

**AGENDA ITEM NO: 8/2(f)**

<b>Parish:</b>	<b>Marham</b>	
<b>Proposal:</b>	<b>Development of six, two-storey detached dwellings with associated private accesses and parking on existing vacant land</b>	
<b>Location:</b>	<b>Land NE of Lion Farm House The Street Marham Norfolk PE33 9JN</b>	
<b>Applicant:</b>	<b>H C Moss</b>	
<b>Case No:</b>	<b>21/01787/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 23 November 2021 Extension of Time Expiry Date: 9 May 2023</b>

**Reason for Referral to Planning Committee** – The views of the Parish Council are contrary to the officer recommendation and referred to Planning Committee for determination by the Sifting Panel on 07 December 2022.

**Neighbourhood Plan:** No

**Case Summary**

The application site is located on the north-western side of The Street, to the immediate south of the access road to the Anglian Water pumping station and north-east of Lion Farm House. It comprises an area of 0.35ha of agricultural land which formerly contained a roadside barn. It is surrounded on three sides by mixed housing and agricultural fields to the rear.

Full permission is sought for the construction of 6 dwellings (i.e. two no. 4 bedroomed units and four no. 3 bedroomed units) with five dwellings served via a private driveway and a single house with an individual access off The Street.

The site lies mostly within the defined development area of the village, save for a small parcel to the rear (approx. 190m<sup>2</sup>) which does not contain proposed physical development, but corresponds with earlier permissions.

**Key Issues**

Background  
Principle of development  
Form and character  
Design and external appearance  
Landscaping  
Access and highway issues  
Impact upon adjacent properties  
Affordable housing contribution  
Other material considerations

## Recommendation

**(A) APPROVE** subject to conditions and the completion of a Section 106 agreement to secure off-site affordable housing contribution within four months of the date of resolution to approve.

**(B) REFUSE** - In the event that the Section 106 agreement to secure affordable housing contribution is not completed within four months of the date of the resolution to approve.

## THE APPLICATION

The application site is located on the north-western side of The Street, to the immediate south of the access road to the Anglian Water pumping station and north-east of Lion Farm House. It comprises an area of 0.35ha of agricultural land which formerly contained a roadside barn. It is surrounded on three sides by mixed housing and agricultural fields to the rear.

Full permission is sought for the construction of 6 dwellings (i.e. two no. 4 bedroomed units and four no. 3 bedroomed units) with five dwellings served via a private driveway and a single house with an individual access off The Street.

The site lies within the defined development area of the village and Flood Zone 1 of the adopted Strategic Flood Risk Assessment.

## SUPPORTING CASE

The agent has submitted the following comments in support of this proposal:

“The concept of thriving rural communities, so relevant to a rural borough such as King’s Lynn and West Norfolk, is of vital importance, and yet many rural communities in England are facing a series of challenges that affect their ability to remain sustainable and inclusive, the most obvious being housing; analysis of Land Registry data by the ONS shows that in 90% of rural Local Authorities the median home price is nearly eight times the median salary (and in the administrative area of the borough the latest figures show the median house price is 8.93 times the median salary). The ongoing provision of new homes, at all points of the market, is therefore essential.

In this context, this proposal seeks to provide six new family homes which have been bespoke-designed to integrate with their surroundings in Marham, and which includes detailed design for associated landscaping, parking and access. The proposal has an approved access off The Street, which ensures direct pedestrian access from the site to the village; 1.8m wide footpaths are provided along the adoptable roads which connect to a new path located directly outside the site. The frontage houses face The Street itself, with the other houses facing a shared surface creating a ‘sense of place’.

The new homes have three separate house types, all family-sized, all with parking to recommended standard.

The NPPF sets out national planning policy; thus:

- Paragraph 11 requires decisions to apply a presumption in favour of sustainable development.

- Paragraph 60 stresses the government's objective of significantly boosting the supply of homes.
- Paragraph 69 emphasises the important contribution of small and medium sized sites, and (at point c) requires that LPAs should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

Relevant Development Plan policies include:

- Core Strategy Policies CS01 (Spatial Strategy), CS02 (Settlement Hierarchy), CS08 (Sustainable Development), CS09 (Housing Distribution), CS11 (Transport) and CS12 (Environmental Assets); and
- Site Allocations and Development Management Policies DM1 (Presumption in Favour of Sustainable Development), DM2 (Development Boundaries), DM15 (Environment, Design and Amenity), and DM17 (Parking Provision in New Development).

This proposal accords with all relevant policies; in particular:

- The location and amount of development is acceptable by virtue of Core Strategy policies CS02 and CS09;
- The detailed design meets all of the criteria set out in Site Allocations and Development Management Policy DM15; and
- The proposal meets current parking standards, and all other design requirements.

The NPPF requires the supply of homes to be "significantly boosted"; in this case, the proposal is acceptable in principle in the context of both the NPPF and local policy, and the detailed design uses the best quality materials and causes no harm through overlooking, loss of privacy, overshadowing or domineering impact."

## PLANNING HISTORY

06/00119/O: Application Permitted: 10/03/06 - Outline permission: Site for residential development (Committee decision)

09/00153/RM: Application Permitted: 31/03/09 - Reserved matters application - Construction of 6 No dwellings (Delegated decision)

## RESPONSE TO CONSULTATION

**Parish Council: Original submission: OBJECTION** on the following grounds:

- The proposed development would exit onto The Street, which at that point is quite narrow.
- The proposed development is on a very small plot and comprises six detached houses with garages. The council feels this would represent overdevelopment, out of keeping with the surrounding houses.
- The proximity of the new development to each other and to existing houses, in particular the two facing the Street, would impact severely on the quality of life of all parties. Sight lines between the properties would result in both the new houses and the existing houses being overlooked.
- The level of services in the village is poor. Facilities within RAF Marham are generally not available to residents. There are no shops in the village itself and although there are two local shops close to the base, they are not easily accessible given the distance from the

village itself and the fact that to use them you need to climb a steep hill. The village post office closed some time ago and has been replaced by a mobile post office which operates for 20 minutes two days a week.

- The sale of in excess of 160 houses, forming the old married quarters of RAF Marham is currently underway. Not only will this significantly increase the housing stock within the village it will considerably increase the strain on village services, not least the surgery. While occupied by RAF personnel, the people living in those houses would come under the care of the RAF medical services. Once sold into private ownership, the occupants will need to rely on the general surgery within the village, which is running at capacity and will lose a senior partner to retirement in the very near future.
- Transport provision within the village is very restricted. The only bus runs to King's Lynn with only six journeys per day and none on Sundays or bank holidays. The journey takes around 45 minutes to cover approximately 15 miles. There is no public transport available to our two nearest towns, nor to the catchment secondary school. Essentially, to leave the village it is necessary to use a car. Any further development would therefore be in opposition to the Council's stated policy of: "Minimising and reducing carbon emissions by locating new developments in areas to minimise the need to travel and maximise the ability to make journeys through public transport." "Supporting sustainable transport systems and contribute to more walkable and cyclable localities."
- Given the almost complete lack of employment (other than RAF Marham,) the total lack of recreational facilities available to villagers and the very restricted opportunities to shop for anything but the most basic essentials, the necessity to travel outside the village is unavoidable. The very restricted level of public transport ensures high levels of car use.
- There is one site in the village allocated for development and planning permission was granted some time ago for the first group of seven houses. However, work has not begun. This would indicate poor demand for new homes in a village with such poor services and facilities.
- Local knowledge suggests that service pipes for the existing houses run through the site at a very shallow depth.

**Latest amended scheme: OBJECT** - There are now 2 access points to the development, one to the houses at the rear and one a driveway access, doubling the risk of entering the main road on the bend. Although the layout of all the houses has changed, and the front row of houses have all been moved back making the houses more compressed, the proposed development is on a very small plot and the Parish Council still considers this overdevelopment and out of keeping with the surrounding houses.

**Local Highway Authority: Latest amended scheme: NO OBJECTION** subject to conditions relating to creation of accesses to appropriate standards, no gates or obstructions, visibility splays and parking and turning spaces created prior to occupancy.

**Anglian Water: NO COMMENTS** – advice on responsibility of developer to identify any AW assets and easements in and adjoining the site.

**Historic Environment Service (NCC): NO OBJECTION** - The amendments do not alter our recommendations for archaeological work to be controlled via conditions.

**Natural England: NO OBJECTION** – standing advice applies.

**CSNN: NO COMMENTS** received at the time of writing this report.

**Environmental Quality: NO OBJECTION** - subject to suite of conditions relating to possible contamination on the site from the former roadside barn.

**Environment Agency: NO COMMENTS** – Advice given on contamination and SuDS.

**Arboricultural Officer: NO OBJECTION (verbally)**

**Housing Development Officer: NO OBJECTION** – Confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Marham. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

However, NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas. On sites of 6-9 dwellings and less than 0.5ha, a financial contribution based on £60,000 per equivalent whole affordable dwelling will be sought.

As this site is proposed for 6no units in a designated rural area and the site area is under 0.5ha, a financial contribution of £72,000 would be required. This is calculated as 6 no. units times 20% affordable housing – 1.2 units, times £60,000 per unit.

However under Policy DM8 of the Council's Site Allocation & Development Management Policies Plan 2016 this site is deemed linked to planning permission 21/01750/F which has consent for 2 units. This proposal is considered an extension to an existing consented development and both sites are under the same ownership. Therefore, based on a site of 8 units, in a designated rural area where the combined site area is under 0.5ha, an affordable housing contribution of £96,000 would be required. This is calculated as 8 no. units times 20% affordable housing – 1.6 units, times £60,000 per unit.

A S.106 Agreement will be required to secure the financial contribution.

## **REPRESENTATIONS**

**Original/earlier submissions: FIFTEEN** items of correspondence raising **OBJECTION** and are summarised as follows:

- Narrow busy road new accesses cause highway safety concerns
- Narrow and busy footpath.
- Strained existing facilities to serve existing population (doctors, school etc.).
- Development will be intrusive and cause noise, disturbance and disruption.
- Light pollution.
- Site is on a major aquifer and zone 1 ground water protection policy.
- Private water pipes cross this land serving adjoining residential property.
- Insufficient demand for new houses in the village – other permission not implemented and RAF selling off housing.
- Ombudsman case previous planning consent was flawed – not brownfield land.
- Overdevelopment.
- Overlooking.
- Prefer bungalows.
- Question minimum separation distance between properties.
- Foul water disposal.

- Access required to maintain Lion Farm House and septic tank at the rear.
- Access via this site to agricultural land to the rear.
- Potential contamination from storage in previous barn on the site.
- Planning permission lapsed on this site.
- Impact upon ecology.
- Loss of views.

**Latest amended scheme: SIX** items of additional correspondence raising **OBJECTION** on the following additional summarised grounds:

- Is visibility splay serving Plot 1 sufficient given vehicle speeds?
- Garages will be needed in future and require planning permission.
- More vehicles on The Street associated with recent application 21/01750/F rear of Waterworks House.
- Affordable housing contribution required.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS01** - Spatial Strategy

**CS11** – Transport

**CS12** - Environmental Assets

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

**DM8** – Delivering Affordable Housing on Phased Development

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

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

**DM2** – Development Boundaries

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main issues for consideration are as follows:

- Background
- Principle of development
- Form and character
- Design and external appearance
- Landscaping
- Access and highway issues
- Impact upon adjacent properties
- Affordable housing contribution
- Other material considerations

### **Background**

It will be noted from the History section above that outline planning permission was initially granted in March 2006 (under ref: 06/00119/O) for residential development. At that time there was an issue with the 'interim housing approach', in that sites in villages capable of accommodating more than 5 dwellings should meet a number of criteria – one of which was that the site should be brownfield. Notwithstanding this, the Members felt that the site was within the village envelope and approved the application contrary to officers' advice. An Ombudsman case ensued regarding the interpretation of brownfield land, and costs were awarded to the complainant/neighbour but the permission stood.

Reserved matters were subsequently approved under application ref: 09/00153/RM in March 2009 for the construction of 6 no. dwellings.

The site was then incorporated into the village development area when the Site Allocations & Development Management Policies Plan (SADMPP) was adopted in 2016. The SADMPP and the Core Strategy represent the current development plan for the area.

### **Principle of development**

Marham is designated as a Key Rural Service Centre in Policy CS02 of the Core Strategy (CS) (2011). The site lies mostly within the development boundary for Marham as identified on Inset G56 of the SADMPP (2016), save for a small parcel to the rear (approx. 190m<sup>2</sup>) which does not contain proposed physical development. The site also corresponds with earlier permissions. Policy DM2 of the SADMPP states that development will be permitted within the development boundaries of settlements provided it is in accordance with the other policies in the Local Plan.

As stated above, the history of the site includes previous outline and reserved matters approval for 6 no. dwellings. Whilst the roadside barn has been demolished in the interim, there is no evidence submitted to date that the earlier permissions are extant. This application is therefore to be considered on its own merits.

The principle of residential development on the site is considered to be acceptable and in accordance with the NPPF, Policies CS02 and CS06 of the CS and Policy DM2 of the SADMPP, subject to compliance with other policies in the Local Plan.

## **Form and character**

The existing access point to the field is positioned almost centrally on the frontage. The layout is such that there are three detached houses facing onto The Street, respecting the character of the street scene, with a central courtyard area to the rear, bounded by a further detached dwelling and two L-form units of barn-style proportions/appearance.

Plots 1 & 2 comprise 4 bedroomed houses, Plot 3 is a 3 bedroomed house and the rustic units are all 3 bedroomed.

The density equates to 17 dwellings per hectare which is considered to be acceptable in this rural location. Compared to the earlier reserved matters approval this scheme is less intensive in terms of land-take or building footprints.

There are other examples of development in depth behind frontage properties along The Street (e.g. Hogg's Drove and rear of Waterworks House plus The Gables to the north of the site; also The Hollies and Ivy Lodge to the east) and this format has already been approved historically on this site. So, in terms of the form and character of the area, it is considered that the proposal would respond to the context and building characteristics of the locality and therefore accords with Policies CS06 & CS08 of the CS (2011).

## **Design and external appearance**

The detached houses are modern versions of the traditional dwellings found within the village and use a palette of materials and features that exist in the area (clay pantiles, flint panels, brick plinths, string coursing etc.). Definitive details of facing materials and a sample panel can be secured via condition given current supply issues.

The quasi-barn conversions towards the rear of the site are lower set, given the fall of the land, and are subservient to the frontage houses. Whilst they have two storeys, the first-floor accommodation is contained within the roofspace to effectively present 1½ storey units. Houses with associated rustic outbuildings to the rear is part of the rural character in this village and indeed in many villages throughout the borough. The proposal presents a high-quality form of development that embraces sustainable elements and the principles of the National Design Guide.

This application has been the subject of protracted negotiations and modifications in order to reach a scheme that negates all constraints and issues and is now in a form that officers can support. It is considered to accord with the NPPF, National Design Guide, Policies CS06 & CS08 of the CS and Policy DM15 of the SADMPP.

## **Landscaping**

The majority of the established peripheral hedging and trees are indicated to be retained and the new dwellings are positioned further away than those previously approved on this site. Additional planting to the field to the rear of the site is shown on the concept landscaping scheme to create structured planting and assimilate the development into its rural surroundings. Protection of the trees and hedges to be retained during construction can be secured via condition. These measures are considered to be acceptable to our Arboricultural Officer and additional landscaping would have associated biodiversity benefits.

The frontage of the site is proposed to comprise 600mm high brick walls set back to achieve appropriate visibility splays from the access points. This would be compatible to the



streetscene as residences to the SE have similar boundary treatments alongside the road. Soft landscaping is also indicated between the properties and around parking areas on the frontage to maintain the rural character. Private areas are indicated to be enclosed by boundary treatments. Full details of both hard and soft landscaping are proposed to be defined by condition and implemented accordingly prior to occupation.

### **Access and highway issues**

Access to the site to serve the residential development is, as stated above, utilising the existing field access. A further individual access point is proposed to be created to serve Plot 1, with parking and turning spaces for three vehicles at the front of the dwelling. The main access and internal arrangements off this private drive for parking and turning meet the standards required by the Local Highway Authority.

In order to achieve appropriate visibility splays from the main access point a utility pole will need to be relocated, as required by the LHA, which is agreed by the agent and shown on the latest layout plan.

Local concerns have been expressed regarding vehicle speeds and highway safety. It will be noted from the consultation section above that this is not shared by the LHA. Subject to certain conditions regarding access construction, visibility splays, no gates, plus creation of parking and turning areas, the LHA raises no concerns.

Whilst the comments of neighbours and the Parish Council are noted, there is no objection from the statutory consultee on highway safety grounds. The scheme includes the provision of accesses deemed suitable to serve the dwellings proposed, and as a result the proposed scheme is in accordance with the NPPF, Policy CS11 of the CS (2011) and Policy DM15 of the SADMPP (2016).

### **Impact on adjoining properties**

The new dwellings are sited on the opposite side of the road to Lion Cottage and Victoria House (which lie close to the carriageway). There are now proposed separation distances of 21.2m between the front elevation of Plot 1 and Lion Cottage, 21.54m between Plot 2 and Lion Cottage, plus 22.16m between Plot 3 and Victoria House. This exceeds the minimum separation distance of 21m between facing dwellings indicated by a fairly recent Ombudsman case (Whitley Press site at Hunstanton). The inter-relationship is now much improved from that previously approved at between 10-15m.

Plot 6 contains a barn-like dwelling with no windows at first floor level facing towards Lion Farm House and a garden depth of approx. 9.5m to its side boundary. The side gable of the house on Plot 1 is blank at first floor level, lies 4 metres from the side gable of Lion Farm House and a strip of land is shown in between labelled to be fenced off and kept clear to maintain privacy and allow maintenance to that neighbouring property.

The new dwellings lie to the north and north-east of Lion Farm House and would not therefore create any overshadowing effects.

The inter-relationships and separation distances between both the existing and new buildings are considered to be acceptable and the third party concerns regarding overlooking, loss of light and views are not substantiated to any degree that would warrant refusal.

The proposal accords with Policy CS08 of the CS and Policy DM15 of the SADMPP.

## Affordable housing contribution

It will be noted from the Consultation section above that our Housing Development Officer has indicated that the size of the site and number of dwellings proposed triggers affordable housing contribution in accordance with Policy CS09 of the CS.

The NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas. On sites of 6-9 dwellings and less than 0.5ha, a financial contribution based on £60,000 per equivalent whole affordable dwelling will be sought.

This particular site is proposed for 6 no. units in a designated rural area and the site area is under 0.5ha, a financial contribution of **£72,000** would be required. This is calculated as  $6 \times 20\% = 1.2$  units, multiplied by £60,000 per unit.

However Policy DM8 states inter alia:

“On windfall sites the requirement to provide affordable housing under Core Strategy CS09 Housing will apply where the Council considers that the proposed development forms part of a larger site which, if developed, would result in a requirement for a proportion of (or contribution

to) affordable housing. If the application site satisfies one or more of the following criteria, then it will be considered to be part of a larger site for the purposes of this policy:-

\* Land ownership – If an application site is in the same ownership as one or more adjacent plots of land at the time the application is made or within 3 years of the date the application is made and development of those sites would comply with other policies of the Local Plan...”

In this case planning permission has recently been granted for two dwellings to the rear of Waterworks House (ref: 21/01750/F) for the same applicants/owners. The aforementioned site is adjacent to this current application site and needs to be taken into the equation.

20% of 8 units (i.e.  $6 + 2$ ) is 1.6 multiplied by £60,000 = **£96,000 total**.

A S.106 Agreement will be required to secure the financial contribution towards affordable housing. The applicants have agreed to a legal agreement.

## Any other material considerations

*Crime and disorder* - There are no significant crime and disorder issues raised by this application.

*Archaeology* - The proposed development site lies within the historic core of the village of Marham. Artefacts have previously found around the proposed development site, including Roman and medieval pottery and prehistoric flints to the west, medieval pottery and Roman pottery and coins to the south and east and prehistoric pottery and flints to the north. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, Historic Environment Services therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with NPPF (2021) paragraph 205.

*Contamination* – Given the existence of a former barn on the site conditions regarding potential contamination can be secured as suggested by Environmental Protection.

*Foul and surface water disposal* - Details of both foul and surface water disposal can be secured via condition. Piling can also be controlled via condition due to concerns relating to the aquifer which is situated beneath the site.

*Noise and disturbance during construction* – The site is virtually surrounded by residential properties, so in the absence of a formal response from CSNN, their comments on an adjoining site are referred to and a Construction Environment Management Plan can be secured via condition.

*Lighting* - Light pollution is not likely to be excessive and a level of illumination associated with residences is to be expected with regards to security and amenity.

*Ecology* – This is an agricultural field which has historically been cultivated and could be used for that purpose currently. It has a low value in terms of ecology. The peripheral landscaping is however to be mostly retained and supplemented which would secure biodiversity net gain.

*Loss of views* – Loss of private views across third party land is not a material planning consideration.

*Rights of access and services* – Third party rights of access and services across land is a civil rather than planning matter.

*Local services* – The Parish Council and local residents highlight the lack of employment and facilities/services within the village. They state that there is not a need for any additional housing here as services are already stretched. Also, that new development in the village promotes the use of the private car as the public transport provision is minimal. While these comments are noted, Marham is identified as a Key Rural Service Centre in the adopted Local Plan. This recognises that Marham provides a range of services to meet basic needs and serves the wider rural locality. It is considered an appropriate location for local scale development.

The status of Marham in the Development Plan will be addressed as part of the Local Plan Review. However, this application must be determined in accordance with the current adopted plan.

## **CONCLUSION**

The application seeks full planning consent for the construction of six dwellings on the site. The application site lies within the development boundary for Marham and in terms of the principle of development, is considered acceptable.

The proposal constitutes a quality form of development that would respond to the context and building characteristics of the locality.

There are no objections raised by statutory/technical consultees and all matters of planning importance may be secured via conditions.

The proposed scheme has undergone a number of amendments and is now considered an appropriate form of development given the locality and previous approvals.

Notwithstanding the concerns raised by the Parish Council and third parties, for the reasons detailed above, it is considered that the development proposed is in accordance with the provisions of the NPPF, National Design Guide, Policies CS02, CS06, CS08, CS09, CS11 & CS12 of the CS (2011) and Policies DM1, DM2, DM8, DM15 and DM17 of the SADMPP (2016). The application is therefore recommended for approval as detailed below.

#### **RECOMMENDATION:**

**(A)** Subject to the completion of a Section 106 agreement to secure off-site affordable housing contribution within four months of the date of resolution to approve, the application shall be **APPROVED** subject to the imposition of the following conditions:

1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

1-01

1-02 A

6-03

(A)2-01

(A)3-01

(B)2-01

(B)3-01

(C)2-01

(C)3-01

(D)2-01

(D)3-01

(E)2-01

(E)3-01

(F)2-01

(F)3-01.

2 Reason: For the avoidance of doubt and in the interests of proper planning.

3 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.

3 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.

4 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).

- 4 **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. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 5 **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.
- 5 **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.
- 6 **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.

- 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: 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, 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 6.

- 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: No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:
  1. An assessment of the significance of heritage assets present
  2. The programme and methodology of site investigation and recording
  3. The programme for post investigation assessment of recovered material
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 8 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 9 Condition: No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 8.
- 9 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 10 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8, and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 10 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 11 Condition: Notwithstanding the submitted plans, prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, boundary treatments (heights and materials) and refuse bin storage compound. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 11 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 12 Condition: 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 or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 12 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 13 Condition: No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 13 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 14 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the buildings hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, flint work, mortar type, bond and pointing technique, plus a sample of the timber boarding and staining and roof tiles. The development shall be constructed in accordance with the approved details.

- 14 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 15 Condition: Prior to commencement of development a detailed construction environment management plan must be submitted to and approved in writing by the Local Planning Authority; this must include proposed timescales and hours of the construction phase and deliveries/collections. The scheme shall also provide the location of any fixed machinery, their sound power/ vibration levels, the location of contractor parking, the location of plant, machinery, waste and materials storage, all proposed attenuation and mitigation methods to protect residents from noise, dust and litter, and the prohibition of any bonfires, as well as neighbour communication. The scheme shall be implemented as approved.
- 15 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF and Policy DM15 of the SADMPP.
- 16 Condition: Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 16 Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184 and relevant Environment Agency Groundwater Protection Position Statements.
- 17 Condition: Prior to the first use of the development hereby permitted the vehicular accesses/crossings over the footway/verge shall be constructed in accordance with the highways specification TRAD 1 and thereafter retained at the positions shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 17 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and to accord with the NPPF and Policy DM15 of the SADMPP.
- 18 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 18 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 19 Condition: Prior to the first occupation/use of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway and shall include the relocation of the utility pole as indicated on the approved plan (Dwg no. 1-02 A).
- 19 Reason: In the interests of highway safety in accordance with the principles of the NPPF.



- 20 Condition: Prior to the first occupation of the development hereby permitted the associated proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 20 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CS08 of the CS (2011) and Policy DM15 & 17 of the SADMPP (2016).
- (B) REFUSE** - In the event that the Section 106 agreement to secure affordable housing contribution is not completed within four months of the date of the resolution to approve, due to failure to comply with Policy CS09 of the CS (2011).