



Appeal Decision

Inquiry held on 24 October 2023

Site visit made on 24 October 2023

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2023

Appeal Ref: APP/Z2315/W/23/3325783

Hollin Cross Farm, Woodplumpton Road, Burnley, Lancashire, BB11 3RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Richard Dimisianos (Prospect (GB) Ltd) against Burnley Borough Council.
 - The application Ref FUL/2022/0149, is dated 14 March 2022.
 - The development proposed is the erection of 200 dwellings and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 200 dwellings and associated works at Hollin Cross Farm, Burnley, BB11 3RS in accordance with the terms of the application, Ref FUL/2022/0149, dated 14 March 2022, subject to the conditions set out in Annex A.

Preliminary Matters

2. The appeal was submitted against the non-determination of the application. The Council's Statement of Case outlined the reasons why the application had been deferred at the Council meeting where it was due to be determined. However, in the weeks preceding the Inquiry the Council indicated that, following the receipt of further information from the appellant, and advice from its technical advisors, it did not intend to present evidence to the Inquiry. In addition, the Rule 6 party submitted no proof of evidence. As a result of this the appellant also indicated that they did not consider it was necessary to present evidence to the Inquiry. In the light of this when the Inquiry opened it was indicated that third parties should put in writing any comments they had wished to make, and a round table discussion was held to consider the suggested conditions and the planning obligation.
3. A draft agreement under Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant as part of the Inquiry documentation and the agreement was discussed at the Inquiry. As agreed during this discussion the signed and executed Deed was submitted after the close of the Inquiry. I will return to the agreement later in my decision.

Main Issues

4. Based on the development plan and the evidence before me I consider the main issues in the appeal are:

- Whether or not the proposal complies with the development plan particularly in relation to issues such as drainage, flood risk and the removal of peat; and
- Whether there are any other considerations that justify refusal of the proposed development.

Reasons

5. The appeal site is agricultural land located on the edge of Burnley. Policy HS1/2 of the *Burnley Local Plan (adopted July 2018)* (BLP) allocates the site for residential development of around 184 dwellings, subject to various policy requirements and design principles. As such, in seeking to develop the site for 200 houses, the proposed development would be acceptable in principle, but consideration is necessary as to whether it accords with other policies in the development plan.

Drainage and Flood Risk

6. The appeal site lies in Flood Zone 1, but it is not disputed by the appellant that it experiences surface water run off in heavy rainfall that can cause flooding on the site and to adjacent properties or that there is permanent standing water at the lowest point of the site.
7. The proposed sustainable urban drainage system (SuDS) would involve the formation of an attenuation basin pond at the lowest (northern) part of the site. Part of this would be used for 'normal' rainfall events, with the wider area being used to manage stormwater. Whilst discharge from the site would continue to use the existing culverts that serve the site, the drainage strategy would be designed to reduce and restrict surface water flows to significantly below the current uncontrolled rate. Evidence shows that both the Lead Local Flood Authority (LLFA) and relevant utilities company consider that the culvert is adequate for the proposed run-off rate. In the absence of any substantive evidence to the contrary I see no reason to disagree with this conclusion.
8. The proposed drainage strategy is supported by a significant amount of evidence, which has been examined by the LLFA, and consultants acting for both the Council and local residents. The outstanding area of concern relates to whether the standing water on the site is groundwater rather than surface water. If it is the former there were concerns that it could interfere with the operation of the proposed SUDs, prevent the attenuation pond from functioning as intended and so potentially cause flooding to adjacent properties.
9. In the light of the further information provided by the appellant, the Council consider that, if necessary, satisfactory groundwater mitigation could be incorporated into the drainage scheme. To ascertain whether such mitigation measures would be needed, a condition is suggested that requires that an over winter ground water survey takes place. The results of this would then be fed into the final detailed surface water drainage strategy.
10. In the light of this I am satisfied the various proposed drainage conditions would be satisfactory to ensure that the site is provided with a robust drainage system and that the proposed development would not increase the risk of flooding elsewhere. As such, the proposed development would accord with Policies CC4 and CC5 of the BLP which require that developments do not result

in increased flood risk elsewhere and set out the requirements for surface water management and sustainable drainage systems.

11. Concern has been raised by residents regarding the safety of the basin especially for children. As set out above, the drainage strategy is designed so that a lot of the basin would only contain water in storm events. Moreover, plans show it has been designed in line with the design principles contained within the SuDS Design Manual which take into account safety issues. Whilst a fence could be used to restrict access, similar results could also be achieved by the use of vegetation which could be a more attractive solution. Such matters would form part of the final detailed design and can be controlled by a suitably worded condition requiring a risk assessment and mitigation measures.

Peat Removal

12. Site investigations indicate the presence of peat in the area where the attenuation basin would be created. The excavations necessary to form the basin would need to remove the current soils including the peat.
13. The undisputed evidence from the appellant indicates that due to the way the peat was formed, its relocation would not result in any significant release of greenhouse gases and thus nor would it have implications for climate change. It is also shown that its removal would have very limited impact on the ecology of the site.
14. I see no reason to disagree with the findings of this evidence or the conclusion that the restoration of the peat would not be realistic. A suitably worded condition can be used to manage the removal of the peat and ensure its re-use either on the site or elsewhere. Consequently, the removal of the peat as part of the proposal would not conflict with Policies SP1, NE1 and NE5 of the BLP which support the mitigation and adaptation to climate change and seek to protect biodiversity and the environment.

Other Considerations

15. The application was accompanied by a Transport Assessment and Travel Plan, whose scope was agreed with the Local Highways Authority. This assessed the impact of the proposed development on the surrounding road network, including both traffic surveys at both the morning and evening peak periods and took account of other developments taking place in the area. I consider the methodology utilised in the assessment to be robust and in the absence of any substantive evidence to the contrary, see no reason to disagree with its findings.
16. As the nearby Manchester Road/Rossendale Road/Glen View Road traffic controlled junction is operating close to its capacity, a contribution to its improvement would be secured by the planning obligation. This work has also been contributed to by the other housing developments in the area. The improvements would improve traffic flows at the junction and so reduce congestion. As a result, it should help prevent the issue of "rat-running" through the residential streets to the north of the site. Whilst I appreciate that match day traffic may cause significant traffic problems in the area, the additional traffic levels created by the development would not substantially alter this.

17. The Council have confirmed that the development would provide adequate levels of parking. Whilst some of the nearby houses may lack off-road parking, it is not justified to require the proposal to address existing deficiencies.
18. Policy HS1/2 of the BLP indicates that Lowland Fen Habitat, which is a Priority Habitat, has been recorded on the site and so it requires any proposal to be accompanied by an Ecological Assessment that addresses this. However, the appellant's Ecological Surveys confirmed that none of the grassland habitats are priority habitats and that the grassland/pasture communities on the site are ubiquitous throughout the UK.
19. As part of the attenuation scheme on the site a permanent wetland habitat would be created, and the loss of the farmland would be mitigated through a combination of both on and off-site mitigation. This would accord with Policy NE1 of the BLP which indicates that where it is not feasible to retain or enhance habitats on site, compensatory habitat creation off-site is allowed. Through the combination of both on and off site works the proposal would achieve a biodiversity net gain of 10%.
20. The appellant's ecological assessments and surveys also assessed birds and other protected species. There is no evidence that disputes the methodology or the findings of these surveys, or to indicate that, in particular, since the surveys were undertaken there has been any reason to suppose that there has been a significant increase in bird diversity or numbers. As such, I see no reason why their findings are not still valid. Moreover, a condition is proposed that would require further surveys to be undertaken prior to development commencing on site. Should the results of these show the need for further avoidance, compensation or mitigation measures, the condition would require these to be provided.
21. The surrounding residential areas comprise dwellings of varying designs and utilising various materials. In this context the proposed design and materials would be appropriate, and the proposed landscaping around the site would help reduce and soften its visual impact. Whilst many of the houses internally would meet the M4(2) standard for adaptable homes, the topography of the site means that achieving level access is difficult. Nonetheless, the development would be able to provide 40 dwellings on the site that would meet the optional technical standard. This accords with the requirements of Policy HS4 of the BLP.
22. The appeal scheme would provide a number of areas of public open space on the site, including two equipped play areas suitable for younger children. Overall, the amount of public open space provided on the site is in excess of the requirements of Policy HS4. Whilst not all of this open space would be useable for recreational purposes it would still have value in terms of its visual impact and for biodiversity.
23. However, the topography of the site means it would not be possible to provide an on-site area suitable for use by older children/teenagers. As such, it is proposed to provide a financial contribution for improvements to the nearest district park and this would be secured by the planning obligation which is discussed below. Whilst accessing the park would require crossing Glen View Road/New Road and Manchester Road, pedestrian refuges would be provided on the former as part of the off-site highways works and I observed that there

is a pelican crossing as well as pedestrian refuges on Manchester Road that would assist in the crossing of this road.

24. Whilst the views of existing occupiers may change, the distances that would be provided between the existing and proposed dwellings would be sufficient to ensure that the development would not have an unacceptable impact on the living conditions of existing occupiers, including from any additional noise that would be generated from the development.
25. In addition, sufficient distance would be maintained between the proposed houses along the western boundary and the clubhouse on the golf course to ensure adequate living conditions for future occupiers both in terms of privacy and noise.

Planning Obligation

26. A signed and completed Section 106 agreement has been submitted. This secures the provision of 20 affordable housing units as well as the type and occupancy of the units. It also secures the management and maintenance of the open space. In addition, it makes provision for financial contributions towards: off-site open space improvements and biodiversity mitigation; the provision of wheelie bins for the development; the provision of additional secondary school places and enhanced peak time buses serving the site; and the improvements of local bus stops and the Glen View Road/Manchester Road/Rossendale Road junction.
27. The Council have provided a detailed Compliance Statement that sets out how the section 106 agreement would meet the relevant tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and in paragraph 57 of the National Planning Policy Framework.
28. From the evidence before me I am satisfied that all of the obligations in the Unilateral Undertaking are necessary, directly related to the development and fairly related in scale and kind. As such, it accords with the statutory tests.

Conclusion and Conditions

29. Overall, I consider that the proposed development would accord with the development plan, particularly in relation to issues such as drainage, flood risk and the removal of peat and that there are no other reasons which justify refusal of the proposal. Consequently, I conclude that the appeal should be allowed.
30. The Council and the appellant agreed a set of conditions that were discussed at the Inquiry, and in the light of discussion a revised set of conditions, that had been agreed with the appellant, were submitted. I have considered these in the light of paragraph 56 of the Framework. To ensure enforceability I have amended the wording of some of the suggested conditions.
31. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord and the phasing of the development (condition 2 and 3). Conditions 4, 5 and 32 are necessary in the interests of the character and appearance of the area and to accord with Policy SP5 of the BLP. For the same reason and also to ensure the sustainability of the dwellings, condition 8 is needed. To safeguard existing trees and hedges on the site as well as in the interests of visual amenity and to

- accord with Policy NE4 condition 33 is necessary. This needs to be a pre-commencement condition as it needs to ensure adequate protection is provided during the construction phase. Also, in the interests of visual amenity and to accord with BLP Policies SP5 and NE3 condition 30 is imposed.
32. For highway safety reasons, to ensure the site is provided with a satisfactory access and to accord with Policy IC1 of the BLP, conditions 6, 9, 10, 13 and 19 are required. As the site access is needed for construction traffic condition 9 needs to be a pre-commencement condition. For highway safety, to ensure the provision of adequate parking and in line with Policy IC3 of the BLP, conditions 11 and 12 are necessary. In the interest of promoting sustainable travel, condition 14 is necessary.
33. To ensure the development meets the requirements of BLP Policy HS4 with regard to adaptable homes, condition 7 is required and to ensure the development is provided with adequate open space and play areas condition 15 is required. Condition 16 is necessary to safeguard the development from contaminated land and to accord with Policy NE5 of the BLP. It needs to be a pre-commencement condition to ensure that any necessary mitigation measures are implemented during the construction phase. To protect the living conditions of nearby residents and in line with requirements of Policies NE5 and IC1, condition 17 is required.
34. To mitigate and minimise the environmental impact of the development in accordance with Policy NE5 of the BLP condition 18 is necessary. In the interests of safeguarding biodiversity and to accord with BLP Policy NE5 conditions 26, 27, 28 and 29 are required. Both conditions 26 and 27 need to be pre-commencement conditions to ensure appropriate mitigation measures are implemented during the construction phase. In the interests of both biodiversity and landscape character, and to accord with Policies SP5, NE1 and NE3 condition 31 is imposed.
35. To ensure the site is satisfactorily drained and to accord with Policy CC4 of the BLP conditions 20, 21, 22, and 23 are imposed. In addition, and also in line with this policy, condition 24 is needed to ensure adequate drainage of the site during the construction phase. Condition 21 needs to be a pre-commencement condition to ensure the necessary works can take place during the construction phase and condition 24 needs to be a pre-commencement condition as it relates to works which need to be in place before construction works commence.
36. To ensure the protection of the existing drainage features on the site that serve adjacent properties, and to accord with BLP policies CC4 and NE5, condition 25 is imposed. This needs to be a pre-commencement condition to ensure adequate protection is provided throughout the construction phase. In addition, condition 34 is necessary to ensure any hazards associated with the attenuation basin are addressed within the detailed design.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jonathan Ainley MCD MRTPI	Director, Savills
Duncan Wenham MSc MRTPI	Associate, Savills
Richard Nicholas BEng (Hons)	Director, Betts Hydro Ltd
MSc MBA MCIWEM GMICE	
Richard Dimisianos	Planning Manager, Prospect Home

FOR THE LOCAL PLANNING AUTHORITY:

Shemuel Sheikh Counsel instructed by Burnley Borough Council

Laura Golledge MRTPI	Planning Team Manager, Burnley Borough Council
Erika Eden-Porter MTCP MRTPI	Principal Planner, Burnley Borough Council

FOR THE RULE 6 PARTY

Mr Martyn Bell	Combined Residents Group Burnley
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INTERESTED PARTIES:

Mr Peter Hornby	Local Resident
Cllr Howard Baker	Burnley Borough Council
Cllr Margaret Brindle	Burnley Borough Council and Habergham Eaves Parish Council

Annex A Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Topographical Land Survey Sheets 1, 2 and 3 Drawing No. PRO.TS.13
 - Location Plan Drawing No. WD20-90-LP01 Rev A
 - Existing Site Plan Drawing No. HCB-ESP-001
 - Detail Layout Drawing No. WD20-90-DL01 Rev J
 - Soft Landscape Proposals Drawing Nos. GL1942 01G, GL1942 02G, GL1942 03G and GL1942 04G
 - Material Finishes Drawing No. WD20-90-MF01 Rev J
 - Drainage Strategy DRG 1 Drawing No. 21061/100/1 Rev B
 - Drainage Strategy DRG 2 Drawing No. 21061/100/2 Rev B
 - Drainage Strategy DRG 3 Drawing No. 21061/100/3 Rev A
 - Affordable Housing Plan Drawing No. HCB-AHP01 Rev B
 - Public Open Space HC-POS-001 Rev A
 - Boundary Treatments Plan WD20-90-BT01 Rev L
 - Refuse Layout Drawing No. WD20-90-RL01 Rev J
 - Detached Garages Drawing No. SG-001
 - House Type Booklet Dated Aug 2022
 - Management and Maintenance Plan Drawing No. WD20-90-MP01 Rev J
 - M4(2) Compliant House Types Drawing No. CHP-AHP01 Rev A
- 3) No development above ground level shall take place until a site wide Phasing Plan has been submitted to, and approved in writing by, the local planning authority. This shall include details of the precise location and extent of the individual development phases; the extent of development within each phase (including play areas and public open space) and intended sequence of delivery of each phase. The development shall be carried out in accordance with the approved phasing contained within the site wide Phasing Plan.
- 4) No development above ground level in each agreed phase of the development shall take place until details of existing and proposed ground levels and finished floor levels have been submitted to, and approved in writing by, the local planning authority. The development shall be built in accordance with the approved details.
- 5) Notwithstanding any details shown on the approved drawings, no development above ground level shall take place until full details and representative samples of all external materials of construction have been submitted to, and approved in writing by, the local planning authority for the following:
 - External walls and roofs of the dwelling houses and garages;
 - Rainwater Goods; and
 - Windows and doors.

The development shall thereafter only be carried out in accordance with the approved details.
- 6) Prior to the current access route to Hollin(s) Cross Farm, Hollin(s) Cross Farm Barn and Hollin(s) Cross Cottage being severed, in accordance with

the approved phasing plan (approved under Condition 3), a new access shall have been constructed in accordance with details that shall have first been submitted to, and approved in writing by, the local planning authority.

- 7) The development hereby permitted shall be constructed to comply with the optional technical standards of Part M4(2) of the Building Regulations 2010 to provide adaptable homes to 40 no. dwellings (as indicated on the approved Drawing No. CHP-AHP01 Rev A).
- 8) Notwithstanding the approved drawings and submitted Energy Efficiency Statement (prepared by Element Sustainability and dated January 2021), details of the precise design and locations (including the number and positioning on the roofslope) of any solar photovoltaics/panels proposed to be used on any dwelling shall be submitted to, and approved in writing by, the local planning authority prior to their installation. The equipment should, so far as practicable, be sited so as to minimise its effect on the visual amenity of the area.

The solar photovoltaics/panels or alternatives shall be installed on the agreed plots and to the agreed details prior to their first occupation.

- 9) No development hereby permitted shall take place until a scheme for the construction of the site access has been submitted to, and approved in writing by, the local planning authority. The construction of the dwellings hereby permitted shall not commence until the site access has been constructed and completed in accordance with the approved scheme and thereafter it shall be retained as such in perpetuity.
- 10) No dwelling hereby permitted shall be occupied until a scheme for the construction of the off-site works of highway improvements has been submitted to, and approved in writing by, the local planning authority and the off-site highway works have been constructed and completed in accordance with the approved scheme.
- 11) No dwelling hereby permitted shall be occupied until all its associated car parking, including any dropped kerb and vehicle cross-over the footway and/or verge, has been constructed, drained, surfaced (in black bitumen macadam or other bound material) and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling, as set out in the submitted Parking Schedule (HCB-PS01), shall thereafter be retained for the purposes of car parking at all times.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), the garages hereby permitted (including integral/attached/detached garages) shall remain available at all times for the parking of a motor vehicle and shall not be altered to provide habitable space.
- 13) No development above ground level shall take place within any phase of the development until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the proposed arrangements for future management and maintenance of the proposed streets within that phase of the development have been submitted to, and approved in writing by, the local planning authority.

The constructional details shall be in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

No development above ground level in any phase shall take place until the new estate roads have been constructed in accordance with the approved details to at least base course level.

The completed estate roads shall be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

- 14) The Framework Travel Plan set out in Appendix Two of the Transport Assessment (prepared by Eddisons and dated September 2021) shall be implemented, monitored and reviewed in full accordance with the Action Plan and Timetable contained therein.
- 15) No dwelling hereby permitted shall be occupied until a detailed scheme for the provision of the public open space and play areas to be provided on site have been submitted to, and approved in writing by, the local planning authority. The details shall include, but not be limited to:
- the location, design, layout and specification of the play equipment;
 - the surfacing, seating, bins and boundary treatment; and
 - the expected timescale for completion for each area of public open space and play area.
- The approved public open spaces and play areas shall thereafter be constructed and completed strictly in accordance with the approved timescales and details and retained as such for the duration of the development.
- 16) No development hereby permitted shall take place until a remediation strategy, based on the principles, conclusions and recommendations set out in the submitted updated Geo-environmental Investigation Report 21061/GEIR/01 (prepared by REFA Consulting Engineers, dated December 2022), has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall include: measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed; a verification plan setting out all the data requirements including compliance criteria and monitoring details; and nomination of a suitably qualified person to oversee the implementation of the approved work.

No dwelling hereby permitted shall be occupied until a Verification Report (produced by the suitably qualified person) to evidence that all remediation works, as applicable, have been carried out in accordance with the approved remediation strategy 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 verification plan contained within the approved remediation strategy to demonstrate that the site remediation criteria have been met and the effectiveness of the remediation. The Verification Report shall also include a long-term plan for monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this in writing to the local planning authority.

- 17) The development hereby permitted, including any works of demolition and site clearance, shall be carried out in full accordance with the approved Construction and Environmental Method Statement (prepared by Prospect Homes and dated April 2022).
- 18) Prior to any excavation of any on-site peat deposits, details of how any peat proposed to be excavated will be managed during the construction of the development hereby permitted, shall be submitted to, and approved in writing by, the local planning authority. The details shall include specific requirements for the extraction and relocation of peat as follows:
- Volume, depth and location of peat to be excavated;
 - Areas for temporary storage of the peat on site including any intended drainage, pollution prevention and material stability mitigation measures that may be required;
 - Proposals for the re-use of the peat on site; and
 - Proposals for the disposal of any peat found to be unsuitable for re-use on site.

The approved details shall be adhered to throughout the construction period for the development.

- 19) For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used to prevent mud, stones and debris being carried onto the highway. The roads adjacent to the site shall be regularly mechanically swept during the entire construction period.
- 20) Monitoring of groundwater levels shall be undertaken to evaluate the groundwater levels of the site where SuDs features are proposed and extant drainage is present, including septic tanks and filter beds, for three consecutive months of monitoring during the winter period (October to March) to establish the baseline groundwater conditions.

The location of the winter monitoring should be in accordance with the locations shown on the Ground Water Mitigation Plan (Drawing No. 21061/SK1/1) and the Ground Water Mitigation Sections and Details (Drawing No. 21061/SK1/2). Where shallow groundwater is discovered as part of the monitoring, in accordance with the principles shown on Drawing Nos. 21061/SK1/1 and 21061/SK1/2, the impact of groundwater on hydraulic capacity (increase to flood risk elsewhere) and structural integrity (buoyancy) shall be incorporated into the design in respect of both existing and proposed assets.

- 21) No development hereby permitted shall take place until a detailed final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The strategy shall be based upon the site specific flood risk assessment and indicative drainage strategy set out in the submitted Drainage and Levels Statement (prepared by REFA and dated 28 February 22), the Drainage Strategy drawings approved in condition 2, the Feasibility Pond Sections (Drawing No. 21061/103/1) and the sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards

for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep; and
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150mm+ difference for each FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary; and
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and to deliver suitably clean water to sustainable drainage components.
- c) The detailed surface water sustainable drainage strategy shall be informed by the results of groundwater monitoring set out at Condition 20.
- d) Evidence of an assessment of the existing on-site watercourse(s) to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme.

- 22) No dwelling hereby permitted shall be occupied until a site-specific Operation and Maintenance Manual for the lifetime of the development,

pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to, and approved in writing by, the local planning authority. The details of the manual to be submitted for approval shall include, as a minimum:

- A timetable for its implementation;
- Details of SuDS components and their connecting drainage structures, including watercourses and their ownership, and the maintenance, operational and access requirement for each component;
- Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- Means of access for maintenance and easements.

The drainage system shall be implemented in accordance with the approved timetable and manual and thereafter it shall be retained, managed, and maintained in accordance with the approved details.

- 23) Site-specific verification reports, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, shall be submitted to, and approved in writing by, the local planning authority at intervals on completion of each phase of the surface water drainage system in line with the approved timetable for its implementation.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings.

The scheme shall thereafter be retained, managed and maintained in perpetuity in accordance with the Operation and Maintenance Manual approved under condition 22.

- 24) No development hereby permitted shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority. The details of the plan to be submitted for approval shall include for each phase, as a minimum:
- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are

done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

- b) Measures taken to prevent siltation and pollutants from the site entering into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented prior to any development hereby permitted taking place and the development shall be managed and maintained in accordance with the approved plan for the duration of construction.

- 25) No development shall commence until a scheme for the protection of, and access to, the extant septic tanks and their filter beds has been submitted to, and approved in writing by, the local planning authority. The details shall include protective measures during the construction phase, fencing and access arrangements and a timetable for implementation of the protection measures. The scheme shall thereafter be carried out in strict accordance with the approved details and timetable.
- 26) No development hereby permitted shall take place until the following information has been submitted to, and approved in writing by, the local planning authority:
 - a. An update to the approved Preliminary Ecological Appraisal (prepared by BWB and dated Nov 2019) and Additional Ecological Surveys Report (prepared by BWB and dated October 2020);
 - b. Any new and/or updated phase two surveys determined as being necessary in the approved surveys in a); and
 - c. Details of any avoidance, compensation or mitigation measures determined as being necessary in the approved surveys in a) and b).
- 27) No development hereby permitted shall commence until a method statement detailing the Reasonable Avoidance Measures (RAMs) to be adopted in order to avoid and/or minimize any unforeseen disturbance impacts on local hedgehog, brown hare and common toad populations during the course of the development has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the RAMs detailed in the approved method statement.
- 28) No development above ground level shall take place until details showing the type, location and timescale for implementation of bird and bat boxes/bricks and hedgehog gaps on site as recommended in the approved Preliminary Ecology Appraisal (prepared by BWB and dated Nov 2019) have been submitted to, and approved in writing by, the local planning authority. The approved bird and bat boxes and hedgehog gaps shall be provided in strict accordance with the approved details and retained in situ in perpetuity.
- 29) No demolition, site works or removals of trees, hedges or shrubs on the site shall take place between the 1st March and 31st August inclusive in any year unless a qualified ecologist has inspected the area no more than 24 hours prior to the works/removal and provides written confirmation to

the local planning authority that no nests or breeding birds will be affected by the development.

- 30) Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), any replacement boundary treatment to the rear boundaries of plot 49 to 61 (inclusive) as shown on Detail Layout Drawing No. WD20-90-DL01 Rev J, shall not be over 1 metre in height.
- 31) Notwithstanding the approved drawings, no development above ground level shall take place until a detailed planting plan for the landscaped areas of the site has been submitted to, and approved in writing by, the local planning authority. The Plan shall include a scale drawing showing all existing vegetation to be retained and all proposed trees/plants; a schedule detailing species plant sizes, proposed number/densities and planting method of any trees where appropriate; and a phasing strategy for the implementation of the planting.

The approved Planting Plan shall be carried out in accordance with the approved phasing strategy. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within five years of the completion of the development shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

- 32) The boundary treatment for each plot / dwelling indicated on the approved plan (WD20-90-BT01 Rev L) shall be completed prior to the occupation of the relevant plot / dwelling. All other boundary treatments indicated on the same approved plan shall be erected prior to the practical completion of the development and shall thereafter be retained at all times.
- 33) No development hereby permitted shall take place until a scheme for the means of protecting the trees and hedges to be retained on, or adjacent to, the site, in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to and during the development works, has been submitted to, and approved in writing by, the local planning authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. No development hereby permitted, including any site clearance work, shall take place until the approved scheme of protection measures has been implemented in its entirety, and thereafter it shall be retained until the completion of the development.
- 34) During the detailed design of the SuDS basin a risk assessment shall be undertaken to identify any safety mitigation measures required. No dwelling hereby permitted shall be occupied until the risk assessment and mitigation proposed has been submitted to, and approved in writing by, the local planning authority and all mitigation has been provided in accordance with the approved details. The mitigation measures shall be retained as such thereafter.