

Application No: 22/0862/FH

Location of Site: 5 Marine Avenue, Dymchurch, TN29 0TR

Development: Demolition of the existing bungalow and erection of a pair of chalet bungalows.

Applicant: Mr Chris Stace

Officer Contact: Emma Forde

SUMMARY

This application seeks planning permission for the demolition of the existing dwelling and erection of a replacement pair of semi-detached houses within the settlement boundary. The development, which is of an acceptable design, would incorporate appropriate access, parking, turning, garden space and bin storage. Whilst the development would introduce change to the area and street scene, the submitted technical assessments demonstrate there would be no unacceptable harm to the residential amenity of neighbouring residents and is considered to be acceptable in terms of flood risk. The development is considered to be acceptable and the application is therefore recommended for approval.

RECOMMENDATION:

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

1. INTRODUCTION

- 1.1 The application is reported to Committee as Dymchurch Parish Council have objected on grounds the proposal would result in flooding concerns and would overlook the neighbouring property 2 Willop Way to the rear.

2. SITE AND SURROUNDINGS

- 2.1. The application site is occupied by a detached bungalow located on the west side of Marine Avenue, which is set back from the road, and has a lean-to garage attached to the southern elevation. The dwelling has amenity space to all sides. There are no protected trees on or adjacent to the site and the front of the existing dwelling is hardstanding.
- 2.2. The immediate area has no set design pattern and dwellings in the area consist of a mix of single storey; two-storey; some with rooms in the roof and all comprising a mix

DCL/23/38

of finished materials such as red brick, pale brick and painted render. The surrounding properties are generally set back from the highway and served by gardens and parking areas to the front.

- 2.3. The application site is within the settlement boundary, in Flood Zones 2 and 3 and considered to be at significant risk of flooding to 2115 under the adopted SFRA. The site is also in an area of Archaeological Potential.
- 2.4. A site location plan is included in this report as **Appendix 1** but is also below in Figure 1.



Figure1: Application site boundaries



Figure 2: Photograph of the front elevation of the existing dwelling

3. PROPOSAL

- 3.1 Full planning permission is sought for the demolition of the existing dwelling and for the erection of a pair of chalet bungalows. Each dwelling would be a 2-bedroom, 3-person unit, with a width of 10m, a depth of 5.8m and a maximum height of 6.8m. Both dwellings would have pitched roofs, two front dormers and three rear rooflights. The proposed materials include red facing brickwork, white render, slate tiles and cedar boarding. To the front of the dwellings would remain hardstanding like the current situation.
- 3.2 Both dwellings would be served by two parking spaces, each of 5m in depth. One dwelling would be served by a 9.5m deep rear garden and the other dwelling served by a 10m deep garden. Bin and bike storage is proposed in the rear garden areas and would be accessed via gated side accesses. The site is bounded by a 1.8m high fence which is to remain with a new 1.8m high fence separating the dwellings.
- 3.3 The following reports were submitted by the applicant in support of the proposals:

Design and Access statement:

This statement outlines the site description, landscape character, site photos, planning history, design, justification and concludes the scheme would be within a sustainable solution and would contribute a net gain of one additional family home towards the districts housing targets.

Flood Risk Assessment:

This assessment outlines the site location, background, sequential test, exception test etc and concludes both tests have been passed.

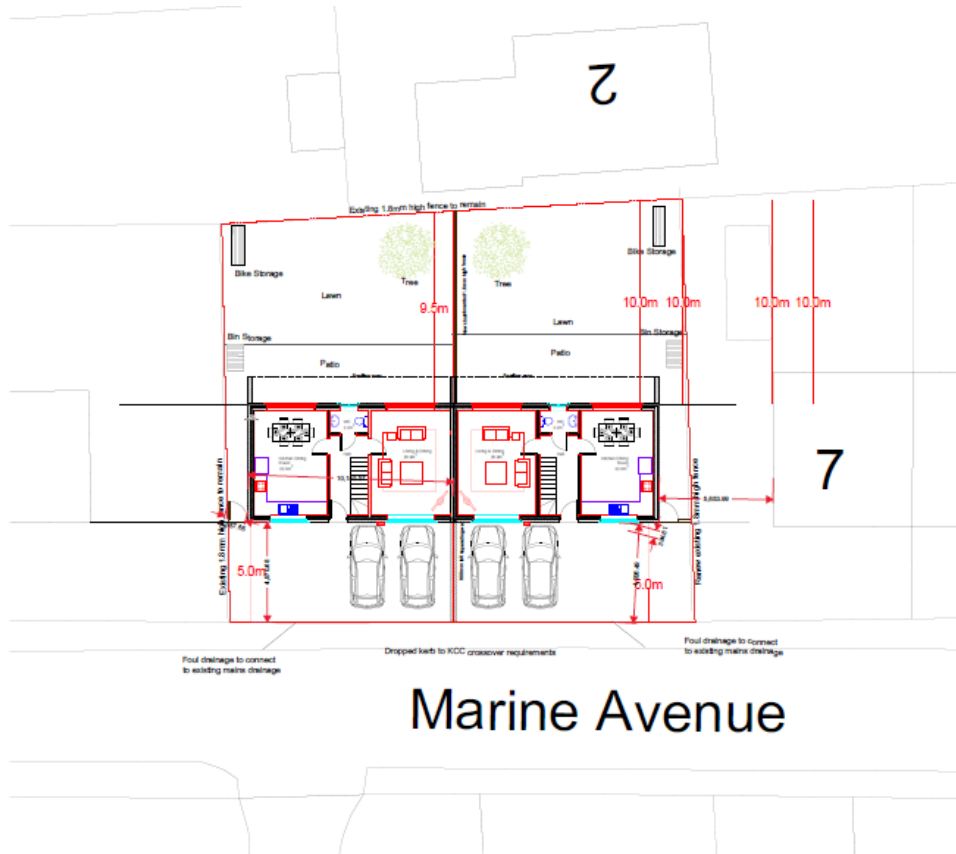
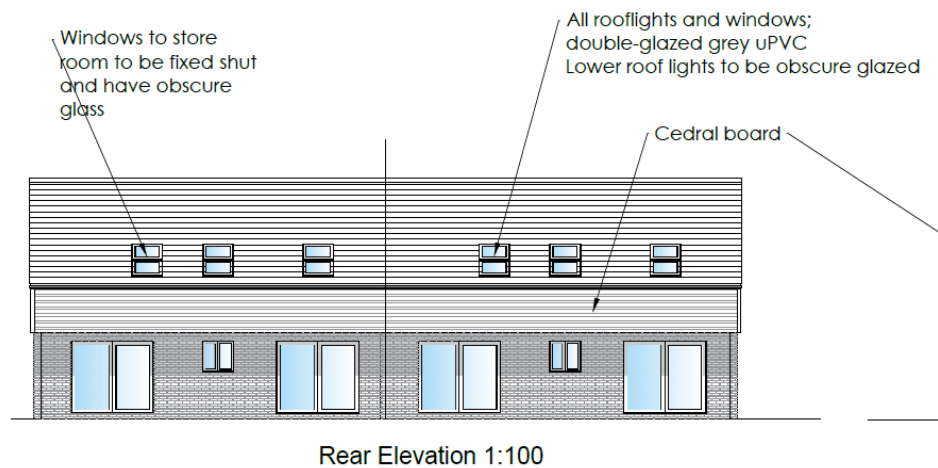
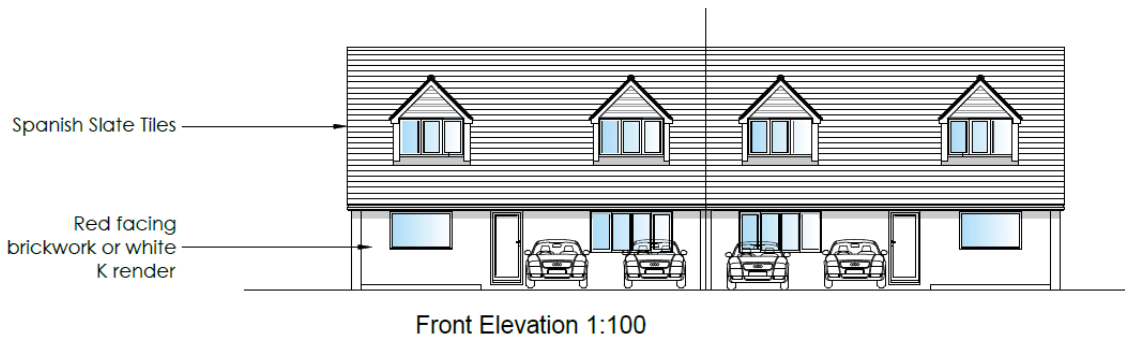


Figure 3: Proposed block plan



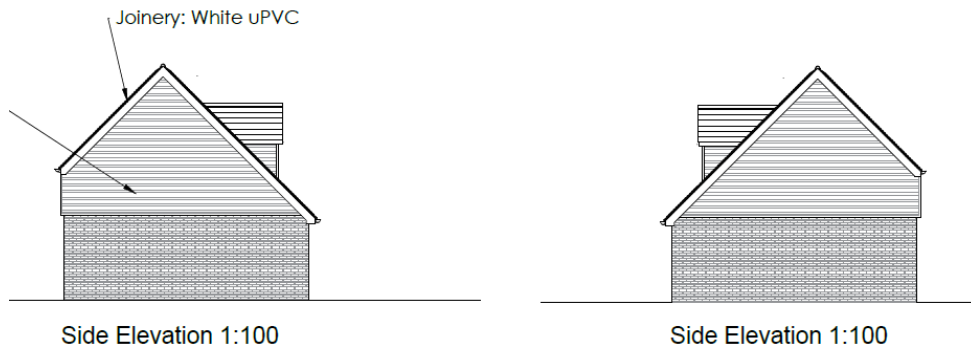


Figure 4: Proposed elevations

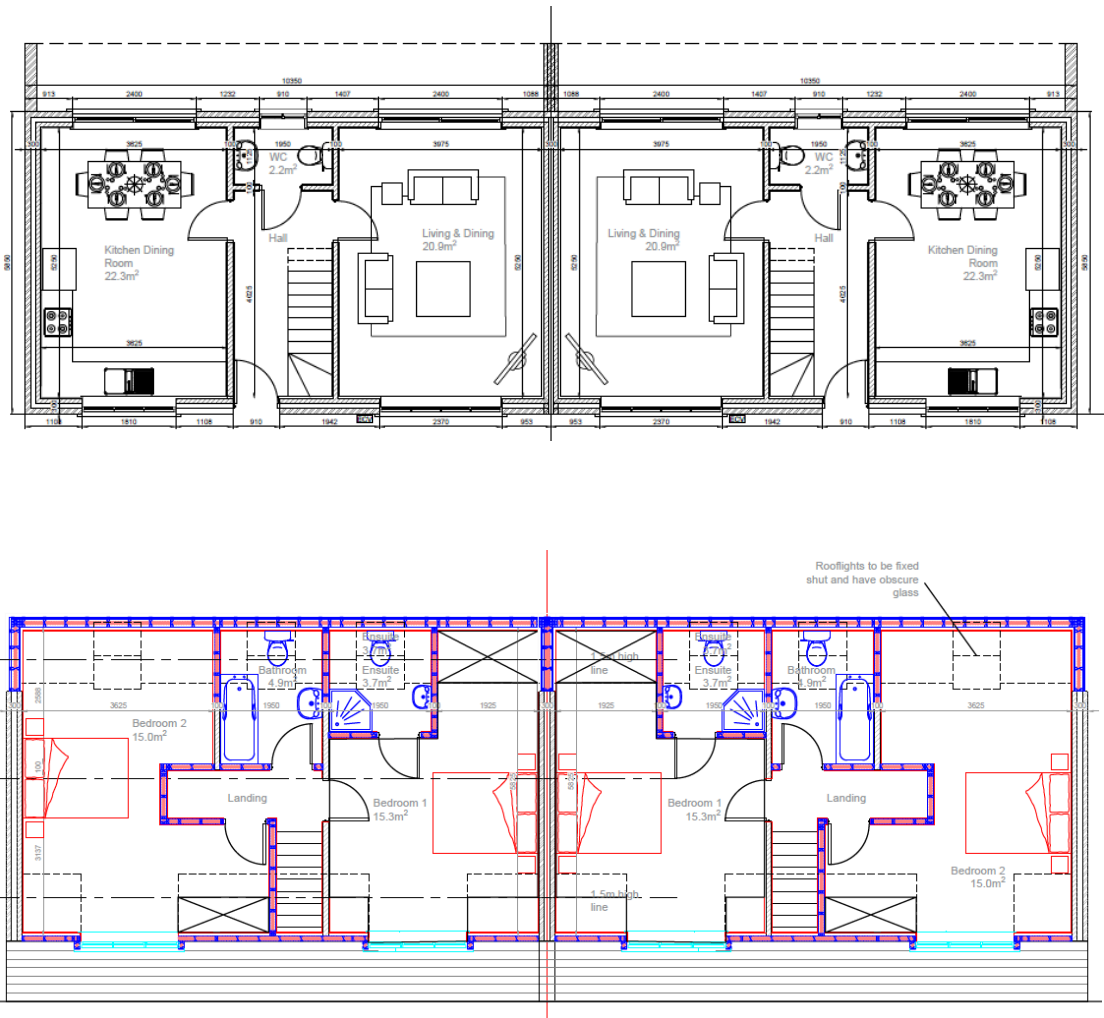


Figure 5: Proposed floor plans

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

20/1183/FH - Single storey extension side extension to existing dwelling – Approved with Conditions

Y19/1072 refused planning permission for extensions and alterations to form two dwellings. Three reasons for refusal.

Reason (1) The proposal would result in a poor standard of amenity of future occupants of one of the proposed dwellings (southern plot) due to insufficient external amenity space. It would therefore be contrary to saved policy SD1 of the Shepway District Local Plan Review (2006), emerging policy HB3 of the Places and Policies Local Plan (2018) and paragraph 127 of the NPPF:2019 which seek to ensure a high standard of amenity for existing and future occupants.

Reason (2) The proposed development would, owing to the increase in height and rear facing dormer windows, result in unacceptable levels of overlooking and a sense of overbearing to the rear facing ground floor windows of the neighbouring house to the rear (2 Willop Way), and likely resulting in a sense of enclosure of those habitable rooms. As such it is considered that the development proposes poor design and layout that would be detrimental to neighbouring occupier's amenities contrary to saved Local Plan Review policies SD1, BE1 and BE8, policies HB1 and HB8 of the emerging Places and Policies Local Plan, and the NPPF: 2012.

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

The subsequent appeal (APP/L2250/W/20/3254593) was dismissed.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Dymchurch Parish Council: Object. The proposal will increase the surface run off and with proposed upper sleeping areas, would result in overlooking on no.2 Willop Way.

KCC SUDs: No comment received.

Environment Agency: No objection.

Southern Water: No objection. Informative recommended.

Environmental Protection Officer: No comment received.

Archaeological Officer: No objection. Condition recommended.

Local Residents Comments

5.2 Nine neighbours were directly consulted. One letter of objection to the application was received.

5.3 I have read the letter received. The key issues are summarised below:

Objections

- The proposal would be 1.0m from the boundary of no.7 (to the north) which would result in amenity impacts (loss of daylight) on the front door and the kitchen/breakfast window.
- Increase risk of flooding given the increased use of hardstanding.

5.4 **Ward Member**

5.5 No ward member comments received.

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

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

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2022.

Core Strategy Local Plan (2022)

SS1 (district spatial strategy)

SS2 (housing and economy growth strategy)

SS3 (place-shaping and sustainable settlements strategy)

CSD1 (balanced neighbourhoods)

CSD2 (district residential needs)

CSD5 (water and coastal environmental management)

CSD8 (New Romney strategy)

Places and Policies Local Plan 2020

HB1 (general development criteria)

HB3 (space standards)

HB8 (alterations and extensions)

T2 (parking standards)

T5 (cycle parking)

NE2 (biodiversity)

HE2 (Archaeology)

6.2 The following are also material considerations to the determination of this application.

National Planning Policy Framework (NPPF) 2023

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Para.119 encourages best, most productive use of land to meet the need for homes, while safeguarding the environment and ensuring safe and healthy living conditions.

Para. 124 encourages development at appropriate densities, taking into account the character of the site and the need for different types of housing.

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

Para. 154 requires developments to avoid increased vulnerability and to ensure risks can be managed through suitable adaption measures.

Para. 159 directs “inappropriate” development away from areas of flood risk, but advises that where development is necessary in such areas it needs to be made safe for its lifetime without increasing risk elsewhere.

Paras. 161 to 166 require the sequential and exceptions tests to be applied to development within flood risk areas, and

para. 165 stipulates that both parts of the exceptions test must be met for development to be permitted.

Para. 167 requires submission of site-specific flood risk assessments, and incorporation of mitigation measures within new development.

National Planning Policy Guidance (NPPG)

National guidance broadly supports residential development within sustainable urban locations subject to consideration of flood risk, design, and amenity, amongst others.

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and flood risk
- b) Design/layout/visual amenity
- c) Space standards and garden size
- d) Residential amenity
- e) Ecology and biodiversity
- f) Contamination
- g) Drainage
- h) Archaeology
- i) Highway safety
- j) Other matters

a) Principle of development and flood risk

7.2 The application site is within a sustainable urban location inside the defined settlement boundary of Dymchurch. New residential development is acceptable within the settlement boundaries in principle as established by policies SS1 and SS3 of the Core Strategy.

7.3 While the site lies within the defined settlement boundary of Dymchurch it also lies within flood zone 3, which is considered to be at highest risk from flooding. Paragraph 11 and footnote 6 of the NPPF make it clear that the presumption in favour of sustainable development does not automatically apply to sites in identified flood risk zones, and the risk of developing in this area needs to be fully considered against the sequential test, exceptions test, and adopted local and national policy.

7.4 It is noted the Environmental Agency (EA) does not object to the proposal.

7.5 The application proposes a two-storey development in place of an existing bungalow, meaning that there would not be any sleeping accommodation at ground floor level. While this is an improvement over the existing situation in respect of one dwelling, it needs to be determined that the site is acceptable in terms of the additional unit, by carrying out a sequential test.

7.6 The sequential test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding, and other potential sites need to be considered before progressing to develop those of lesser preference / greater risk (in flood risk terms). When considering other potential development sites, the geographic range is limited to those within the same character area (as per Policy

DCL/23/38

SS3 in the Core Strategy Review), which in this instance would be the Romney Marsh Character Area. Where other sites at no/lesser risk are not available within the character area local planning authorities can consider sites within identified flood risk areas, which cover substantial parts of the district due to land levels.

- 7.7 The previous appeal Inspector (APP/L2250/W/20/3254593) criticised the Council's Sequential Test under Y19/1072. This has been addressed by the applicants in an addendum to the Flood Risk Assessment, and further sites have been considered.
- 7.8 The Places and Policies Local Plan allocates fifteen residential sites in Romney Marsh Area. The estimated capacity of the allocations ranges from 5 to 80 dwellings. There are five allocations which could be considered reasonable alternatives. At present there are 5 extant developments in the Romney Marsh character area. Most are for replacement dwellings; one is an extension in the roof to form a flat and one is a prior approval for conversion of an agricultural building to a single residential unit. It is considered that none of these extant developments are reasonably similar to that proposed and therefore the sequential test is passed. There are other developments in the area such as that on the Willop Close site, however as this is currently under construction it is not considered an alternative at this stage.
- 7.9 There are not considered to be a significant number of alternative sites that are available for development that are a similar scale of development to which the site could be compared to, or to which the applicant could be directed in preference. The LPA (Local Planning Authority) is therefore of the opinion the Sequential Test which allows for consideration of development to proceed.
- 7.10 The next step is to consider the proposals under the Exceptions Test, which is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The Exceptions Test has two parts:
- a) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risks; and
 - b) A site-specific FRA (Flood Risk Assessment) must demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.
- 7.11 In the case of the current proposal, it is considered that part a) – the wider sustainability benefits – is addressed through the inclusion of the site within the defined built up area boundary. The settlement hierarchy (core strategy policy SS3) identifying the wider area for residential development; and policy CSD8 identifying the wider area as a priority centre for residential development to support New Romney as a primary local centre and Dymchurch as a key tourist location. Residential development here would contribute to the broader aim of sustainable development within the district and reduce any pressure on the Council to consider the release of less preferable sites elsewhere.

- 7.12 With regards to part b of the exceptions test, the EA have advised that that resilience measures are incorporated into the scheme in their representation. The applicant's FRA has proposed a series of recommendations that could be secured by condition that would be incorporated into the design. With the inclusion of these, the site is considered to be sustainable in terms of flood risk and that the proposal would not increase the risk to the neighbouring properties. The exceptions test is therefore considered to have been passed.
- 7.13 The principle of residential development in this location is therefore acceptable, subject to the below considerations.

c) Design/layout/visual amenity

- 7.14 Policies HB1 and HB8 of the PPLP (Places and Policies Local Plan) 2020 both state proposals should not have a detrimental impact upon the street scene, either by themselves or cumulatively.
- 7.15 The immediate area of Marine Avenue is generally served by a linear form of development from the north-west to the south-east with properties mostly benefiting from a consistent setback from the road.
- 7.16 In terms of visual amenity, the application site lies adjacent to the road and is visually prominent. Given this, any form of development on the site would be required to be well designed. The existing low front boundary wall would be removed as a result of the proposed development, opening the site to the east however, it is noted that No.7 & 9 also have an open frontage. Therefore, this is not considered to appear out of keeping with the character of the area.
- 7.17 The proposed dwellings would maintain a setback of 5 metres from the road which would be consistent with the building lines of neighbouring properties. The proposed front elevation would not protrude beyond the building line established by the immediate neighbouring properties to the north-west (no.7) and to the south-east (no.3). Additionally, the dwellings would be setback from the side site boundaries (north-west & south-east) by 1.0 metre. In terms of arrangement, the proposal would have a simple rectangular footprint within a simple rectangular plot, in-keeping with the immediate pattern of development and streetscene.
- 7.18 The surrounding area is characterised by a mix of bungalows and two storey dwellings which comprise a mix of finishing materials. In addition to this, it is considered that there is no set character to the street scene and the proposal would reflect the general pattern of development in the area. As such, the dwellings are considered to be in keeping with the scale and form of development in the surrounding area and would not appear out of keeping with the character of the surrounding area.
- 7.19 In terms of mass and bulk, the proposed would have a height of 6.8m, a height increase of approximately 1 metre above the existing. Given the variation of heights in the area, it is considered that the development would not appear to be dominant when compared to its surroundings. The proposed pitched roof and front dormer windows are also considered to be of an appropriate design, size and scale that would appear acceptable

within the streetscene. Given there are existing front dormers in the area, these would be in keeping with the character of the area.

- 7.20 The drawings state that the proposed materials would include either red brick or white render at ground floor level, cedar board (cladding) to serve the flank and rear elevation at the first-floor level and slate tiles on the roof. The immediate surroundings contains various materials so the proposal would appear in keeping with the character of the area. As the materials on the front elevation have not been specified, a condition has been attached, requesting further details to be submitted and approved by the Local Planning Authority.
- 7.21 It is considered the proposed dwellings would not adversely impact the design, layout or visual amenity of Marine Avenue. As such, the proposal would be in accordance with policies HB1 & HB8 of the PPLP 2020.

d) Space standards and garden size

- 7.22 Policy HB3 and the nationally space standards state the space standards for new residential developments. Policy also outlines new dwellings should be served by a private garden of at least 10m in depth and width. As per policy, the proposed dwellings should be served by the following Gross Internal Areas (GIA).
- 7.23 A two-storey dwelling with 2-bedrooms providing accommodation for 3-persons should provide a minimum of 70 square metres. The proposed dwellings would each provide a GIA of approximately 90 square metres and as such would meet the required standards. The proposed bedrooms also meet the necessary space standards.
- 7.24 It is noted that one of the refusal reasons for application Y19/1072 on the site was due to the inadequate garden depth to the southern dwelling, as the depth of the rear garden was only 7 metres and this was dismissed at appeal.
- 7.25 The proposal under this current application provides rear gardens for both properties, one of which would be 0.5 metres under the minimum 10 metres depth standard set by HB3. However, while the proposed rear garden extends only 9.5 metres from the rear elevation of the proposed dwelling, this would be mitigated by the fact that the width of the garden is approximately 1 metre wider than the dwelling. As such the shortfall in length is compensated for by the increased width. As such it is considered that sufficient garden space would be provided and would on balance comply with policy HB3.
- 7.26 Given the above it is considered the proposal would be in accordance with policy HB3 of the PPLP, and that it overcomes the reason for refusal for the previous scheme in this regard.

e) Residential amenity

- 7.27 Policy HB8 of the PPLP states proposals should protect the residential amenity of the occupants of neighbouring properties and ensure avoidance of unacceptable overlooking and inter-looking as well as overshadowing and overbearing impacts.

DCL/23/38

- 7.28 The main issue is the overlooking and/or overbearing concerns from the upper floor sleeping areas that have been raised by Dymchurch Parish Council and the potential impact the proposal could have on no.2 Willop Way, which is situated to the rear of the application site.
- 7.29 The proposed dwellings would have six rooflights looking onto no.2 Willop Way (three per dwelling) along the rear roof slope. The limited depth of the site places the rooflights in relatively close proximity to the rear elevation of No.2 Willop Way, with a separation distance of over 10 metres given the length of the proposed garden areas. No.2 Willop Way's first floor has two rooflights on the rear elevation, however given that obscure glazing is to be used on the proposed rooflights, it is not considered that this would cause harmful overlooking.
- 7.30 A condition for these windows to be obscure-glazed would be attached so that any harmful overlooking would be prevented from these windows. The drawings have been amended during the course of the application meaning that all the rear windows serve either non-habitable rooms or are secondary windows. This is considered to be acceptable.
- 7.31 . While the appeal Inspector considered the potential for overlooking to be unacceptable, it is considered that the removal of the dormer windows and their replacement with obscured glazed rooflights has overcome this issue. Subject to the condition on the rear rooflights, it is not considered that the scheme would give rise to loss of residential amenity for this neighbour. While there would be some overlooking from the ground floor windows of the proposed dwellings towards this neighbour, this overlooking already takes place in the current arrangement. While the application would increase the number of dwellings, it is not considered to cause detrimental harm that would justify refusing the application on these grounds.
- 7.32 In the appeal decision, the inspector noted that 'the neighbouring property is positioned such that it has little rear garden and given the boundary fence and angle of view from the dormers, direct views into this neighbour's rear elevation or garden would be limited'. While the dormers have been replaced by rooflights in this scheme, this is still applicable, and the proposed rear rooflights are not considered to result in an unacceptable level of overlooking to No.2 Willop Way. Given the level of separation between this dwelling and the proposed, it is also not considered that the proposal would appear overbearing or give rise to any loss of light. The application is therefore acceptable on these grounds as well.
- 7.33 The remaining bedroom dormer windows would face the street, which is acceptable as it would not adversely impact the neighbouring properties to the east which are located over 25 metres from the proposed development.
- 7.34 Members will note the objection received relating to loss of daylight serving the front door and kitchen windows of no.7 Marine Avenue to the north-west.
- 7.35 The proposed dwelling is considered to be a sufficient distance away from both 3 and 7 Marine Avenue not to cause any loss of neighbouring amenity through loss of light or by appear overly dominate or overbearing. It is also noted the side windows and door of no.7 serve non-habitable rooms.

7.36 Given the above, it is considered that the proposed dwellings would not result in overlooking, inter-looking, overshadowing, overbearing or a loss of daylight to neighbouring properties such that planning permission could reasonably be refused. As such, the proposal would be in accordance with policy HB1 of the PPLP 2020.

f) Ecology and biodiversity

7.37 The application site is not within a designated or protected area and appears and does not appear to be of any ecological value given that it is currently used as a residential garden. As such, the standard ecological enhancement condition is recommended to ensure the application contributes towards bio-diversity in the area.

g) Contamination

7.38 The Local Planning Authority are not aware of any existing contamination issues on site as it appears that it has been in residential use for some time. As such there are no objections to this part of the application, subject to a standard contamination compliance condition being adhered to.

h) Drainage

7.39 The comments of the Parish Council in relation to drainage are noted but could be mitigated by a suitably worded condition requesting details of how surface water would be dealt with prior to development commencing. It is considered that subject to acceptable details being received, the application would be acceptable on these grounds.

7.40 The applicant has outlined on the submitted plans foul drainage would connect to the existing mains drainage which is considered to be acceptable.

i) Archaeology

7.41 The site falls within an archaeological notification area.

7.42 The archaeology officer noted the groundworks associated with the development may impact on any below-ground remains at the site. It is agreed that in this case an archaeological watching brief would be sufficient. This can be controlled by a condition.

j) Highway safety

7.43 Policy T2 replicates Interim Guidance Note 3, where for a village/rural location, a minimum standard of two independently accessible car parking spaces is required for 2/3 bedroom or more houses.

7.44 The proposal would provide 2 parking spaces per dwelling and therefore complies with policy T2 subject to a compliance condition to ensure these are not obstructed. The proposed frontage of the site would be open and covered in hardstanding which would be similar to the situation apart from the removal of the existing wall. While it would be preferable to have some soft landscaping at the front, it is not considered to be a

reason to refuse the application given the current arrangements. It is considered that in terms of visibility and access the application is acceptable and would not prejudice the safety and convenience of the highway.

- 7.45 Policy T5 states, planning permission will be granted for residential development subject to the provision of cycle parking. The proposed development would have to provide one cycle space per bedroom. This can be controlled via a condition. Electric vehicle charging point(s) have not been provided in the submission so a condition could be attached to request these.

k) Other matters

- 7.46 No water use details have been submitted. A condition is recommended accordingly.

Environmental Impact Assessment

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

Local Finance Considerations

- 7.48 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.
- 7.49 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £67.55 per square metre for new residential floor space.

Human Rights

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

Public Sector Equality Duty

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

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

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

Working with the applicant

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

8. CONCLUSION

8.1 The proposal would be a sustainable form of development within the settlement boundary of Dymchurch; would pass both the sequential and exemptions tests for development within a flood zone 3, as per the NPPF.

8.2 It is considered that the proposed development would not give rise to significant harm to residential or visual amenity, nor to highway safety, and that the proposed development would accord with national or local planning policies.

9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

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

Conditions:

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans:

19184.02 Rev E Proposed Plans – 5a
19184.01 Rev D Site & Block Plan
19184.E Existing Plans
Design & Access Statement Revised Sep 2022
Flood Risk Assessment T-2022-018

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

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

Reason: In the interest of visual amenity.

4. No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

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

Reason: In the interests of highway safety and convenience.

6. Details of cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out prior to the occupation of the dwellings hereby approved, in accordance with the approved details and shall be retained as such thereafter.

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

7. Prior to the first occupation of any dwelling hereby permitted, one electric vehicle charging point per dwelling shall be provided, in accordance with specifications and in locations that have been submitted to and approved in writing by the Local Planning Authority.

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

8. No development beyond the construction of foundations shall take place until full details of the method of disposal of surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: To prevent surface water from draining onto the public highway and adjoining sites.

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

Monday to Friday 0730 – 1900 hours

Saturdays 0730 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

10. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

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

11. No development beyond the construction of foundations shall take place until details of how the development will enhance biodiversity have been submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented prior to occupation of the dwellings hereby approved, or in accordance with a schedule submitted to and agreed in writing by the Local Planning Authority, and thereafter retained.

Reason: In the interest of enhancing ecology and biodiversity.

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

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

13. Before the development hereby permitted is first occupied, the rear rooflights shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high-level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

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

15. The development shall be carried out in accordance with the recommendations set out in the submitted Flood Risk Assessment unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is safe from flooding.

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

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

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

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

DCL/23/38

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

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

19. No further development, whether permitted by Classes B and C of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of residential amenities of the neighbouring properties.

Informatives:

1. The proposed development will lie over an existing public foul sewer. The exact position of the public apparatus must be determined on site by the applicant.
2. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
3. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS).
4. Flood Risk Standing advice can be viewed in the link below which includes step by step guidance on managing development and flood risk. <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>. If you have any questions please email KSLPLANNING@environment-agency.gov.uk.
5. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
6. It is recommended flood resilient design measures are fully implemented on the ground floor of the property to reduce the impact of flooding if it were to occur. Such measures may include but are not limited to the use of special water-resistant construction materials and raising electrical services above possible flood levels.