



## Appeal Decision

Inquiry Held on 16 and 17 October 2018

Site visit made on 17 October 2018

**by Kenneth Stone BSc Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 December 2018**

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**Appeal Ref: APP/Y3425/W/18/3202676**

**Land off Saddler Avenue, Stone, Staffordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Fradley Estates against the decision of Stafford Borough Council.
  - The application Ref 17/25759/OUT, dated 10 February 2017, was refused by notice dated 16 November 2017.
  - The development proposed is for up to twenty affordable dwellings.
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### Decision

1. The appeal is allowed and planning permission is granted for up to twenty affordable dwellings at Land off Saddler Avenue, Stone, Staffordshire in accordance with the terms of the application, Ref 17/25759/OUT, dated 10 February 2017, subject to the conditions contained in the schedule at the end of this decision.

### Procedural matters

2. The application was made in outline with all reserved matters of access, appearance, landscaping, layout and scale identified for future consideration. An illustrative plan was submitted but this is for illustrative purposes only as one way in which the scheme could be developed, and I have had regard to that plan in that context.
3. A completed Unilateral Undertaking (UU) under the terms of Section 106 of the Town and Country Planning Act 1990 as amended was provided to me on the last day of the Inquiry. The UU secures financial contributions towards off site open space, including for the provision and/or improvement of off-site open space and its future maintenance and for an education contribution. These matters are discussed further below.
4. Following the Inquiry the parties' views were sought in respect of the imposition of a condition to secure affordable housing and the implications of R (on the application of Skelmersdale Ltd Partnership) v West Lancashire BC [2016] EWCA Civ 1260. I received responses from the Council and appellant. The appellant's comments included an attached Unilateral Undertaking dealing with Affordable Housing and I have had regard to their comments and the Affordable Housing UU in the determination of this appeal.
5. At the Inquiry the Council indicated that it no longer sought to defend its reason for refusal and accepted that with a suitable condition or planning obligation securing appropriate affordable housing the development would be in

compliance with the development plan. It therefore no longer sought to pursue its objections to the scheme.

6. The Aston Lodge Residents' Association (ALRA) appeared at the Inquiry as a 'Rule 6 party'.

### **Main Issues**

7. On the basis of the above and from all that I have read and heard at the Inquiry the main issues to be considered are:
  - Whether or not the proposed development would accord with the development plan's strategy for the distribution of housing in the borough, including its location, tenure and affordable housing need, and the implications of this;
  - The effect of the proposed development on ecology;
  - Whether the proposed houses would be safe from flooding and whether the proposal would increase the risk of flooding elsewhere; and
  - The effect of the proposed development on Local Green Space.

### **Reasons**

8. The statutory development plan for the area comprises The Plan for Stafford Borough, adopted June 2014 (TPSB) and the Plan for Stafford Borough –Part 2, adopted January 2017.
9. The Stone Neighbourhood Plan has been through the regulation 14 consultation stage which ended on 31 July 2018. I was informed at the Inquiry that the Stone Town Council were preparing to submit the next stage draft plan to the Council for consultation within the next few weeks and the Council confirmed that it was anticipating the submission and programming consultation to take place shortly after receipt and for the required six week period. The Neighbourhood Plan is an emerging plan with consultation and examination stages still to complete; it is therefore at a relatively early stage of preparation.

#### *Distribution of housing*

10. The appeal scheme is promoted as an affordable housing scheme; Policy C5 of the TPSB allows affordable housing on 'rural exception sites' provided that it meets various criteria. The site is adjacent to the settlement of Stone, albeit outside the settlement boundary and within the rural area, it proposes 100% affordable housing and provides for wheel chair housing, as specialist housing. On this basis it meets the first three of the four criteria identified in policy C5A. There has been no substantive objection to these matters raised.
11. The Council accepted at the Inquiry that if the affordable housing were secured through a suitable condition or planning obligation that criterion four would be met. On this basis policy C5 would be complied with and where compliance with policy C5 was demonstrated policies SP7, addressing the location of new development and policies SP6 and E2, achieving rural sustainability, would thereby also be met. It was on this basis that the Council no longer sought to defend its original reason for refusal.

12. The acceptance of compliance with policy C5 is therefore predicated on the basis of the development providing for affordable housing and a suitable mechanism to secure the dwellings as affordable housing being provided, through either a planning obligation or a condition, as is set out in policy C5. The Council and appellant proposed a condition to secure the affordable housing. This was the subject of discussion and amendment at the Inquiry with the conclusion that both parties advanced a condition that they considered made suitable arrangements to secure the affordable housing.
13. The condition proposed is negatively framed and requires the submission of a scheme for the provision of affordable housing and seeks to identify matters which that scheme should include. These clauses require the scheme to provide for: a mechanism by which a funder of the scheme may secure their lending (by, for example, a mortgagee in Possession clause); provision for the control of the allocation of dwellings; arrangements for the development of the land by a Registered Provider or the transfer of the dwellings to a Registered Provider; to 'ensure' that the dwellings remain affordable for first time and all subsequent occupiers; and a means to 'ensure' the housing shall remain available as affordable housing; amongst other matters.
14. Although the condition does not explicitly require a legal agreement the method of securing the affordable housing is vague. The interpretation of a condition is based on what a reasonable reader would understand the words to mean when reading the condition in the context of the other conditions and of the consent as a whole. The proposed condition includes phrases such as 'secure', 'ensure', 'control', 'transfer' and, in my view, these are reasonably interpreted as requiring a legal mechanism or agreement(s).
15. The Planning Practice Guidance (PPG) advises that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. The proposed development is not a complex case nor strategically important and therefore would not meet the tests for exceptional circumstances where such a negatively worded condition may be appropriate. The condition would therefore fail the tests of reasonableness and enforceability.
16. I note that policy C5 explicitly accepts the potential use of a condition and that the draft condition is based on a condition used by an Inspector in another appeal (ID12). However that Inspector's decision is in relation to development in Wales where there are differences in terms of advice and the National Planning Policy Framework (the Framework) does not apply. The condition before me proposed by the parties does not accord with the advice in the PPG.
17. On this basis I am not satisfied that the proposed condition would be appropriate to attach to the permission. In these circumstances the appellant has provided a second Unilateral Undertaking which deals explicitly with affordable housing. The Undertaking binds the appellant into certain actions including the sale of the affordable housing and entering into other various agreements with the Council and potential affordable housing provider. These are not matters that could reasonably be addressed by a condition but do ensure that the affordable housing would be secured through an appropriate mechanism. The Council raised concerns regarding the identification of the land to which the undertaking applies however this is included in the definitions

section and there is a plan attached to the certified copy of the Undertaking I have been provided with. The Council also raised concern regarding possible ambiguity in Clause 1.5 of Schedule 1 with regard to Designated Persons. However, this is a defined term and clause 1.5 also refers to clause 5 to introduce the cascade mechanism. The appellant does not accept there is ambiguity and has noted that this reflects the wording previously proposed by the Council in respect of an earlier draft agreement. Given the appellant's interpretation of the clause and the fact there are also other provisions within the Undertaking including the requirement for the sale of the properties to an Affordable Housing Provider, the transfer of the freehold title to the Affordable Housing Provider, the conclusion of a Nomination Agreement between the Affordable Housing Provider and the Council and obligations regarding the operation of the Nomination agreement, Clauses 1.2, 1.3, 6.5 and 6.7 I am satisfied that the undertaking secures the affordable housing as intended.

18. On the basis of the above I am satisfied that the Unilateral Undertaking provides a suitable mechanism to secure the dwellings as affordable housing; the proposal therefore complies with criterion b of policy C5, which requires the site to deliver 100% affordable housing. Moreover the scheme would also comply with criterion d of policy C5, which requires that the housing is justified by a Parish Based Local Housing Needs assessment unless the initial and subsequent occupancy is controlled through planning agreement or conditions via a Registered Provider. It therefore follows that as the proposal complies with policy C5 it also complies with Policies SP7, SP6 and E2, see paragraph 10 above.
19. On the basis of the above I conclude that the proposed development would comply with policy C5 and consequently policies SP7, SP6 and E2 of the TPSB. The proposed development site would be outside the settlement boundary for Stone and would result in housing within the rural area. That housing is however secured as affordable housing, in accordance with the development plan. The proposal therefore is in accordance with the development plan's strategy for the distribution of housing in the borough which seeks to direct housing to the most sustainable locations and reduce the need to travel.

#### *Ecology*

20. The appeal site comprises an area of open rough grassland bounded by regenerated hawthorn hedge along Blackies Lane, on its southern boundary, and across part of its eastern boundary with the adjoining agricultural fields. The site includes areas of bramble adjacent to these boundaries, but otherwise the area is rough grassland. The western boundary is open and abuts Sadler Avenue and the northern boundary, which includes a tarmac path and lighting abuts adjoining residential properties.
21. The appellant submitted a Preliminary Ecological Appraisal (PEA) by a qualified and competent Ecologist. Whilst there were some concerns raised regarding the number and timing of visits associated with the report there was no substantive evidence to demonstrate that it was fundamentally flawed. Counterpoised against this evidence the ALRA produced two reports by Dr David Emley, who appeared at the Inquiry. 'The Natural History of Aston Lodge Park' was not site specific and provided an over view over a significant period of time of various species of plant, birds and insects that Dr Emley had identified. Whilst this provides a general understanding of the variety of

species in the area there are only limited records directly related to the appeal site, which is identified as the 'grassy patch'. In the context of the second report which directly related to the appeal site, the identified plant, bird and insect species are recorded as casual observations and are not undertaken in a recognised scientific approach. On this basis I place greater weight on the evidence from Haslam Ecology.

22. I do not discount the evidence from Dr Emley and indeed the identification of the variety of species does lend some weight to the position that the site is potentially richer in ecological terms than that identified through the PEA. However, the areas where there is greatest concern identified are addressed in the PEA. In particular in relation to the identification of White-letter Hairstreak *Strymonidia w-album*, the appellants report identifies that the hawthorn hedge rows, which form their main habitat, would be retained and indeed extended as part of the mitigation measures for the proposals. This could be the subject of a suitably worded condition. With regard to the previous comments of the Staffordshire Wildlife Trust (SWT) the issue of hedgehog movement could be addressed through suitable design and mitigation at the reserved matters stage. SWT had also previously commented on Great Crested Newts. The PEA notes that there are no ponds suitable for amphibian breeding within 250m of the site and that the closest pond is located 390m to the north-west of the site. It is also noted that the habitat connection between the pond and the appeal site is of medium to low quality.
23. Overall the Ecological information before me does not demonstrate that the site is of such value and importance, containing habitat and species that would significantly elevate its level of protection. Where important species are identified there is suitable mitigation and there would not be a loss of significant or important habitat. On this basis I conclude there would be no material adverse impact.
24. The appellant also provided a Tree Survey with the original application. The report identifies 9 trees on site of which 6 are to be removed and three retained. The trees are all categorised as either unremarkable trees of limited merit, or present in groups but without conferring significantly greater collective landscape value and only offer low landscape value. Two are identified as having serious irremediable, structural defects. No substantive evidence has been submitted to challenge these conclusions. The proposal would therefore not result in the loss of any arboricultural asset of significant value.
25. Overall I am satisfied that the proposed development would not result in material harm to the ecology of the area and would therefore be in accordance with TPSB policy N4 which seeks to protect the natural environment and green space and with paragraph 175 of the Framework.

#### *Flood risk*

26. As part of the original planning application the appellant submitted a Flood Risk Assessment and a Hydraulic Modelling Study by Weetwood Services Limited. The Environment Agency considered the development proposals on the basis of the information contained in these documents and confirmed that it had no in principle flood risk objections and moreover, that subject to conditions, the development would meet the requirements of the Framework.

27. The Environment Agency has had further modelling work undertaken by ch2m dated January 2018 and confirmed that this will result in changes to the flood mapping, but that the change in flood mapping does not change their previous stance. Mr Stripp during his representations provided an updated copy of the flood mapping produced using the model by the EA. In a further letter submitted to the Inquiry the Environment Agency expanded upon its views and noted that this review confirms that the appellant's model submitted as part of the outline application was suitable to assess flood risk.
28. The modelling and flood risk assessment do identify that there is currently flooding that occurs on and off site. Indeed there are records of the bungalow on Sadlers Avenue adjacent to the site flooding in the past and evidence was presented of inundation of the field that forms the site and high volumes and flows of water within the channels and culverted areas and inlets/outlets.
29. The information before me confirms that the proposed development subject to the conditions proposed by the Environment Agency would not result in additional flood risk beyond the site and downstream. Moreover it demonstrates that although there would be increased risk of flooding related to the proposed properties this could be addressed through conditions identifying an appropriate finished floor level and other measures.
30. The models demonstrate that there is potential for increased flooding to occur downstream in certain scenarios, for example related to blockages of the culvert inlets, but these are not directly affected by the proposed development. It is also suggested that upstream interventions could assist in alleviating the potential for downstream flooding and that the appeal site could provide one such location. However there is no directly funded or secured scheme that the development would frustrate and it is not demonstrated that this is the only location that would be available.
31. The Lead Local Flood Authority have also considered the proposal and confirmed that subject to appropriate conditions the scheme would be acceptable.
32. Flooding is a significant and genuine concern to those directly affected and where the potential for flooding is high. There is anecdotal evidence and some information which demonstrates that there are examples of flooding and inundation in the general area. However on the basis of the technical evidence before me including the reports by competent persons and the conclusions of the assessments of those reports by the appropriate agencies I am satisfied that the proposed development could accommodate safe access and escape routes, could be made appropriately flood resistant and resilient and that any residual risk can be appropriately managed. The outline nature of the proposal will enable the developer to ensure that development is directed towards the areas of lowest risk on site, appropriate compensatory measures can be included, and that sustainable drainage systems could be incorporated. These matters could be secured by suitable design at the reserved matters stage and/or through the imposition of suitable conditions.
33. On the basis of the above I conclude on this issue that the proposed houses would be safe from flooding and the proposal would not increase the risk of flooding elsewhere. Consequently the proposal would comply with policies SP7, Stone 1 and N2 and N4 of the TPSB in respect of flood risk, drainage and

climate change. Moreover the proposal would accord with the advice in the Framework, particularly paragraph 163.

### *Local Green Space*

34. The present draft of the SNP includes policy CAF4 which requires that Local Green Spaces must not be developed, such development only being in exceptional circumstances and for small scale development. The appeal site is identified as Local Green Space 34.
35. The ALRA contended that as the plan progressed through the stages it gained weight, that I should afford the plan significant weight and the determination of this appeal should await the conclusion of the Neighbourhood Plan process. It is a point in fact that as a plan moves through the stages of plan preparation it gains weight but the weight it is given has to be considered and justified, this I have done. For the reason given at paragraph 9 above I afford the Stone Neighbourhood Plan only limited weight in the determination of this appeal.
36. The secondary aspect of this is in effect a prematurity argument. Paragraph 49 of the Framework advises that such arguments are unlikely to justify refusal of permission other than in limited circumstances. In this case the proposal is not so substantial that it would undermine the plan making process, this is only 1 of 50 identified Local Green Spaces, and the plan is not at an advanced stage.
37. The TPSB does not designate the site as Local Green Space.
38. The Framework advises that Local Green Spaces should only be designated when a plan is prepared or updated. A section 78 appeal is therefore not the appropriate forum to determine whether the site is appropriate for such designation and that is more properly done through the development plan process.
39. In the context of the current appeal the land is therefore not designated as Local Green Space in an adopted development plan document and I have considered it as an area of open land. Concerns of local residents relate to the benefits the space brings to the local community in terms of recreation, linkage with other areas and its ecological value. I have addressed the ecological value above. In terms of the footpath along the northern boundary and the line of the path and river course to the east of the appeal site these are not areas that the development would either affect or restrict access to. Much of the site would be developed and there is evidence of its use by the local community by dog walkers and others for recreation. However, the path to the side of the development would be retained which would provide access to the east. Blackies Lane would be retained, the public foot path linking these two, some way to the east, would not be affected by the development and therefore a degree of recreational value and linkage would remain.
40. On the basis of the above I conclude on this issue that the proposal would not have a material effect on Local Green Space.

### **Other matters**

41. The Statement of Common Ground acknowledges that the Council can currently demonstrate a 5 year supply of housing land and the plan is therefore not out of date in relation to housing supply policies.

42. There has been no substantive case to suggest that other policies of the plan are out of date.
43. The question of whether the site is previously developed does not directly engage with the main issues and the reasons for which I have concluded that the development would be acceptable. This is therefore not a matter that I have concluded upon as it would not affect my overall conclusion.
44. Councillor Farnham raised concerns in relation to adverse impacts in respect of the additional traffic that would be generated by the development. However the proposal was supported by a Transport Statement and this was considered by the Highway Authority which raised no objections and advised the development was acceptable subject to appropriate conditions. These matters can be addressed through the reserved matters and suitably worded conditions. There has been no substantive evidence submitted to lead me to a different conclusion from that reached by the Highway Authority.

### **Planning Obligations**

45. I have been provided with two completed Unilateral Undertakings the first which seeks to secure contributions towards the provision of off-site open space and its maintenance and an education place and the second which deals with affordable housing.
46. I have addressed affordable housing above and the Unilateral Undertaking is necessary to secure the provision of the affordable housing to ensure the site is a rural exception site. It is therefore necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
47. With respect to those matters related to open space provision and maintenance the undertaking secures an appropriate level of provision and a financial contribution to maintain the site. An educational provision is also secured given the additional pressure that would arise from the development.
48. I am satisfied that the obligations are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

### **Benefits of the scheme**

49. The appellant identified the planning benefits of the scheme as those related to the provision of affordable housing, the provision of development on previously developed land, the appeal site being in a location with good access to a range of local services and facilities, the provision of specialist housing and the economic uplift generated through local spend from future occupiers of the development and construction jobs.
50. The provision of affordable housing in an area where there is a significant need for affordable housing is a substantial positive benefit of the scheme. For the reasons I have given above I have not considered the issue of whether the land is previously developed further and in any case this would only be of limited weight, either positive or negative, dependant on the conclusion and would not be determinative in this appeal. Similarly given the small scale of the development I would ascribe limited positive benefit to the economic uplift and small number of specialist housing units. The fact that the site has access to a



range of local services and facilities to serve the needs of future occupiers is not disputed by the Council but this is not of itself a positive benefit of the scheme.

### **Conditions**

51. A draft list of suggested conditions was provided (ID8) and discussed at the Inquiry. I have considered the conditions in the context of the advice in the Planning Practice Guidance and the model conditions set out in the annex (which remains extant) to the otherwise now cancelled Circular 11/95, the use of conditions in Planning Permissions.
52. Conditions 1 to 3 are the standard outline conditions and there is no reason to vary these. Condition 4 relates to the identification of the approved plan which the PPG advises is good practice.
53. Condition 5 provides for a Construction Method Scheme to safeguard the living conditions of the surrounding residents and in the interest of highway safety. Conditions 6 through to 9 are required to ensure the development is appropriately drained and to mitigate the potential flood risk. Condition 10 is also required to ensure the development is appropriately drained. Condition 11 is required in the interests of local ecology.
54. A condition related to timing of planting would be more appropriately attached to the reserved matters in respect of landscaping. A condition related to boundary walls, retaining walls and fences is not required as this would be covered by the reserved matters submissions. Nor is a condition required on works to hedge rows during bird breeding season as this is addressed in the Ecological Mitigation measures. Hours of work during the development can reasonably be included in the construction method statement and is therefore not required as a separate condition.
55. Conditions 5, 6, 8 and 10 are 'pre-commencement' form conditions and require certain actions before the commencement of development. In all cases the matters they address are of an importance or effect and need to be resolved before construction begins.

### **Overall conclusions and planning balance**

56. I have concluded that albeit the development is outside the settlement boundary of Stone in the rural area as the dwellings are affordable housing the scheme would be acceptable. It would consequently comply with the development plan's strategy for the distribution of housing in the borough and thereby comply with development plan policies C5, SP7, SP6 and E2 of the TPSB. The proposal therefore accords with the development plan as a whole.
57. Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development accords with the development plan, which is up to date, and the Framework advises that in such circumstances permission should be approved without delay. In respect of ecology, flood risk and Local Green Space I have concluded that the development would not result in material harm. Those matters which are legitimately positive benefits include the provision of affordable housing which is of substantial positive benefit. Material considerations support the development which is in accordance with the development plan and do not indicate a decision otherwise should be taken.

58. For the reasons given above I conclude that the appeal should be allowed.

*Kenneth Stone*

INSPECTOR

Richborough Estates

## APPEARANCES

### FOR THE APPELLANT:

Killian Garvey	Barrister appointed by Grant Anderson of Hill Dickenson
He called Paul Sharpe	Paul Sharpe Associates LLP

### FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader	Counsel, appointed by Legal Services Stafford Borough Council.
He called John Holmes	Development Manager Stafford Borough Council

### FOR THE ASTON LODGE RESIDENTS ASSOCIATION:

Dr Kamar Sidiqi	GP and member of ALRA
He called Jeremy Slann	Local Resident and member of ALRA in relation to Flooding issues
Dr David Emley	Local Resident and member of ALRA in relation to Ecology
Andy Osgathorpe	Local Resident and member of ALRA in relation to Local Green Space and other matters

### INTERESTED PERSONS:

Councillor Joyce Farnham	Local Ward Member
Joe Stripp	Local Resident

### DOCUMENTS submitted during the Inquiry (ID)

- ID1 Opening Statement for the Appellant
- ID2 Opening Statement for the Council
- ID3 Opening Statement for ALRA
- ID4 Copy of the two Committee reports in respect of the application the subject of the appeal
- ID5 Draft Unilateral Undertaking
- ID6 Note for Mr Slann to talk to
- ID7 Registered Title document submitted by appellant
- ID8 Draft proposed conditions and supporting consultation responses submitted by the Council
- ID9 Affordable housing condition submitted by appellant
- ID9a Amended Affordable housing condition submitted by Council
- ID10 Mr Stripp's speaking note and attached documents
- ID11 CiL Compliance statement submitted by the Council
- ID12 Inspector Decision Letter submitted by Appellant
- ID13 Closing submissions on behalf of ALRA
- ID14 Closing submissions on behalf of the appellant

DOCUMENTS submitted after the close of the Inquiry (PID)

- PID1 Appellants response to Inspector Question and Affordable Housing Unilateral Undertaking
- PID2 Council's response to Inspector Question and comments on the appellant's Affordable Housing Unilateral Undertaking
- PID3 Appellant's final comments on the Affordable Housing Unilateral Undertaking

Richborough Estates

## **SCHEDULE OF CONDITIONS FOR APPEAL APP/Y3425/W/18/3202676**

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: PSA/FE/001.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) a site compound with associated temporary buildings;
  - ii) the routing of construction vehicles to and from the site;
  - iii) the parking of vehicles of site operatives and visitors;
  - iv) loading and unloading of plant and materials;
  - v) storage of plant and materials used in constructing the development;
  - vi) measures to prevent the deposition of deleterious material on the highway including wheel washing facilities;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) measures to control the emission of dust and dirt during construction;
  - ix) no burning on site during the development;
  - x) all site works and construction works together with deliveries to the site shall only take place between the hours of 08:00 and 18:00 on Mondays to Fridays inclusive and between 08:00 and 14:00 on Saturdays and not at all on Sundays or on Bank Holidays and other Public Holidays. In addition and equipment that must be left running outside the permitted hours of work shall be inaudible at the boundary of occupied residential properties.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development shall take place until a site layout scheme to provide a minimum 5 metre easement to each side wall of all watercourses on site and suitable vehicle access to culvert inlet trash screens, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- 7) The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), Draft Report v2.0, dated 23 December 2016 and the following mitigation measures detailed within the FRA:
- i) Demonstration within the FRA that the improvement/protection and maintenance of existing culvert and inlet trash screens will be provided – Section 5.1.1;
  - ii) Finished floor levels are set no lower than 102.29m above Ordnance Datum (AOD) – Section 5.1.2;
  - iii) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven – Section 5.1.3;
  - iv) Provision of compensatory flood storage to ensure there is no loss of flood storage capacity for all flood events up to the 1 in 100 annual probability fluvial event including 20% for climate change, critical flood event – sections 5.1.4 and 5.2. Upon completion of the compensatory flood storage scheme an 'as built' topographical survey of the area of flood plain compensation shall be submitted to and approved in writing by the local planning authority.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.
- 8) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the design parameters and proposed strategy set out in the Flood Risk Assessment (Ref 2958/FRA\_v2.0, December 2016). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 9) Provision of an appropriate management and maintenance plan and programme for the surface water drainage scheme to ensure continued performance of the system for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. Before any dwelling is occupied and implemented hereafter in accordance with the agreed programme.
- 10) No development shall take place until drainage plans for the disposal of foul water flows have been submitted to and approved in writing by the local planning authority. The development shall subsequently be implemented in accordance with the approved details before the development is first brought into use.
- 11) The mitigation measures set out in the Recommendations & Mitigation section 5 of the Preliminary Ecological Appraisal submitted as part of the application, undertaken by Haslam Ecology dated December 2016 shall be undertaken in full in accordance with the appropriate timings and any timescales associated with the implementation of the associated landscaping scheme.

End