



Appeal Decision

Hearing (Virtual) held on 15 December 2021

Site visit made on 16 December 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/Z4718/W/21/3279040

Land to the south of Granny Lane, Mirfield

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miller Homes Ltd against the decision of Kirklees Metropolitan Council.
 - The application Ref 2019/62/91467/E, dated 30 April 2019, was refused by notice dated 12 March 2021.
 - The development proposed is described as "residential development of 67 dwellings with associated access and parking".
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of 67 dwellings with associated access and parking at land to the south of Granny Lane, Mirfield in accordance with the terms of the application, Ref 2019/62/91467/E, dated 30 April 2019, subject to the conditions detailed in the attached schedule.

Applications for costs

2. An application for costs was made by Miller Homes Ltd against Kirklees Metropolitan Council. This application is the subject of a separate Decision.

Preliminary Matter

3. A completed Section 106 Legal Agreement was submitted however, during the hearing the parties agreed that the Agreement should include contributions towards rail travel. I allowed a period up to the 22 December 2021 for the Agreement to be amended with appropriate signatures to be added as well as supporting justification evidence for the contribution. The final signed Agreement was submitted within the prescribed time.

Main Issue

4. The main issue is the effect of the proposal on flooding in the area.

Reasons

5. The proposed access for the development has been described as being within Flood Zone 3 as indicated on the flood maps for planning by the Environment Agency (EA) with the emergency access lying within Flood Zone 2. The appellants have provided remodelled data which includes information on the Calder flood plain, bridges and railway viaduct, as well as the 1D and 2D

modelling techniques. The remodelling data concludes that the proposed access would likely be located in Flood Zone 2. Whilst I understand the EA have accepted this remodelling information on a different development scheme, there is no evidence before me that the EA have validated the remodelling data for the appeal scheme. At the hearing it was also confirmed that the Lead Local Flood Authority (LLFA) have not accepted the remodelling data. On this basis, my assessment of this appeal is based on the proposed access being within Flood Zone 3 and the emergency access lying within Flood Zone 2, the latter being an agreed matter between the main parties.

6. It is noted that hydrology information had not been updated since 2015. Interested parties consider that updated hydrology data should be incorporated to include recent storm events, as this may extend the potential for flooding in the area. The EA have not raised any objections to the scheme or the submitted flooding information which includes the hydrology data from 2015. Therefore, and as indicated above, my assessment of the proposal is based on the access and the emergency access falling within Flood Zone 3 and Flood Zone 2 respectively.
7. Flood Zone 3 implies 1 in 100 year flooding events however, from evidence submitted by local residents, including witness reports, photographic images and videos, there is an indication that flooding occurs more frequently on Granny Lane. Given the location of the proposed access and the history of flooding, there may be occasions when Granny Lane would be flooded resulting in future occupiers of the proposed development unable to leave or return to their property via the main proposed access. From the evidence submitted including local witness reports on the length of time of previous flood events, details of flood depths at the appeal site location and previous road closure data, I would not expect the length of time that the proposed main access would be impassable due to flooding to be a significant period.
8. The proposed emergency access, which would be of single vehicle width, would have bollards restricting the use by vehicles. However, in the case of flooding events preventing vehicle use of the proposed main access, these bollards would be removed allowing access for emergency vehicles as well as access by foot and by vehicle for residents of the proposed development. There are concerns around the responsibility of unlocking the bollards at the emergency access and it was indicated that multiple parties would be able to undertake the removal of bollards which could include a management company and residents group. The use of management companies to be responsible for communal areas on housing estates is not an unusual arrangement which can sometimes come at a cost to future residents. The specific details of the management of the bollards would be required through a planning condition and I am satisfied that suitable arrangements could be put in place. The emergency access, given its location, design and operational requirements would be an acceptable emergency alternative which would allow residents to access their property should the main access to the development be unavailable due to a flooding event.
9. It is evident that flooding events have occurred on Granny Lane in the location of the proposed access to the development scheme. The proposed access lies within Flood Zone 3 and therefore if future flooding events were to happen, depending on the flooding depths, the proposed access may not be passable by pedestrians and vehicles, thus restricting future residents access to their

property. In this event though, an alternative option in the form of the proposed emergency access would be available to allow access for residents to their homes. From the evidence before me, I am satisfied that the emergency access would not succumb to flooding of severe depths, velocities and risk of debris to an extent that would adversely affect safe access and egress to the proposed scheme.

10. The Council including the EA, LLFA and Yorkshire Water have not raised any objections with regards to the matter of surface water and drainage. Evidence submitted including surface water flood maps, photographic images, eye witness reports and videos, does indicate that the site has suffered from surface water flooding and provides an indication on possible future surface water issues. A number of factors have been discussed as contributing factors to surface water on the appeal site including overflow from Valance Beck and there are concerns that there has been no modelling of Valance Beck or other sources of flooding.
11. The proposal has been designed to accommodate surface water which includes minimum finished floor levels, introducing an attenuation site that would contribute towards restricting peak discharge rate to five litres a second, providing drainage corridors and re-instating existing drainage corridors. Contributions would be made to improve land drainage behind the Gregory Springs Estate which would reduce risk of surcharging, localised ponding and overland flow. Contributions would also go towards clearing debris from the Valance Beck to reduce the risk of overflowing.
12. There are concerns that the above measures would not be able to cope with the expected and exceedance water volumes, depths and velocities of surface water flooding. It has been further indicated that existing drainage corridors would result in water being conveyed onto Hagg Lane, the proposed drainage corridors would be undersized, conveying water at high speeds onto the proposed highway of the scheme, as well as the build-up of water that would lead to the failure of boundary fencing. As described above though, multiple measures are proposed to deal with surface water flooding. The combination of all these measures put together would provide drainage solutions that would safeguard the proposed development and the surrounding area from surface water flooding, ensuring that existing and future occupiers are not adversely compromised.
13. It is an agreed matter by the appellant and the Council that a sequential and exception test was not required for the proposal. The appeal site is an allocated site within the Kirklees Local Plan 2019 (KLP) that has been through a sequential test and therefore in line with the National Planning Policy Framework (the Framework) another sequential test does not need to be applied. The exception test was applied at the KLP Examination stage. There is no substantial evidence before me to suggest that relevant aspects of the proposal had not been considered when the test was applied at the KLP Examination stage. Whilst I note there have been flooding events since the adoption of the KLP, I do not consider these to be substantially different to some of the flooding events that have occurred in the area prior to the adoption of the KLP. It has also been noted that there has been no change to the flooding risk of the site as identified on the EA's Flood Map for Planning. I am therefore satisfied that an exception test is not required for this proposal.

14. Information has been provided factoring in climate change and its effects on flooding in the area and on the proposed development. The projections do not dramatically alter the flood zone areas or requirements for the proposed properties to be positioned at a higher finished floor level to what has been proposed.
15. From all the evidence submitted to me, I am satisfied that that it has been demonstrated that the proposal will be safe throughout the lifetime of the development. The proposal would not have a harmful effect on flooding in the area. The proposal would accord with Policy LP27 of the KLP, the Planning Practice Guidance and the National Planning Policy Framework (the Framework) which seeks developments to demonstrate the proposal will be safe throughout the lifetime of the development and not increase flood risk elsewhere.

Other Matters

16. The proposed access would be directly onto Granny Lane which would have sufficient visibility in both directions. At my site visit I witnessed vehicles parking on Granny Lane however, given the width of the road in the location of the site and the visibility proposed, the proposal would provide an access which would not compromise highway safety.
17. Concerns have been raised regarding volume of traffic, speed of vehicles and I witnessed myself that some of the roads and footpaths in the surrounding areas are narrow in parts. I have had regard to comments made by local residents including crossing points and incidents of vehicles overrunning the footpaths. I also note that the Council's Highways Team have not raised any objections to the proposed development and is satisfied that there is sufficient parking provision within the scheme. Due to the scale and likely number of vehicle trips that would be generated, the proposal would not have an adverse effect on the existing highway network to an extent that would harm highway safety.
18. The appeal site is adjacent to existing residential properties and there are footpaths with street lights that lead to shops, services and facilities including public transport links. The proposal would be within short walking distance to nearby services and facilities and therefore future occupiers of the development would be situated in an accessible location.
19. The appellants have provided an Ecological Impact Assessment in support of the proposed development which the Council are satisfied with. This Assessment concludes that the site has low ecological value. It is recognised that in order to boost the green agenda, biodiversity enhancements to the scheme are required. Integrated bat bricks and bird boxes are to be installed and the appellant has agreed to a planning condition for further details of landscaping and biodiversity to be incorporated into the development. I do not consider that the proposal would have an adverse effect on biodiversity in the area.
20. The appeal site is located near to the grade II listed Sheep Ings Farmhouse and Attached Barn. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic

interest. Moreover, paragraph 199 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The development would provide separation from the grade II listed buildings and the proposed properties and there would be minimal encroachment onto the setting of the listed buildings. Due to the scale, design and location of the proposed built development, I am satisfied that the character and appearance of the listed buildings would be preserved.

21. I have had regard to concerns raised by local residents, Save Mirfield, Granny Lane Area Action Group and Councillors including matters relating to transport, wildlife, environment, living conditions of residents, local infrastructure and services, house values, brownfield sites, noise, coal mining, character and appearance. I have given careful consideration to these matters, some of which the Council have not raised any objections to, but they do not lead me to a different overall conclusion on the main issue nor do they lead me to a position in which I can withhold planning permission.
22. The appellant has indicated that the Council cannot demonstrate a five year housing land supply. The Council dispute this. This matter however, does not alter my findings above or the contribution this development would make to housing supply in the area as an allocated site within the KLP.

Conditions and Planning Obligations

23. The conditions imposed are those that were agreed by the appellant and the Council. In the interests of precision and clarity I have undertaken some minor editing and rationalisation where necessary.
24. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of highway safety conditions are imposed in relation to surface treatment and retaining walls and buildings. To ensure the development does not compromise the character and appearance of the area, conditions are necessary in relation to materials and landscaping. To safeguard the living conditions of neighbouring and future occupiers, conditions are necessary in relation to construction management plan, noise protection, play equipment and security measures. To prevent undue risk to the local environment and in the interests of the living conditions of existing and future occupiers it is necessary to attach conditions relating to drainage, flood risk, emergency access, contamination, archaeology, site levels and invasive species. In the interests of encouraging sustainable modes of travel, a condition is imposed relating to vehicle electric charging points.
25. A completed Section 106 Agreement has been submitted which details obligations for affordable housing, open space, education, sustainable transport and drainage.
26. It is necessary that I consider these obligations against the three tests set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. All new housing developments brings about demand for affordable housing, open space and education. Given the scale of the development and comments from specialist officers from the Council, there would be a need for contributions towards sustainable transport and drainage. I am therefore satisfied that the proposed contributions would be necessary to

make the development acceptable in planning terms. Furthermore, on the evidence before me, they would be directly related, and fairly and reasonably related in scale and kind, to the development proposed. The obligations therefore meet the relevant tests and I am satisfied that the proposal adequately contributes to affordable housing and infrastructure in the area.

Conclusion

27. The proposal would not conflict with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
28. For the reasons given above I conclude that the appeal should be allowed subject to the appropriate conditions and the relevant terms of the submitted Section 106 Agreement.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

M Johnson	Planning Consultant
K Tilford	Flooding Consultant
P. Owen	Highways Consultant

FOR THE LOCAL PLANNING AUTHORITY:

N. Hurst	Kirklees Metropolitan Council
J. Buddle	Kirklees Metropolitan Council
J. Turner	Kirklees Metropolitan Council
M. Stephenson	Lead Local Flood Authority
S. Wright	Kirklees Metropolitan Council

INTERESTED PERSONS:

C. Tyler	Save Mirfield
V. Maher	Granny Lane Area Action Group
A. Kirby	Transport and Development Consultant
K. Serjeant	Environmental Consultant
Cllrs M & V Bolt	Ward Members and Mayor & Deputy of Town Council
I. Woollin	Local resident

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GRY/LOC; GRY/PLAN/002 L; GRY/PLAN/003 J; GRY/ENC/007 J; GRY/B&B H; GRY/EVPLAN D; GRY/EXTF/001 K; GRY/PLAN/020; GRY/PLAN/012 A; M300801C; 811150-2B/3P/700 – DRIFFIELD; 478-4B/7P/1450 - HERBERT 18; 477-4B/8P/1408 – CHADWICK 18; 476-4B/7P/1288 – FENWICK 18; 473-4B/8P/1388 – MITFORD 18; 4B/8P/1388 – MITFORD 18 RENDER OPTION; 470-4B/6P/1264 BUCHAN DA 18; 469-4B/6P/1264 – BUCHAN 18; 350-3B/6P/1068 – MALORY 18; 349-3B/5P/1046 – KIPLING 18; 347-3B/5P/940 – DARWIN DA 18; 346-3B/5P/921 – DARWIN 18; 345-3B/5P/886 – TOLKIEN 18; 342-3B/4P/819 – STRETTON 18; 5B/8P/1509 – BUTTERWICK 18YB YORKSHIRE; SINGLE/DOUBLE GARAGES – NORTHERN PORTFOLIO; LAREG DOUBLE GARAGE 18 – NORTHERN PORTFOLIO; 17/417/EXT/001.
- 3) The development hereby approved (excluding demolition) shall not commence until details of the facing and roofing materials (including samples if requested) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
- 4) The development hereby approved shall be constructed with separate systems of drainage for foul and surface water on site, with combined off site. Surface water shall not exceed a maximum discharge rate of 5 (five) litres per second.
- 5) The development hereby approved (excluding demolition) shall not commence until a scheme detailing foul, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) Details of off-site works;
 - b) Connection to a public sewer at a maximum of 5l/s;
 - c) Balancing works for the 1 in 100 + 30% climate change critical event, Plans and longitudinal sections;
 - d) Hydraulic calculations;
 - e) Phasing of drainage provision;
 - f) Details of existing drainage to be maintained/diverted/abandoned and;
 - g) Details of the underground storage tank(s) to include written confirmation that it can accommodate the emergency access road above it.

None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

- 6) The development hereby approved shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:
- phasing of the development and phasing of temporary drainage provision;
 - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning.

- 7) The development hereby approved shall be carried out in accordance with the submitted flood risk assessment (by RWO Associates ref RO/FRA/17224.1 version 7 dated 10.12.2019) and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 45.87m above Ordnance Datum (AOD).
 - There shall be no raising of ground levels in the area of public open space (POS) located within the flood zone 3 extent shown in drawing SK1 (rev 1) in Appendix D of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 8) The development hereby approved (excluding demolition) shall not commence until a scheme detailing the design, construction, operation, maintenance and management of the emergency access road and surface water flood route pathways to avoid curtilage flooding has been submitted to and approved in writing by the Local Planning Authority. The details of the emergency access shall include the following:
- Details of the road width (to be minimum of 3.7m between kerbs);
 - Details of the gateway width (to be a minimum of 3.1m) and visibility splay;
 - Details of carrying capacity (to be a minimum of 32 tonnes);
 - Details of any removable bollards or gate barriers.

The approved scheme shall be fully implemented prior to the occupation of any dwellings and retained thereafter.

- 9) The development hereby approved shall not be occupied until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be

implemented in accordance with the approved details and thereafter retained.

- 10) The development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include full details of:
- a) The means of access to the site for construction traffic to include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site;
 - b) Detail of construction workers parking facilities;
 - c) The methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
 - d) Measures to control the emissions of dust and dirt during construction;
 - e) Location of site compound, plant equipment/storage and car parking for on-site employees;
 - f) Hours of site working;
 - g) Provide details of a site manager and identify how the contact details for the site manager will be displayed externally on the site.

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site.

- 11) The development hereby approved (excluding demolition) shall not commence until a scheme detailing the location and cross sectional information together with the proposed design and construction for all new retaining walls/building walls adjacent to the existing/proposed adoptable highways and all new surface water attenuation culverts/ tanks located within the proposed adoptable highway footprint has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be fully implemented in accordance with the approved design prior to occupation and retained during the life of the development.
- 12) Other than demolition works, no development shall commence on Plots 33-36 (in the location of the demolished building) until a further Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority. The extent and scope of the intrusive survey shall be agreed with the Local Planning Authority prior to its implementation.
- 13) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 12, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
- 14) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 13. In the

event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

- 15) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
- 16) The development hereby approved shall not commence above damp proof course level until a report specifying the measures to be taken to protect the development from noise from nearby premises has been submitted to and approved in writing by the Local Planning Authority. The report shall:
 - a) Determine the existing noise climate;
 - b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development;
 - c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

- 17) The development hereby approved shall include the installation of 1 electric vehicle charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking). These shall meet at least the following minimum standard for numbers and power output: a Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW).
- 18) The development hereby approved shall not commence above damp proof course level until a detailed landscape and bio-diversity scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) Details of trees/vegetation to be retained;
 - b) Details of species of trees/shrubs to be planted;

- c) Methods of planting and spacing;
- d) Size of planting;
- e) Protection of planted species;
- f) Weed prevention;
- g) Boundary details and means of enclosure between and around dwellings and around the site;
- h) Details of how the scheme will enhance local biodiversity to reflect the priority habitats and species found within the relevant Flood Plains and Riverine Habitats Biodiversity Opportunity Zone and to include the installation of 6 bird boxes and 6 bat boxes and having regard to the recommendations set out in the Whitcher Wildlife Ltd. Ecological Consultants Extended Phase 1 Habitat Survey (Jan 2018) (Ref: 180110);
- i) An implementation plan detailing the timescales for the landscape and bio-diversity schemes;
- j) A management plan, including long term design objectives, management responsibilities and maintenance schedules.

The approved hard and soft landscape works shall be implemented in accordance with the approved details prior to the development being brought into use, or within an alternative timescale to be first approved by the Local Planning Authority. Trees and shrubs which, within a period of five years of the planting being implemented (including existing trees), are removed, die or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

- 19) The development hereby approved shall not commence and before any materials are brought onto site, the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrub. The developer shall obtain the Local Planning Authority written confirmation that the fence is satisfactory prior to works commencing and shall maintain such fencing unaltered until the development is complete.
- 20) The development hereby approved shall not commence until a written scheme of archaeological investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

- 21) The development hereby approved shall not be occupied until a scheme providing details of the play equipment to be installed within the proposed play area has been submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for the implementation of the play equipment. The approved scheme shall be fully implemented and retained/maintained thereafter.
- 22) Excluding the ground levels in the area of public open space (POS) that are subject to Condition 7, no development (excluding demolition) shall commence until final details of existing and proposed ground levels (to include cross-sections) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 23) The development hereby approved (excluding demolition) shall not commence until details of a scheme for the eradication and/or control of Himalayan Balsam and other invasive species on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 24) The development hereby approved shall not commence above damp proof course level until details of adequate security measures for the dwellings, having regard to 'Secured by Design' and the guidelines set out in Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details and thereafter retained.
- 25) The development hereby approved shall not commence above damp proof course level until a detailed cross sectional design of the surface water drainage corridor to the rear of plots 32-36 to extend from their rear gardens to a point cross the border with adjacent land has been submitted to and approved in writing by the Local Planning Authority. The details shall include all fences and hedgerows to be maintained, removed, or replaced, along with ditching dimensions and any bunding required. It should also provide details of all levels and gradients. The development shall be implemented in accordance with the approved plan and therefore retained.