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Application No: 21/1806/FH

Location of Site: 2 – 4 Taylor Road, Lydd-on-Sea, TN29 9PA

Development: Re-submission of planning application 21/0101/FH. Sub-division of the existing two first floor flats to form four self-contained flats, together with the construction of six front dormer windows in the existing roof to form an additional two flats within the roof space, insertion of 8no. roof lights in the rear roof slope, re-location of existing extractor flue on the rear elevation, addition of external cladding to the first floor front elevation and formation of associated parking area following demolition of existing structures.

Applicant: Mr Bhupendra Manani

Agent: CLArchitects

Officer Contact: Robert Allan

SUMMARY

The report considers whether planning permission should be granted for the sub-division of the existing two first floor flats to form four self-contained flats together with the construction of six front dormer windows to form an additional two flats within the roof space, along with other external alterations. The report assesses the principle of development at this location, the impact upon the character and appearance of the building and the street scene and the amenity of neighbouring residents and future occupants, finding all to be acceptable. There are noted to be minor potential impacts in respect of car parking, but these are considered minor and are considered acceptable also.

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 because of the views of Lydd Town Council.

2. SITE AND SURROUNDINGS

2.1. The application site is within the defined settlement boundary of Lydd-on-Sea and is located on the north side of Taylor Road in an area that is primarily residential. The application property is a two storey property of mid to late 20th Century origin,

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constructed of yellow brick with some render and a tiled, pitched roof. The ground floor level is given over to commercial uses in the form of a fish and chip shop and a hairdresser, as well as a community centre. The fish and chip shop has an extract flue projecting from it, as well as an area sectioned off, which is presumed to be for deliveries. The first floor of the property is given over to two flats.

- 2.2. The site extends to the rear where there is concrete hardstanding, an area of overgrown grass and a pre-fabricated garage. Entrance to the flats is from the rear, while commercial properties have entrance from the front for customers and also to the rear. There is no clearly defined area for bins. Parking is available to the front and rear of the property but is not clearly defined at this moment.
- 2.3. The wider area is characterised by predominantly single storey bungalow style properties, although some two storey properties, with the first floor contained within the roof space are situated opposite to the site.
- 2.4. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 At the recommendation of Officers, the application has been amended during the life of the proposal to reduce the number of units proposed from seven so that it is now for the sub-division of the existing two first floor flats to form four self-contained flats, together with the construction of six front dormer windows in the existing roof to form an additional two flats within the roof space at second floor level, insertion of 8no. roof lights in the rear roof slope, re-location of the existing extractor flue on the rear elevation, addition of external cladding to the first floor front elevation and the formation of a parking area following the demolition of the existing structures. The proposed elevations are shown in images 1-3 below.



Image 1: front elevation



Image 2: rear elevation



Image 3: side (west) elevation

- 3.2 There are no changes proposed to the ground floor. The proposal would retain and reuse the existing rear entrance doors and staircase to the first floor. The first and second floors are proposed for subdivision; on the first floor it is proposed to provide 2 two bedroom and 2 one bedroom self-contained flats. Similarly, it is proposed to provide 2 two bedroom self-contained flats on the second floor and to achieve this, six pitched roof dormers are proposed to be added to the front roof slope.

First floor			Second floor		
Flat 1	2 bedrooms	63 sqm	Flat 5	2 bedrooms	83 sqm
Flat 2	1 bedroom	52 sqm			
Flat 3	1 bedroom	52 sqm	Flat 6	2 bedrooms	83 sqm
Flat 4	2 bedrooms	63 sqm			

- 3.3 It is proposed to redirect the flue extractor horizontally from the existing kitchen to discharge the extracted air 1m above the roof ridge of the extension, as it is currently rises vertically to the rear of the building up to the roof.
- 3.4 Seven car parking spaces are proposed to be laid out; five at the front and two to the rear of the site with one bicycle storage space per bedroom, bin storage and a communal garden area for residential units. The proposed layout is shown in image 4 over the page.
- 3.5 In addition to the drawings and application form, the following document was submitted by the applicant in support of the proposals:

Design & Access Statement

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This document describes the site and surrounding area, lists the planning history, sets out the background for the development, describes in detail the amount of development, the layout, the scale, the landscaping, the access through and around the site and the proposed appearance, and concludes that the revised proposal addresses the objections associated with the previously refused scheme, application reference 21/0101/FH. This document has not been updated to reflect the amended plans that have been submitted.

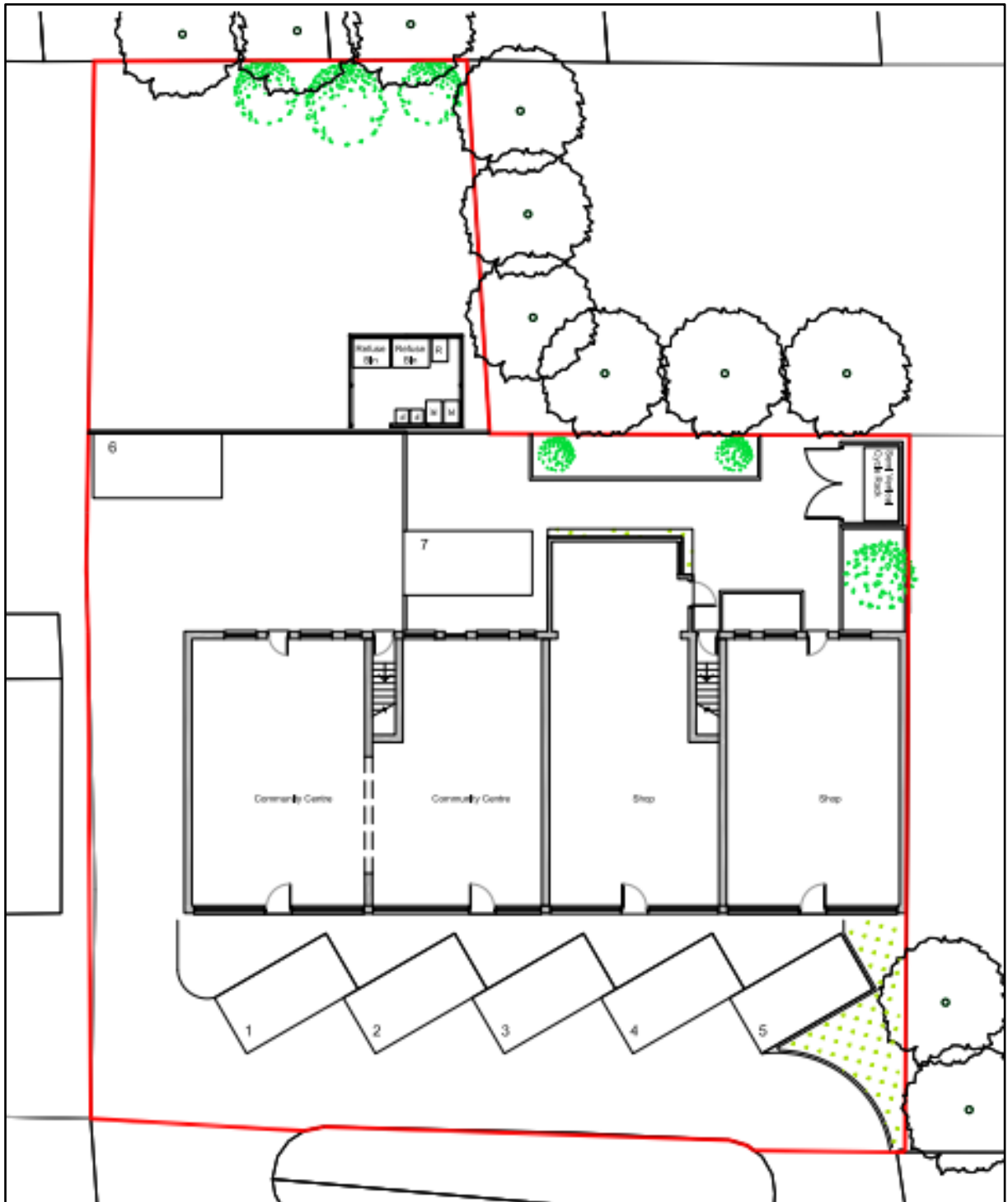


Image 4: proposed layout

4. RELEVANT PLANNING HISTORY

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

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- 21/1854/FH Change of use of the ground floor from community centre (class F1(e)) to retail shop (class E(a)). Refused
- 21/0101/FH Sub-division of the existing two first floor flats to form four self-contained flats, together with the construction of three front and three rear dormer windows in the existing roof to form an additional four flats within the roof space, insertion of two roof lights in the rear roof slope, relocation of existing extractor flue on the rear elevation, addition of external cladding to the first floor front elevation, insertion of new windows to the rear elevation and formation of associated parking area following demolition of existing structures. Refused

This was refused on grounds that:

- The proposed dormer windows in both the front and rear roof slopes would result in a flat-roofed and top heavy appearance, detrimental to the character and appearance of the existing building;
- The increase in the number of residential units, combined with the additional upper floor windows looking toward the rear garden areas of the neighbouring properties would result in an increased perception and opportunity for overlooking, resulting in a loss of privacy for neighbouring occupiers;
- The proposed increase in the number of residential units and the location of the parking associated with the residential development to the rear of the site, adjacent to neighbouring garden areas would result in a loss of residential amenity from noise and disturbance associated with increased vehicular movements to and from the site;
- Units 2 and 5, by virtue of their insufficient size at 55 square meters in area each, would fall short of the required internal space standards, without the provision of a usable private amenity area across the development to compensate for this shortfall.

- 15/0459/SH Conversion of roof space to 2 self-contained flats together with alterations to the 1st floor to form 4 self-contained flats. Approved

Permission Y15/0459/FH was granted on 14th March 2016 and a Building Regulations application (initial notice submitted 5th March 2019) was initially presented suggesting that the permission had been implemented. However, no information has been provided to suggest that any material operation has been carried out in accordance with the definition within section 56(4) of the Town and Country Planning Act 1990 (as amended) so as to initiate development and therefore, in the absence of any

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information to the contrary, the LPA position is that the permission Y15/0456/SH has lapsed and is therefore not a material consideration.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Lydd Town Council: Object

1. There is no fire escape for the upper part of the building on the plans. (Health and safety hazard)
2. Dormer windows overlook neighbours
3. Over intensive development for the size of the plot.

Environmental Protection Officer: No objection subject to condition regarding detail of the extraction system

Local Residents Comments

- 5.2 15 neighbours directly consulted. 20 letters of objection, no letters of support received and no letters neither supporting nor objecting to the application.
- 5.3 I have read all of the letters received. The key issues are summarised below:

Objections

- Detrimental impact upon residents;
- No regenerative qualities brought to area;
- Loss of privacy;
- Insufficient provision for parking, loading and turning;
- Should be considered in conjunction with 21/1854/FH;
- Out of character with area comprising bungalows and low-level buildings;
- Environmental Impact Assessment is required to establish volume of foul water the septic tank can accommodate;
- Development should be on mains not septic tank;
- Additional noise and disturbance from increased frequency of emptying of septic tank and emptying of bins;
- Danger to pedestrians and small children from commercial traffic;
- Should be knocked down and re-built to match Charles Henderson Close;
- Houses should be built, not flats;
- Overdevelopment of site leading to change in character;
- Concern regarding access by emergency services;
- Smell from bin stores;

- No fire escape;
- Light pollution;
- No cycle rack provision;
- No disabled parking spaces

5.5 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 Review 2022. The Folkestone & Hythe District Core Strategy Review was adopted by Council on 30 March 2022.

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1	Quality Places through Design
HB3	Internal and External Space Standards
HB8	Alterations and Extensions to Buildings
T2	Parking Standards
T5	Cycle parking

Core Strategy Review 2022

SS1	District Spatial Strategy
SS2	Housing and the Economy Growth Strategy
SS3	Place-shaping and sustainable settlements strategy
SS5	District Infrastructure Planning
CSD1	Balanced Neighbourhoods
CSD2	District Residential Needs
CSD5	Water and Coastal Environmental Management

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

Government Advice

National Planning Policy Framework (NPPF) 2021

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 2021 are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

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Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

7. APPRAISAL

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

- a) Principle of development and sustainability
- b) Design and layout
- c) Residential amenity
- d) Highway
- e) Other matters

a) Principle of development and sustainability

7.2 The site is within the defined settlement of Lydd-on-Sea, but is not formally allocated for residential development within the development plan. However, in line with Core Strategy Review policies SS1 and SS3, development should be focussed on the most sustainable towns and villages, with a spatial priority for new development in the Romney Marsh Area at the towns of New Romney and Lydd. The NPPF aim of boosting the supply of homes is noted (paragraph 60), with the small contribution this proposal will make toward housing numbers accepted. The use of the upper floors above shops and other commercial uses are considered acceptable in principle and could be an efficient use of this existing developed site (paragraph 124). Consequently, the broad principle of development at this site is acceptable, subject to all other material considerations.

b) Design and layout

7.3 The proposed sub-division and alteration of the upper floor and roof space to form an additional four units from the existing two self-contained flats (four at first floor, two at second floor within the roof space) would require the construction of six front dormer windows and the insertion of eight roof lights in the rear roof slope.

7.4 The first ground of refusal on the previous application 21/0101/FH was that the proposed dormer windows in both the front and rear roof slopes would have resulted in a flat-roofed and top heavy appearance, detrimental to the character and appearance of the existing building. This amended proposal sees the rear dormer windows omitted, whilst the front dormer windows have been reduced significantly in size and given pitched roofs, which cumulatively reduces the additional bulk that would be added to the roof form.

7.5 Whilst the character of the surrounding area is noted and dormer windows do not feature in any significant way, other than on the side roof slope of 13A, the proposed dormer windows are not considered to detrimentally alter the character of the building,

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dominate the roof slope or appear wholly incongruous within the street scene, which has a residential character.

- 7.6 The use of weatherboard cladding to the first floor front elevation and the dormers, a material that can be seen on a row of four properties opposite the site, is not considered to be detrimental to the character of the area or the building, whilst the roof lights are considered relatively minor in nature and appearance and are not considered to be detrimental to the character of the building or the street scene, with limited visual impact as they are located on the rear roof slope.
- 7.7 The reorientation of the existing extractor flue on the rear elevation to be horizontal rather than vertical is considered to have a neutral impact upon the visual character of the building and street scene.
- 7.8 Turning to layout, the rear court of the property is under-utilised and the proposal seeks to formalise two car-parking spaces in this area, where there are not currently any marking, together with cycle parking, bin storage and a communal garden area for residents. It is considered that the communal garden would be a compatible use next to other residential garden areas, whilst the cycle store and bin store, both located to the rear of adjacent garden areas, are unlikely to have any significant detrimental impact from their use and would be visually unobtrusive. The two parking spaces that are shown on the plans are a formalisation of parking that could currently be carried out and there is not considered to be any detriment from their location, as discussed in section c) below. Overall, the layout is considered acceptable in the context of the character and appearance of the existing building and the street scene and would accord with policies HB1 and HB8 of the Places and Policies Local Plan.

c) Amenity

Residential amenity of occupiers of adjacent dwellings

- 7.9 The proposed alterations to the structure in the form of the dormer windows in the front roof slope would not give rise to any additional overshadowing or overbearing presence given their diminutive size and location within the silhouette of the roof slope.
- 7.10 The second ground for refusal on the previous application was that the increase in the number of residential units, combined with the additional upper floor windows looking toward the rear garden areas of the neighbouring properties would result in an increased perception and opportunity for overlooking, resulting in a loss of privacy for neighbouring occupiers.
- 7.11 Concern has been raised regarding overlooking by neighbours and it is noted that the proposal would introduce additional windows into the front roof slope at a higher level, with the proposed dormer windows and roof lights. However, the existing overlooking that would be possible from the first floor windows is noted and consequently for the proposed front dormer windows, as these would be in excess of 27 metres from the properties they will face, they are not considered likely to give rise to any detrimental loss of privacy.
- 7.12 To the rear of the property, no additional windows are introduced at first floor level and although it is acknowledged that the additional dwellings at first floor level would give rise to a more intensive use of the building, this would not give rise to any significant change in privacy levels. Turning to the roof lights at second floor level, these would

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not allow additional overlooking due to their high level which would preclude users looking out, which can be secured via condition and consequently there would be no loss of privacy.

- 7.13 The third ground of refusal on the previous scheme was that the proposed increase in the number of residential units and the location of the parking associated with the residential development to the rear of the site, adjacent to neighbouring garden areas would result in a loss of residential amenity from noise and disturbance associated with increased vehicular movements to and from the site
- 7.14 In respect of the use of the rear court area, access to this area is existing, serving both the commercial uses and the residential uses, so the formalisation of two car parking spaces would be unlikely to result in any significant or detrimental increase in noise and disturbance from the coming and going of motor vehicles. The creation of the bin store to the rear would also not result in increased noise and disturbance from collections, as bins are already stored to the rear of the building and this relationship would not change, other than the bins now being within a purpose-built structure. That there would be additional residential bins to collect and empty would not increase the frequency of visits by waste collection vehicles, with no increased noise or disturbance in that respect, whilst the location, at the western end of the garden area of 3 Toby Road .will not be likely to result in any impact upon residential amenity from odour given the distance to the rear of this property of 20 metres. The formalisation of the external amenity area as a communal garden area would be compatible next to other residential garden areas.
- 7.15 In respect of the re-orientation of the existing extraction unit for the fish and chip shop, the Council's Environmental Protection Officer has reviewed the proposal and advised that, subject to full details of the proposed system being submitted prior to first operation, inclusive of details of anti-vibration mounts, acoustic lagging, odour mitigation and noise assessment, no impact on residential amenity should arise.
- 7.16 Finally, concerns have also been raised with regard to increased comings and goings to empty the septic tank, which is the means of disposal for foul sewage for the property. In this respect, the number of units at the site would be increased by four, but this is unlikely to result in a significant uplift in the number of visits required, with no significant change in the level of activity and therefore noise, disturbance and odour issues, at the site.

Space standards

- 7.17 The flats shown all meet the internal space standards required by policy HB3, addressing the fourth ground of refusal on the previous scheme. No external balcony areas are provided across the development, where a 1.5m deep balcony is normally required by standards. However, the location of the application site approximately 150 metres from the beach is noted, which would allow access for future residents to a significant amenity area, whilst the lack of balconies on buildings in the area would make their provision incongruous. Further, the proposal includes provision of a communal garden area for residents on-site, which would allow access to a small area without need to travel. Overall, the standard of accommodation for future occupiers is considered acceptable as required by PPLP policy HB3.

d) Highway

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- 7.18 Policies T2 and T5 of the Places and Policies Local Plan, as informed by Kent Design Guide Interim Guidance Note 3 (IGN3), are applicable. The nature of the guidance in this location is 'minimum' and requires one space per unit, so six spaces would be required. Two spaces are shown to be provided to the rear of the property and five to the front (existing) are shown for the development. There are no on-street parking controls in the immediate area.
- 7.19 Although there would be potential for conflict at peak times between the commercial uses, the community centre (although this is acknowledged not to be operating at this time) and the residential uses proposed, paragraph 111 of the NPPF advises 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”*.
- 7.20 Although the increase in demand for residential parking associated with the proposed development would increase, this would be accommodated within the site, with on-street capacity available for visitors to the hairdresser and fish and chip shops as is currently the case, and it is considered that there would be no significant detriment to residential amenity or highway safety.
- 7.21 In relation to cycle parking, a secure, covered store would be provided to the rear of the building that would accommodate 9 cycles in accordance with adopted policy. This can be secured in perpetuity via condition.

e) Other matters

- 7.22 Policy CSD5 of the Core Strategy requires that all developments should incorporate water efficiency measures. New dwellings should include specific design features and demonstrate a maximum level of usage to meet the higher water efficiency standard of the Building Regulations to achieve a maximum use of 110 litres per person per day. This could reasonably be secured via condition.
- 7.23 In respect of contaminated land, the Environmental Protection Officer has advised that, as the historic uses of the area of land to be used as a communal garden area are not clear, it is advisable to apply the Council's standard land contamination condition in order to ensure that the land is safe for use.
- 7.24 Light pollution has been raised as a concern in representations and although there will be an increased number of openings in the roof space, there is no additional external lighting proposed. In any case, the property is within an existing built-up area where a degree of illumination is already in existence. Consequently, there is no evidence to suggest that the proposal, if permitted, would result in light trespass above existing levels as to intrude upon residential amenity, or create any significant additional obtrusive light as to impact negatively upon the light levels at the application site.
- 7.25 For concerns raised regarding access by emergency services and the provision of fire escapes to the property, Approved Document B of the Building Regulations covers fire safety matters within and around buildings and the conversion of the upper floors would be governed by this document.

Environmental Impact Assessment

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7.26 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

7.27 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.

7.28 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.

Human Rights

7.29 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

7.30 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

7.31 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 result in the creation of four residential units, with no detrimental impact upon the character and appearance of the building or the street scene. The amenity of neighbouring and future residents is considered to be safeguarded, and whilst there is noted to be a potential for impacts in respect of car parking, these would be minor and are considered acceptable also.

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 except in complete accordance with the following approved drawings and documents:

PL04 P3 - Proposed site block plan; PL05 P3 - Proposed Ground and first floor plans; PL06 P3 - Proposed Second floor and roof plans; PL07 P3 - Proposed Elevations

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 unit or units hereby permitted shall be occupied 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.

4. No work on the construction of external surfaces shall take place until details of the external finishing materials to be used on the development hereby permitted

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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.

5. The development shall be completed strictly in accordance with the details shown in the cross-sectional drawing through the building showing proposed cill levels and finished floor levels, with the cill levels of the rear roof lights maintained at a minimum of 1.7m above internal finished floor level at all times.

Reason:

In the interests of residential amenity..

6. The amenity area shown on the approved plans shall be retained in perpetuity for use by the residents of all the flats.

Reason:

In the interests of residential amenity.

7. Prior to first occupation of any unit or units hereby permitted, the odour extraction flue shall be re-positioned as shown on the approved plans and in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall demonstrate that:

- The ducting for the extraction system will be mounted on anti-vibration mounts;
- The fan will be on anti-vibration mounts and connected to the ducting with flexible connectors;
- The ducting termination will not have any cap or cowl;
- The ducts will be fitted with acoustic lagging;
- The system will include an Electrostatic Precipitator or UV Ozone Odour Neutraliser or of Similar Mitigation;
- No dust or fume extraction or filtration equipment, or air conditioning, heating or ventilation equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

Such details as are approved, shall be retained and maintained at all times thereafter.

Reason:

In the interests of residential amenity.

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

(B) If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and

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a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

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

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

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

(C) If investigation and risk assessment shows that remediation is necessary, no development shall take place until 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 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(D) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

(E) 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

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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.

9. Prior to the first occupation of any unit or units hereby permitted, 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 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.

10. 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.

11. The parking areas shown on the submitted plan shall be marked out and made available prior to the first occupation of any of the dwellings hereby approved, and shall be kept available for such use at all times.

Reason:

In the interests of amenity and highway safety.

12. Details of secure, covered cycle storage to serve the development hereby permitted at a ratio of one space per bedroom, shall be submitted to the Local Planning Authority for approval, in writing, with such details as approved implemented in full and made available prior to the first occupation of any unit or units and secured in association with the development at all times thereafter.

Reason:

In the interests of encouraging use of sustainable modes of transport other than the private motor vehicle.

13. Details of waste and recycling storage to serve the development hereby permitted shall be submitted to the Local Planning Authority for approval, in writing, with such details as approved implemented in full and made available prior to the first

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occupation of any unit or units and secured in association with the development at all times thereafter.

Reason:

In the interests of amenity.