy CS09 of the Core Strategy (2011).

There are no objections raised by technical consultees and all matters of planning importance may be secured via condition as stated below.

The officer recommendation is as follows:

**A) APPROVE** subject to the completion of a Section 106 agreement to secure tenure of dwellings, SuDS and Public Open Space provision and maintenance and payment of GIRAMS fee within 4 months of this resolution to approve.

### **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition With regards to the means of access only, the development hereby permitted shall be carried out in accordance with the following approved plans: P21-1102\_09 Revision C & 0300 Revision P03.
- 5 Reason For the avoidance of doubt and in the interests of proper planning.

6 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must 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,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).

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

7 Condition Prior to the commencement of groundworks, 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

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

8 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 8 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 9 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

- 9 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 10 Condition No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 10 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 11 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 11 Reason To ensure satisfactory development of the site in accordance with the NPPF and to ensure estate roads are constructed to a standard suitable for adoption as public highway. This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.

- 12 Condition Before any dwelling is first occupied the road(s)/footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 12 Reason To ensure satisfactory development of the site in accordance with the provisions of the NPPF and Policy DM15 of the SADMPP (2016).
- 13 Condition Prior to the occupation of the final dwelling all works shall be carried out on roads/footways/foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 13 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP (2016).
- 14 Condition Prior to commencement of development a detailed construction management scheme must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of the construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the on-site contractor compound and parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, wheel washing facilities, proposed attenuation and mitigation methods to protect residents from noise, dust and litter and communication methods to the wider community regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.
- 14 Reason In the interests of the amenity of neighbouring properties and to accord with Policy DM15 of the SADMPP (2016).
- 15 Condition Prior to the first occupation of the development hereby approved, details of the method of any lighting and extent of illumination to the access roads, footpaths, parking, and circulation areas shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved prior to the occupation of the development or any phase of the development to which it relates and thereafter maintained and retained as agreed.
- 15 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 16 Condition Prior to the commencement of development, the Local Planning Authority shall have been provided with written confirmation of site registration under the District Level Licensing Scheme issued by Natural England pursuant to the Conservation of Species and Habitats Regulations 2017 (as amended) authorising the specified activity/development to go ahead.
- 16 Reason In the interests of preserving and enhancing the natural environment and protected species in accordance with the provisions of the NPPF and Policy CS12 of the Core Strategy (2011). This is a pre-commencement condition as the details need to be addressed prior to development starting on site.

17 Condition No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environment Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communications;
- The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.

If several years have passed since surveys were undertaken then update surveys may be required at the reserved matters stage and any additional mitigation measures that need incorporating into the site's design agreed with the local planning authority.

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agree in writing by the Local Planning Authority.

17 Reason In the interests of preserving and enhancing the natural environment and protected species in accordance with the provisions of the NPPF and Policy CS12 of the Core Strategy (2011). This is a pre-commencement condition as the details need to be addressed prior to development starting on site.

18 Condition No development shall take place (including any demolition, grounds works or site clearance) until an Ecological Design Strategy (EDS) addressing all of the ecological enhancements contained within the Preliminary Ecological Appraisal (Philip Parker Associates, 2022) submitted in support of the planning application has been submitted to and approved in writing by the local planning authority.

The EDS shall include:

- a. Purpose and conservation objectives for the proposed works
- b. Review of site potential and constraints
- c. Detailed design(s) and/or working methods(s) to achieve state objectives
- d. Extent and location/area of proposed works on appropriate scale maps and plans
- e. Type and source of materials to be used where appropriate (e.g. native species of local provenance)
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development
- g. Persons responsible for implementing the works
- h. Details of initial aftercare and long-term maintenance
- i. Details of monitoring and remedial measures
- j. Details of disposal of waste arising from works

The EDS shall be implemented in accordance with the approved details and all features will be retained in that manner thereafter.

- 18 Reason In the interests of preserving and enhancing the natural environment and protected species in accordance with the provisions of the NPPF and Policy CS12 of the Core Strategy (2011). This is a pre-commencement condition as the details need to be addressed prior to development starting on site.
- 19 Condition The development shall be undertaken in accordance with the Arboricultural Assessment to BS5837:2012 dated 27/01/2022 produced by Ethical Arboriculture and submitted as part of this application.
- 19 Reason To define the terms of this permission in the interests of protecting trees on and adjoining the site and to accord with Policy CS12 of the Core Strategy (2011).
- 20 Condition There shall be no more than 26 dwellings developed on this site.
- 20 Reason In order to define the terms of this permission.
- 21 Condition Prior to occupation of any dwelling hereby approved, details of the future maintenance and management of the Sustainable Drainage System, as required by Condition 10 above, shall have been submitted to and agreed in writing by the Borough Planning Authority. The scheme shall be maintained and managed as agreed thereafter.
- 21 Reason In order to secure the long-term maintenance and management of the Sustainable Drainage System in accordance with the NPPF and Policy CS08 of the Core Strategy (2011).

**B) REFUSE** if the Section 106 agreement is not completed within 4 months of the date of this resolution to approve.