

Parish:	Downham Market	
Proposal:	Demolition of existing buildings and replacement with 8 no. dwellings	
Location:	Unit 6 To 8 Fairfield Road Downham Market Norfolk	
Applicant:	Tower Street KL Ltd	
Case No:	23/00493/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 12 May 2023 Extension of Time Expiry Date: 6 October 2023

Reason for Referral to Planning Committee – The views of the Town Council and Norfolk County Council Public Rights of Way Officer are contrary to the officer recommendation and at the direction of the Planning Sifting Panel (06/09/23).

Neighbourhood Plan: No

Case Summary

The application site is an area of 0.18 ha of land, located to the west of the town of Downham Market. Access to the site is via Fairfield Road which is a private unadopted road and a Public Right of Way. The site is situated between the railway tracks to the east and the River Great Ouse to the west, with Fairfield Road consisting of a mixture of residential development and employment uses. The site was previously in employment use but is currently vacant.

This application seeks full permission for the construction of eight residential units comprising of two blocks of 4 no. two-storey dwelling houses with designated parking spaces and private amenity spaces.

The site lies within the development area of the town, Flood Zone 1 of the adopted Strategic Flood Risk Assessment and Environment Agency’s Tidal Hazard Mapping Zone.

Key Issues

- Principle of Development
- Form and Character
- Residential Amenity
- Access and Public Rights of Way
- Flood Risk
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site has an area of 0.18 ha tapering in depth from south to north and contains a substantial redundant industrial/warehouse building with a large concrete forecourt. It is located on the western side of Fairfield Road which is a private unadopted road and a Public Right of Way. The site is situated between the railway line to the east and the River Great Ouse to the west, with Fairfield Road consisting of a mixture of residential development and commercial/employment uses. It is proposed to demolish the existing building and redevelop the site with housing.

Initially 9 no. two storey dwellings were proposed – terraced blocks of 4 and three along the road frontage, plus a further pair of semis to the rear (orientated with north and south facing fenestration). The density of the scheme and inter-relationships between the proposed dwellings and those already approved on the adjoining site to the immediate south was not satisfactory, a negotiated amended scheme was subsequently submitted. This is now before members for determination.

This amended application seeks full permission for the construction of 8 no. residential units comprising 2 blocks of 4 no. three bedroomed two-storey dwelling houses with designated parking spaces and gardens to the rear, following demolition of the existing building. Access is proposed off Fairfield Road at the northern end of the site adjoining the neighbouring commercial uses (Kerry Motor Services (Mot and Service Centre) plus Central Tyres beyond).

These houses are simple designs with elevated finished floor levels to negate flood risk implications. Whilst the facing materials are not defined at this stage due to availability concerns, the plans indicate facing bricks to front and side elevations with render to the rear under concrete roof tiles plus flat-roofed ground floor projections in boarding. Gablettes are used on the front façade to articulate the roofscape – similar to other developments in this locality, along with a brick corbel course detailing between floors.

As stated above, the site lies within the defined development area of Downham Market; within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment but within the Environment Agency's Tidal Hazard Mapping Zone.

SUPPORTING CASE

The agent has submitted the following statement in support of this application:

“The application site on Fairfield Road in Downham Market lies within the defined development boundary of the town and comprises brownfield land that is occupied by a former industrial / warehouse unit. The site lies in a highly sustainable location, in close proximity to Downham Market railway station and walking distance to the services and facilities of the town centre. The principle of redevelopment of the site is therefore acceptable subject to compliance with all relevant planning policies.

The proposal seeks approval for demolition of the existing buildings and replacement with 8 no. 3-bedroom dwellings in two small terraces. The original proposal was for 9 no. dwellings with 2 no. units situated to the rear of the site. However, in light of Officer preference for frontage development only, the scheme was revised to provide 8 no. dwellings fronting the

road with private parking at the rear, to ensure it doesn't dominate the streetscene. A set back from Fairfield Road has still been maintained in order to ensure there is no encroachment onto the public right of way (Downham Market RB13).

Historically Fairfield Road would have predominantly comprised industrial units with residential properties being less prevalent, however this has changed over the years with more of the commercial units reaching the end of their life and the sites being redeveloped for much needed housing. The adjacent site to the south is a recent example of this and the proposal has been sensitively designed to provide an appropriate transition between the recently approved residential properties to the south and the existing commercial units that remain to the north.

Each dwelling will have its own private rear garden that will be turfed with grass and provided with adequate bin storage and rear access. Although the garden areas for the northern terrace are slightly smaller than those proposed to the south, the space provided is still considered appropriate for the size of dwellings, particularly given the location of the site within the town. It is also important to note the size of rear gardens proposed are greater than those recently permitted for the residential development of 8 no. dwellings to the south and other more established residential units along Fairfield Road.

Given the location of the site in close proximity to the railway line and a Motor Services unit on adjacent land to the north, an environmental noise assessment has been carried out in support of the application. Provided that a 2m high acoustic fence is installed along the north boundary of the garden of Plot 1, daytime average noise levels in the rear gardens of all plots are expected to be acceptable in accordance with WHO guidance. The noise assessment therefore concludes there is no noise-related reason to withhold planning permission.

The character of existing residential properties along Fairfield Road is mixed, but the majority of units front the road and are two storeys in height with ridged roofs. A simple yet contemporary design has therefore been proposed for the site that has similar characteristics to that recently approved on the land to the south, to ensure the proposal integrates well in the streetscene. All units will be constructed in quality bricks and render with uPVC windows.

The siting and orientation of the proposed dwellings, alongside their distance from shared boundaries and the position of habitable room windows ensures there will be no significant overlooking or loss of privacy to any of the approved properties that adjoin the site.

Vehicular access into the development will be via a private drive provided at the northern end of the site adjacent to the neighbouring commercial unit. All dwellings include provision of 2 no. allocated car parking spaces, which exceeds that provided for similar sized properties on nearby developments given the sustainable location. A pedestrian footpath between the two terrace rows is also proposed from Fairfield Road through to the car parking area at the rear.

The proposal has been subject to input from relevant technical consultees and care has been taken to ensure that any concerns raised have been adequately addressed. Consequently, there are no objections from these parties in respect of flood risk, drainage, highways, or environmental health.

Whilst the Norfolk County PROW officer has raised an objection to the proposal, they have failed to take account of the fact that the development is proposed on a brownfield site that has previously been in use for commercial purposes and has therefore always had vehicular traffic associated with it, most likely including HGV movements. The proposal would therefore not result in an increase in vehicular traffic along the PROW and would in no way affect its use.

The concerns of the Town Council have also been noted in terms of the existing condition and drainage problems along Fairfield Road and the applicant will ensure the proposed development will not cause any increased impact. However, it is not the responsibility of the applicant, or within the remit of this application for minor development, to resolve the historic problems along Fairfield Road.

In terms of drainage, the intention is for the proposal to discharge into the Relief Channel via the existing piped system which the IDB do not raise any objection to in principle. The applicant is content with the imposition of a condition requiring submission and approval of full surface water drainage details.

To conclude, the proposed development would provide good quality, much needed housing on a brownfield site in a highly sustainable location within Downham Market. The proposal is acceptable in terms of flood risk and highway safety, would provide a high quality living environment for future occupiers and would not result in any detrimental impact on the existing character of the area or neighbour amenity.

As a result, the development is considered to accord with all relevant planning policies of the adopted Local Plan, as well as national planning policies and guidance within the NPPF. It is therefore respectfully requested that Members grant planning permission subject to conditions in accordance with the Officer recommendation.”

PLANNING HISTORY

None recent/relevant

Adjoining site to the south:

22/01484/F: Application Permitted: 10/11/22 - VARIATION OF CONDITION 1 OF PLANNING PERMISSION 21/01105/RM: Reserved Matters: Construction of 8 Dwellings with access (Committee decision)

22/00527/S257: Non-determination: Application for Public Footpath to be stopped up

21/01105/RM: Application Permitted: 24/02/22 - Reserved Matters: Construction of 8 Dwellings with access (Delegated decision)

08/01604/FM: Application Permitted: 09/09/08 - Construction of 12 dwellings - The Cottage and Factory Fairfield Road (Committee decision)

RESPONSE TO CONSULTATION

Town Council (Initial submission): APPROVE as long as any provisions of the flood risk assessment and comments of the Environmental Quality officer are observed.

(Amended scheme): OBJECT - Downham Market Town Council recommends refusal of this application until such time that the condition of the road is improved, the Restricted Byway concerns are resolved and the arrangements of the road drainage into the Relief Channel are improved.

Local Highway Authority (NCC) (Amended scheme): NO OBJECTION subject to condition regarding provision of access, parking and turning in accordance with the revised plans.

Public Rights of Way (NCC) (Amended scheme): OBJECTION - This proposal will increase vehicular traffic on a Restricted Byway, Fairfield Road, where there is no legal public access in motorised vehicles. As a Restricted Byway it is not liable to be publicly maintained to a vehicular standard. Norfolk County Council will not be liable to maintain this route to facilitate more private traffic. The surface of the track is not suitable for increased vehicular traffic and will only deteriorate further, which could compromise the legitimate non-motorised users. Any vehicular access to the proposed properties will have to rely on existing private rights of access.

In summary we object to the proposal as it is prejudicial to the use and enjoyment of the legitimate public rights and the long-term security of the surface of the highway.

Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION subject to conditions relating to recommendations of the submitted Noise Impact Assessment, acoustic boundary treatment to north of Plot 1, lighting scheme and a Construction Management Scheme.

Environment Agency: NO OBJECTION subject to condition relating to implementation of flood mitigation measures.

District Emergency Planning Officer: NO OBJECTION advises that should sign up to the EA's Flood Warning System and prepare an evacuation plan. [Officer note: Dealt with via informative note on any permission due to enforceability concerns and tests applied to the use of conditions].

Stoke Ferry Internal Drainage Board (Amended scheme): NO OBJECTION but points out that additional information would be required to ensure that the off-site drainage system has adequate capacity and there is a right to connect/discharge into the Relief Channel (under the control of the Environment Agency).

Environmental Quality: NO OBJECTION subject to conditions relating to contamination and Electric Vehicle charging facilities.

Housing Development Officer: NO OBJECTION – The site area is under 0.5ha and not within a designated rural area, so an affordable housing contribution is not required.

Waste and Recycling Manager (Amended scheme): NO OBJECTION

Cadent Gas: NO OBJECTION in principle.

Norfolk Constabulary (ALO): NO OBJECTION – offers advice on pursuit of Secured by Design accreditation.

Network Rail: NO OBJECTION

Natural England: NO OBJECTION subject to Habitat Regulations Assessment.

REPRESENTATIONS

One item of correspondence neither supporting nor objecting to the application but making the following summarised comments:

- Businesses beyond the site will require access at all times;
- Fairfield Road suffers from train users parking so a clear route is essential;

- Allocated off-road parking for all dwellings required; and
- Will the developer make repairs to the road?
- One item of correspondence raising **OBJECTION** on the following summarised grounds:
- Road is unadopted with large potholes and a sunken drain;
- Floods after heavy rain; and
- The road can't take any more traffic unless this issue is resolved.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS04 - Downham Market

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main issues for consideration in determining this application are as follows:

Principle of Development

Form and Character

Residential Amenity

Access and Public Rights of Way

Flood Risk

Other Material Considerations

Principle of Development

The application site lies within the development boundary for the town of Downham Market as defined on Inset F1 of the Site Allocations and Development Management Policies Plan (2016) (SADMPP). Policy DM2 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. Policy CS04 of the Core Strategy (2011) (CS) supports the provision of new housing balanced with the need to provide additional services and local facilities both to meet the needs of the future population and also to redress present inadequacies within the existing level of services within the town. Downham Market is identified as a Main Town in the settlement hierarchy of Policy CS02 of the CS, where significant development is proposed to take place.

The site is 'brownfield' or previously developed land as defined in Annex 2 of the NPPF, and contains a former industrial/warehouse unit that has effectively reached the end of its lifespan and is no longer considered to be suitable for modern commercial use/s.

Whilst Policy CS10 of the Core Strategy (2011) seeks to retain land or premises currently or last used for employment purposes, there are exceptions where it can be demonstrated that: the continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems; or an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.

In this case, the existing building was marketed for sale by Brown & Co as a factory premises, but there was no interest in the site for its former use. With the existing building being towards the end of its life, it is not attractive to future commercial occupiers when other newer and more attractive premises are available within the town and local areas.

In addition to the above, although Fairfield Road once comprised several warehouses and industrial units, many of these plots have already been (or are permitted to be) replaced by residential dwellings, including the site immediately to the south. This means the character of Fairfield Road has evolved and continues to change towards residential/mixed commercial use.

Paras 120 and 123 of the NPPF recognise the value of these types of site and advises that in decision making substantial weight should be given to the value of using suitable brownfield land within settlements for homes; support appropriate opportunities to remediate derelict or contaminated land. The guidance promotes the redevelopment of under-utilised land and buildings, especially if this would help to meet identified needs for housing and other locally available sites could be used more effectively for employment and commercial use. The guidance supports proposals to use employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors.

The site is not being utilised to the most efficient land use and its sustainable location, size and surrounding uses make it suitable for redevelopment for residential properties.

The principle of residential development on the site is therefore acceptable and in accordance with the NPPF, Policies CS02 and CS04 of the Core Strategy (2011) (CS) and Policy DM2 of the SADMPP, subject to compliance with other policies in the Local Plan.

Form and Character

As stated above, Fairfield Road comprises a mix of commercial and residential uses along its length which runs parallel to the railway line.

To the north of the site lies existing commercial units – Kerry Motor Services and Central Tyres beyond.

To the immediate south, permission has recently been granted for residential development comprising 8 no. dwellings - a terrace of three two storey dwellings and a single two storey dwelling along the frontage of the site, with two pairs of semi-detached three storey dwellings to the rear.

This application seeks full permission for the construction of 8 no. residential units comprising 2 blocks of 4 no. three bedroomed two-storey dwelling houses with designated parking spaces and gardens to the rear, following demolition of the existing building. Access is proposed off Fairfield Road at the northern end of the site adjoining the neighbouring commercial uses.

These are simple contemporary houses with elevated finished floor levels to negate flood risk implications. Whilst the facing materials are not defined at this stage due to availability concerns, the plans indicate facing bricks to front and side elevations with render to the rear under concrete roof tiles, plus flat-roofed ground floor projections in boarding. Gablets are used on the front façade to articulate the roofscape – similar to other developments in this locality, plus brick detailing between floors.

In terms of form, character and appearance, the proposal accords with the locality and the provisions of the NPPF, Policy CS08 of the CS and Policy DM15 of the SADMPP plus the National Design Guide.

Residential Amenity

Given the proximity of the site to commercial uses located immediately to the north and the railway line to the east, then the applicants have submitted an Environmental Noise Assessment report. The report identifies suitable mitigation measures to protect future residents against these sources of noise and disturbance.

The site is laid out to give private amenity spaces to the rear/west of the houses away from the railway line and an acoustic fence is proposed to the northern boundary of Plot 1 which lies closest to the commercial units. Acoustic design recommendations and specifications have been made for the building envelope so that noise levels in habitable rooms would comply with the relevant criteria. CSNN confirm this to be appropriate and implementation of those measures can be secured via condition.

Paragraph 187 of the NPPF requires that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. As such the proposal for residential development includes suitable mitigation measures to enable the business to the north of the site (Kerry Motor Services) to continue to operate as it has done to date. CSNN have raised no issue with this inter-relationship.

A Construction Management Plan may be secured via condition to cover noise and disturbance to existing nearby dwellings to the south and north of the site during the construction phase.

The relationships between the proposed dwellings and neighbouring uses are therefore considered to be acceptable. The proposal is therefore in accordance with the NPPF, Policy CS08 of the CS and Policy DM15 of the SADMPP.

Access and Public Rights of Way

This matter is subject to a current unresolved objection from NCC Public Rights of Way.

Fairfield Road is adopted to a point approx. 115m south of the application site. Northwards of that point the track is tarmacked but has potholes and an apparent record of poor of maintenance over the years.

In response to consultation the NCC Public Rights of Way Officer states:

“This proposal will increase vehicular traffic on a Restricted Byway, Fairfield Road, where there is no legal public access in motorised vehicles. As a Restricted Byway it is not liable to be publicly maintained to a vehicular standard. Norfolk County Council will not be liable to maintain this route to facilitate more private traffic. The surface of the track is not suitable for increased vehicular traffic and will only deteriorate further, which could compromise the legitimate non-motorised users. Any vehicular access to the proposed properties will have to rely on existing private rights of access.

In summary we object to the proposal as it is prejudicial to the use and enjoyment of the legitimate public rights and the long-term security of the surface of the highway.”

The route of the PROW is not dictated by ownership, but rather Public Rights of Way are routes of public access over private land. Boundary research undertaken by NCC shows the route on historical maps and it is evident there are many examples along Fairfield Road where development has taken place over the historical PROW, including the front boundary wall of the dwelling ‘The Cottage’ to the south. Illegal encroachment is not however legitimised by time.

The amended scheme indicates that the proposed development has been set back to avoid encroachment onto the dedicated PROW.

The site is that of a commercial use (believed to be an upholstery manufacturing business) which obviously would have attracted a significant volume of traffic at its prime including HGVs.

The proposed development of 8 dwellings would not result in either encroachment or the loss of any PROW. In addition, the existing commercial use would attract a certain level of vehicular movements which should be off-set/compared with the current proposal. It is noted that there are no objections from the NCC Highways Officer subject to access, parking and turning provisions being implemented prior to occupation.

The objection is from the PROW officer who has not been consistent given no objections to the residential development scheme directly to the south of this site. Contact has been sought with the PROW officer to explain this inconsistency but without success.

Paragraph 111 of the NPPF confirms 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 considered to be the case in this application.

It would be disproportionate and inconsistent to ask the applicants for off-site improvements to the PROW.

Two parking spaces per dwelling are proposed and there is adequate space to accommodate secure cycle parking en-curtilage. The levels of parking are an over-provision compared with other town centre schemes with access to alternative modes of public transport.

The scheme is therefore considered to be in accordance with the NPPF, Policy CS11 of the CS and Policies DM15 and DM17 of the SADMP.

Flood Risk

The application site lies within Flood Zone 1 of the Strategic Flood Risk Assessment (SFRA). However, the Environment Agency's Tidal Hazard Mapping identifies that the application site also falls within an area at risk of flooding in the event of a breach of the River Ouse defences. The NPPF requires that new development is directed away from areas at highest risk of flooding and advises to apply the sequential test to new development schemes.

The applicant has submitted a Flood Risk Assessment (FRA) for the site which demonstrates that the development can be made safe from all sources of flooding. Sequential testing has been undertaken and there are no reasonably available sites on a like-for-like basis appropriate for this scale of development elsewhere in the town and at a lower risk of flooding.

The next stage of the process is to consider the vulnerability of the use. The residential use is categorised as 'more vulnerable', and in line with the technical guidance of the NPPF and given the site is within Flood Zone 1, the exception test is not required. Therefore, the application has met the requirements of the NPPF and Policy CS08 of the Core Strategy (2011), regarding flood risk specifically.

The FRA, in its recommendations, refers to Finished Floor Levels for the dwellings to be set at 4.25m AOD (approx. 1m above existing ground level). In street scene terms the proposed dwellings are similar to those adjoining to the south and therefore with a finished floor level of this height, would have limited impact on the street scene or neighbour amenity. The Environment Agency has requested that this may be controlled via condition.

The proposal accords with the provisions of the NPPF, PPG and Policy CS08 of the CS.

Other Material Considerations

Foul water is proposed to be disposed of via mains sewerage.

Surface water from the development is proposed to be discharged into the Relief Channel to the west via existing connections; the suitability/capacity of this can be secured via condition as with the adjoining site to the south. The IDB have not raised objection to this route and discharge would be controlled by the EA. There is ample space to accommodate attenuation measures (subterranean crates) within the site under parking/road if necessary. The details of SW disposal can therefore be secured via condition - prior to the commencement of groundworks to allow demolition of the existing buildings to occur enabling contamination investigations to be pursued.

Drain in Fairfield Road - The concerns of the Town Council and the third-party objector are noted in terms of the existing condition and drainage problems along this road. However, it is

not the responsibility of the applicants, or within the remit of this application, to resolve the historic problems along Fairfield Road.

Secure by Design – The Norfolk Constabulary ALO has offered advice on the pursuit of SBD accreditation. Lighting is to be secured via condition and certain measures (e.g., lockable gates to passage) can be incorporated into the hard and soft landscaping which is again subject to condition.

Contamination - To be covered by a suite of conditions as suggested by Environmental Protection.

Electric vehicle charging – Covered by Building Regulations.

Impact upon biodiversity - The proposal has been had a shadow Habitat Regulations Assessment undertaken; there is no adverse impact upon designated sites and a GIRAMS payment has been completed.

Affordable housing – There is no affordable housing contribution required in connection with this development given the size of the site and number of dwellings proposed.

CONCLUSION

The planning application seeks consent for the construction of 8 dwellinghouses at Fairfield Road – a brownfield site within the defined development area of Downham Market. The existing building has been unsuccessfully marketed for commercial use but is now otherwise redundant and no longer suitable for modern needs/use.

The principle of residential land use in this area has already been established by other developments completed and commenced along Fairfield Road, indeed an immediately adjacent site was granted permission for residential use in 2021. The character is progressively evolving from commercial to residential.

The design and appearance on the dwellings are sympathetic to this locality. The overwhelming majority of technical consultees raise no objections and consider all technical issues are either resolved or can be addressed via condition.

The only technical objection to the proposal is from the NCC Public Rights of Way.

The proposed development would not result in the loss of, or encroachment onto, any PROW. In addition the existing commercial use would attract a certain level of vehicular movements which should be off-set/compared with the current proposal. It is noted that there are no objections from the NCC Highways Officer subject to access, parking and turning provisions being implemented prior to occupation.

The objection from the PROW officer is considered to be disproportionate and inconsistent to recent responses on immediately adjacent sites for similar proposals.

Paragraph 111 of the NPPF confirms 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.

It would be disproportionate and inconsistent to require the applicants to provide off-site improvements to the PROW.

The proposed development is therefore in accordance with the NPPF, PPG, Policies CS01, CS02, CS04, CS08, CS10, CS11 & CS12 of the CS and Policies DM1, DM2, DM15, and DM17 of the SADMPP. The application is hereby recommended for approval subject to certain conditions listed below.

RECOMMENDATION:

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

- 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:
FR-DM-N-SS01 Site Survey & Location Plan,
FR-DM-N-SL02 Proposed Site Plan,
FR-DM-N-04 C Proposed Street & Rear Elevations,
FR-DM-N-05 B Sections and
FR-DM-N-05 B Proposed Ground & First Floor Plans.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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).
- 3 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.

4 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.

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.

5 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.

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

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, full details of the surface water drainage arrangements shall 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.
- 7 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).
- 8 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 9 Condition: Prior to the first occupation of the development hereby permitted the 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.
- 9 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety and to accord with Policy DM15 of the SADMPP (2016).
- 10 Condition: The development shall be implemented in accordance with the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (Evans River and Coastal Ltd, REF:3119/RE/01-23/ 01 Revision B). In particular, the FRA recommends that:
- Finished floor levels will be set no lower than 4.25m AOD.
- 10 Reason: To safeguard the development at times of high risk of flooding in accordance with the provisions of the NPPF and Policy CS08 of the Core Strategy (2011).
- 11 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 road, 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.
- 11 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and Policy DM15 of the SADMPP (2016).
- 12 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 contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, and

proposed attenuation and mitigation methods to protect residents from noise, vibrations, dust and litter. If piling is required, full assessment of noise and vibration impacts should be included. The scheme shall be implemented as approved.

- 12 Reason: To ensure that the amenities of nearby residents are safeguarded in accordance with the NPPF and Policy DM15 of the SADMPP (2016).
- 13 Condition: 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, refuse or other storage units. 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.
- 13 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 14 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.
- 14 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 15 Condition: The development hereby approved shall be carried out in accordance with the recommendations of the Environmental Noise Assessment produced by Adrian James Acoustics Ltd referenced 13579/1A and dated 15 September 2023. These measures include-
1. Installation of an acoustic fence (as detailed on Figure 8) along the northern boundary of Plot 1 with the following specifications-
 - Be 2m high imperforate and have no holes or gaps;
 - Achieve a minimum surface mass of 10kg/m².
 2. The dwellings should incorporate the noise control measures as detailed in the report in section 7.2. For clarity plots 1-8 should encompass the measures specified in System 1 applied to facades highlighted in blue, and System 2 applied to facades highlighted in green on Figure 7.
- The development shall be constructed and retained in perpetuity in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 15 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF and Policy DM15 of the SADMPP (2016).