

<b>REFERENCE NO -</b> 18/502925/FULL		
<b>APPLICATION PROPOSAL</b> Section 73 application for removal of condition 17 (decentralised and renewable or low-carbon sources of energy) of application 16/508660/FULL for erection of 65 residential dwellings, together with access, parking and drainage.		
<b>ADDRESS</b> Land At Vicarage Road Yalding Kent		
<b>RECOMMENDATION</b> Application Permitted		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The scheme intends to use low carbon technologies in accordance with Building Regulations which can help reduce emissions. Hence, the scheme will still meet the reason for imposing the condition, namely "to ensure an energy efficient form of development". The NPPF expects local planning authorities to adopt nationally described standards to secure energy efficiency and low carbon emissions. There is no local planning policy justification for retaining planning conditions on energy efficiency or low carbon emissions for residential development. Requiring standards in excess of Building Regulations is contrary to national and local planning policies unless local requirements form part of a Local Plan following engagement with appropriate partners, are based on robust and credible evidence and pay attention to viability. Local requirements for Maidstone Borough do not exist at present. The condition as imposed does not meet the "reasonable" statutory test and it does not meet the "precision" and "necessary" tests of the NPPF. The site is in a sensitive setting at the edge of the village and close to public amenity areas, public footpaths and a listed Church. The orientation of the site and visibility in the public domain would mean that any scheme coming forward would need to be carefully balanced against visual impact.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called into Committee by Cllr Harwood: As a village on the frontline of climate change this application raises significant issues of principle, good design and national planning policy, and it is therefore important that democratically elected representatives discuss them and determine this application in public.		
<b>WARD</b> Marden And Yalding	<b>PARISH/TOWN COUNCIL</b> Yalding	<b>APPLICANT</b> Countryside Properties <b>AGENT</b> DHA Planning
<b>TARGET DECISION DATE</b> 02/10/18		<b>PUBLICITY EXPIRY DATE</b> 03/08/18

### Relevant Planning History

16/508660/FULL

Erection of 65 residential dwellings, together with access, parking, drainage

Approved Decision Date: 07.02.2018

18/502138/SUB

Submission of details application to discharge conditions 4 (construction management plan), condition 6 (arboriculture), condition 18 (contamination) and condition 23 (archaeology) of planning application ref: 16/508660/FULL for erection of 65 residential dwellings

Approved Decision Date: 20.11.18

18/502191/SUB

Submission of Details Pursuant to Condition 14 - Measures to minimise crime of approved planning application 16/508660/FULL

Approved      Decision Date: 14.06.2018

18/502701/SUB

Submission of details pursuant to Condition 2 (materials), Condition 3 (elevation detail), Condition 7 (soft landscape scheme), Condition 10 (hard surfaces), Condition 15 (electric vehicle charging points) and Condition 16 (boundary treatments) for planning permission 16/508660/FULL for 65 residential dwellings.

Pending Decision      Decision Date:

18/502925/FULL

Section 73 application for removal of condition 17 (decentralised and renewable or low-carbon sources of energy) of application 16/508660/FULL for erection of 65 residential dwellings, together with access, parking and drainage.

Pending Decision      Decision Date:

18/504061/FULL

Section 73 application for removal of condition 9 (details of the proposed pedestrian footpath route) of application 16/508660/FULL for erection of 65 residential dwellings, together with access, parking and drainage.

Pending Decision      Decision Date:

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The site is now under construction. It lies to the east of Yalding within the village boundary as defined by the Local Plan, with properties to the north along Vicarage Road, the allotments and church yard extension to the west and the Kintons Playing field to the south.
- 1.02 The parent planning permission relates to a development of 65 dwellings with access taken from Vicarage Road with a central access road leading through the site to the south with a number of secondary lanes leading from this. The development includes a mix of dwelling types including 1-2 bedroom flats and 2-4 bedroom dwellings along with parking provision, landscaping and open space including an area of woodland forming the southernmost part of the site which borders the playing fields, that has a planning condition to be opened up to public access.
- 1.03 The site falls gently from north to south although set at a higher level than the footpath to the south. The site abuts the rear gardens to properties on Vicarage Road to the north and has established hedgerows and trees to its eastern and southern boundaries although it is more open to the west and south west.
- 1.04 A vehicular access track runs parallel with the eastern boundary of the site which leads to the car park to the playing fields. A public footpath (PROW 193) runs along the south of the site and leads westwards into the village adjacent to the Church which is Grade I Listed.
- 1.05 Further informal undesignated footpaths run along the south of the Vicarage Road properties and also along the south western boundary to the allotments.

### **2. PROPOSAL**

- 2.01 The relevant condition is worded as follows:

*Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be*

*incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;*

*Reason: To ensure an energy efficient form of development.*

- 2.02 Decentralised energy is defined in the NPPF as local renewable and local low-carbon energy sources. Renewable energy is defined in the NPPF as energy flows that occur naturally and repeatedly in the environment – eg wind, hydro, tidal, solar, biomass and geothermal heat.
- 2.03 The agent has indicated that the applicant will of course comply with Building Regulations and incorporate features for energy efficiency in all housing, but no renewable or low carbon energy sources as such. The specific features are low carbon boilers, insulation (fabric first), plug in for electric/hybrid cars.
- 2.04 The agent has submitted the following in support of the removal of the condition:
- *Following the revocation of the Code for Sustainable Homes in 2015, and the Deregulation Act 2015 relating to the Planning and Energy Act 2008, energy efficiency of residential dwellings have defaulted to the Building Regulations.*
  - *Part L of the Building Regulations sets minimum energy efficiency requirements broadly equivalent to the now revoked Code Level 4.*
  - *There are no nationally prescribed standards relating to decentralised and renewable or low carbon sources of energy for residential development.*
  - *Paragraph 96 of the NPPF (NB paragraph 153 in the 2018 NPPF) states that development should comply with adopted Local Plan policies on local requirements for decentralised energy supply.*
  - *There are no policies within the adopted 2017 Local Plan that require residential development to incorporate decentralised, renewable and/or low carbon energy generation.*
  - *Policy DM24 of the Local Plan relates to large scale renewable/low carbon projects such as wind farms, biomass, and solar farms and not small scale domestic renewable/low carbon energy production on residential sites and is not relevant to the proposed development.*
  - *The supporting text for policy DM2 Sustainable Design states:*  
*“In terms of energy efficiency and carbon emissions for residential development, this will be achieved through a strengthening of the energy performance requirements in Part L of the Building Regulations (incorporating carbon compliance, energy efficient fabric and services).”*
  - *Part 3 of Policy DM2 states:*  
*“In order to maximise carbon efficiency, all homes will be required to meet the strengthened on-site energy performance standards of Building Regulations.”*
  - *There is no policy justification for the provision of Condition 17 and it is not therefore necessary to make the development acceptable in planning terms.*
  - *The wording of the condition is ambiguous and imprecise and does not allow the Applicant to appreciate the scale or degree of the obligation placed upon them. It is not therefore considered that the condition meets the tests set out in Paragraph 206 of the NPPF (NB Paragraph 55 in the 2018 NPPF) which states that planning conditions should be:*  
*“necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other aspects”.*

- *The 2018 NPPF states that any local requirements for the sustainability of buildings should reflect the government's policy for national technical standards. Whilst paragraph 151 does refer to looking at renewables or low carbon energy supplies, it is clear that this should be 'plan led'. Paragraph 153 is also very clear on this matter – that development plan policies should be adhered to.*

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: DM2; DM24

### **4. LOCAL REPRESENTATIONS**

**Local Residents:** 1 objection

- Global warming is a huge threat, and it is essential that all new buildings are built to minimise their energy requirements, and where energy is needed it is provided in as efficient and low impact way as possible. No use of solar gain, or other designed in approaches to minimising energy appear to have been made. Therefore beyond Building Regulations, this is the only measure to reduce energy impact. It should therefore be applied in full.

### **5. CONSULTATIONS**

- 5.01 Kent Police: no comments
- 5.02 Environmental Protection: no comments
- 5.03 KCC (Highways and Transportation): no highway implications
- 5.04 NHS West Kent: no change to previous request
- 5.05 KCC ( Drainage): no comments
- 5.06 Southern Water: comments unchanged
- 5.07 MOD: outside safeguarding area

### **6. APPRAISAL**

#### **Main Issues**

- 6.01 The key issues for consideration relate to:
- National Policy For Renewable And Low Carbon Energy
  - Local Policy For Renewable And Low Carbon Energy
  - The Legal Tests For A Condition
  - Impact on Setting and Visual Amenity

#### **National Policy for Renewable and Low Carbon Energy**

- 6.02 The current Government planning policy in the NPPF and NPPG supports the transition to a low carbon future and increased production of energy from

renewable sources by support for renewable and low carbon energy and associated infrastructure.

- 6.03 Paragraph 153 of the NPPF states that in determining planning applications, there should be account taken of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.04 As background, the Code for Sustainable Homes was developed as a planning policy in the late 2000's with the last version being Technical Guidance published in 2010. The Code was a national standard for rating and certifying the performance of new homes with a view to encouraging continuous improvement in sustainable home building.
- 6.05 Essentially the Code set standards relative to the baseline position of Building Regulations. In response, LPAs generally imposed planning conditions to secure, inter alia, energy efficiency and renewable or low carbon energy.
- 6.06 In a Deregulation Act in 2015, LPAs were not allowed to require any level of the Code for Sustainable Homes to be achieved by new development in emerging Local Plans or SPD. There was a presumption against imposing planning conditions requiring the Code for Sustainable Homes unless there was a robust local evidence base.
- 6.07 The Government formally withdrew the code and the technical guidance as part of their Deregulation strategy because the Building Regulations had improved since 2010 and would be regularly updated.
- 6.08 In early 2016, the Government diverted from a "zero carbon homes policy" saying that they would keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established. Essentially, the rationale was to rely on Building Regulations in terms of the 'fabric first' approach.
- 6.09 Therefore the energy efficiency of houses is under increasing scrutiny through the Building Regulations with SAP (Standard Assessment Procedure) testing of insulation and boilers etc so that there is a lessened need for 'renewables' because of the focus having been made on reducing the consumption of energy.
- 6.10 In summary, the NPPF expects local planning authorities when setting any local requirement for a building's sustainability to adopt nationally described standards. Local requirements should only form part of a Local Plan following engagement with appropriate partners, based on robust and credible evidence and with careful attention to viability.

#### **Local Policy for Renewable and Low Carbon Energy**

- 6.11 In a Local Plan context, this topic was discussed at the Examination in Public of the Local Plan in 2016/2017 with the same themes raised i.e. central government policy, Building Regulations and the need for a robust local evidence base. Renewables were advocated in both Kent and national design guidance but now it is more in relation to creating functional 'green' corridors etc and using existing natural features and orientation, topography, ground conditions etc.
- 6.12 Policy DM2 is the applicable policy in the adopted Local Plan. It had identical wording in the Regulation 19 draft Local Plan (2016). The preamble to the policy says:

*In terms of energy efficiency and carbon emissions for residential development, this will be achieved through a strengthening of the energy performance requirements in Part L of the Building Regulations (incorporating carbon compliance, energy efficient fabric and services).*

- 6.13 The Policy itself says: *In order to maximise carbon efficiency, all homes will be required to meet the strengthened on-site energy performance standards of Building Regulations.*
- 6.14 Policy DM24 Renewable and low carbon energy schemes relates to solar farms, wind farms and Biomass so is not relevant to this housing scheme.
- 6.15 On this basis, the agent is correct that there is no local planning policy justification for planning conditions on energy efficiency or low carbon emissions for residential development. Clearly developers may choose to go over and above Building Regulations on this matter, but that is their decision and not only is it not required by national or local planning policy, it is contrary to those policies unless local requirements form part of a Local Plan following engagement with appropriate partners, are based on robust and credible evidence and pay attention to viability.

#### **The Legal Tests for a Condition**

- 6.16 There are 3 statutory tests to planning conditions: reasonable, relevant to planning and relevant to the development. In addition, in the NPPF, the Government adds 3 further policy tests: enforceable, precise and necessary.
- 6.17 Every condition must always be justified by the local planning authority on its own merits on a case by case basis. The NPPG warns against imposing conditions requiring details that are not shown on approved plans. The submitted application papers for the original application indicated no PV panels nor other types of decentralised, renewable or low carbon energy and the NPPG advises that a condition should not be used that modifies the development in such a way as to make it substantially different from that set out in the application.
- 6.18 As the Local Plan does not have a policy basis for the condition, there is similarly a question mark as to whether the condition is reasonable or necessary.
- 6.19 There is also justification in my view regarding the agent's case that the condition as phrased could be viewed as imprecise as it does not clearly indicate the expectation of the LPA.

#### **Impact on Setting and Visual Amenity**

- 6.20 The majority of the site will have clay tiled roofs but a significant proportion are due to be roofed with artificial slate (fibre cement) and aesthetically, those would be the more suitable plots to have solar forms of renewable energy due to lesser visual quality.
- 6.21 However, the application site is in a sensitive setting at the edge of the village and close to public amenity areas, public footpaths and the setting of a listed Church. The orientation of the site is such that PV panels would ideally need to be on the southerly elevations of the dwellings that are consequently most visible in the public domain. In the light of the sensitivity of the setting, it is my view that any energy use from proposed solar sources would need to be carefully balanced against visual impact. Essentially, the measures would be best suited to rear garage roofs. There is not enough space on the site to make use of alternatives such as ground source heat.

#### **Other Matters**

- 6.22 As a s73 application, relevant conditions on the original planning permission would need to be re-imposed (and updated if necessary).
- 6.23 In this case, no deed of variation would be needed as the legal agreement for 16/508660/FULL has a clause that carries forward its obligations and covenants into

any new approval under s73. The removal of the condition and the recent date of the legal agreement do not necessitate any variation of the terms of that agreement.

- 6.24 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. However CIL Regulations provide for a section 73 consent to only trigger levy liability for any additional liability it introduces, which in this case is zero. Hence this application will not generate CIL payments.

## **7. CONCLUSION**

- 7.01 The scheme intends to use low carbon technologies in accordance with Building Regulations which can help reduce emissions. Hence notwithstanding the applicant's wish to remove the condition, the scheme will still meet the reason for imposing the condition, namely *"to ensure an energy efficient form of development"*.
- 7.02 The NPPF expects local planning authorities to adopt nationally described standards to secure energy efficiency and low carbon emissions. Local requirements for Maidstone Borough do not exist as they need to have first formed part of a Local Plan after engagement with appropriate partners and subject to robust and credible evidence whilst taking account of viability. This process has yet to take place.
- 7.03 Consequently at this point in time, there is no local planning policy justification for retaining planning conditions on energy efficiency or low carbon emissions for residential development.
- 7.04 Of course some developers may choose to go over and above Building Regulations on this matter, but that is their decision and not only is it not required by national or local planning policy, it is contrary to those policies unless local requirements form part of a Local Plan following engagement with appropriate partners, are based on robust and credible evidence and pay attention to viability as mentioned above.
- 7.05 The condition as imposed does not meet the "reasonable" statutory test and it does not meet the "precision" and "necessary" policy tests of the NPPF.
- 7.06 Moreover, the application site is in a sensitive setting at the edge of the village and close to public amenity areas, public footpaths and the setting of a listed Church. The orientation of the site and visibility in the public domain would mean that any scheme that did come forward would need to be carefully balanced against visual impact.

## **8. RECOMMENDATION**

**GRANT planning permission subject to the following conditions:**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
- Drawing 2855 209 Rev E House Type G1 Plans & Elevations
  - Drawing 2855 210 Rev E House Type G2 Plans & Elevations
  - Drawing 2855 212 Rev D House Type G4 Plans & Elevations
  - Drawing 2855 213 Rev G House Type H1 Plans & Elevations
  - Drawing 2855 214 Rev E House Type H2 Plans & Elevations
  - Drawing 2855 215 Rev E House Type H3 Plans & Elevations

Drawing 2855 216 Rev D House Type H4 Plans & Elevations  
Drawing 2855 217 Rev F House Type AF2-A Plans & Elevations  
Drawing 2855 218 Rev D House Type AF2-B Plans & Elevations  
Drawing 2855 220 Rev E House Type AF3-B Plans & Elevations  
Drawing 2855 224 Rev C Affordable Apartments Elevations 1  
Drawing 2855 226 Rev G House Type E3 Plans & Elevations  
Drawing 2855 227 Rev F House Type F3 Plans & Elevations  
Drawing 2855 228 Rev F Car Ports & Garages Plans & Elevations Sheet 1  
Drawing 2855 229 Rev E Car Ports & Garages Plans & Elevations Sheet 2  
Drawing 2855 230 Rev B House Type L1 Plans & Elevations  
Drawing 2855 232 Rev B House Types AF2-B Plans & Elevations  
Drawing 2855 235 House Type B1 Plans & Elevations  
Drawing 2855 238 House Type D2 Plans & Elevations  
Drawing 2695-LA-01P10 Illustrative Landscape Masterplan

Reason: To clarify which plans have been approved.

- 2) The development shall be carried out in accordance with details to be approved of the materials for hard surfaces and to be used and incorporated within in the construction of the external surfaces of the buildings which shall include Kentish Ragstone plinths to plots 64 and 65, stock brickwork, tile hanging, weatherboarding, and clay and slate roof tiles.

Reason: To ensure a satisfactory appearance of development.

- 3) Notwithstanding the details shown on the approved elevation drawings, the development shall be carried out in accordance with details to be approved of the following;
- i. Detail of brick arches to windows
  - ii. Reveals around doors and windows
  - iii. Extent and detail of first floor cladding including that to all elevations
  - iv. Soffit and Facia detail
  - v. Chimneys across the development

Reason: To ensure a satisfactory appearance of development.

- 4) The development hereby approved shall comply with the method statement for the demolition and construction of the development approved under ref 18/502138/SUB.

Reason: To ensure the construction of development is not detrimental to highway safety.

- 5) All existing trees and hedges on, and immediately adjoining, the site, shall be retained, unless identified on the approved site plan (or block plan in the absence of a site plan) as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been



adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 6) The development shall accord with the Arboricultural Method Statement (AMS) approved under ref 18/502138/SUB.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 7) The development shall accord with a landscape scheme to be submitted and approved before first occupation which should be designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of new planting and the specification, and a programme of implementation and long term management.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 8) All planting, seeding and turfing specified in the approved landscape details shall be carried out in accordance with the approved programme of implementation, and any seeding or turfing which fails to establish or any trees or plants which, within five years from their planting die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 9) Details of the proposed pedestrian footpath route through the southern area of woodland shall be submitted to and approved by the Local Planning Authority prior to first occupation. This route shall be informed by arboricultural information in accordance with the current version of BS5837 to ensure a suitable route is achieved whilst retaining the integrity of the woodland. The report shall also include an Arboricultural Method Statement and include a schedule of any required access facilitation works, a tree protection plan and specific details of the construction of the said footpath with existing and finished levels. Once approved the footpath will be constructed in accordance with the approved details prior to the occupation of 50% of the development and retained in accordance with such details.

Reason: To ensure integrity of the woodland is maintained as part of the development.

- 10) There shall be no occupation until hard landscape works have been implemented in accordance with details which have been submitted to and approved by the local planning authority.

Reason: To ensure a satisfactory appearance to the development.

- 11) The approved garages hereby permitted shall only be used for vehicular parking. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out to the garages so as to preclude the parking of a vehicle.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety

- 12) A landscape and ecological management plan (LEMP), including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 13) No dwelling hereby approved shall be occupied until the following highways works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority:

i) Traffic calming to Vicarage Road

ii) The access to Vicarage Lane and appropriate visibility splays.

iii) Pedestrian Footpath from site access and tactile paving to create crossing point to northern footpath

Reason: To ensure compliance with Policy H1 (65) of the Maidstone Borough Local Plan and to ensure highway and pedestrian safety.

- 14) The measures to minimise the risk of crime approved under ref 18/502191/SUB shall be implemented before the development is occupied and shall be thereafter retained

Reason: To secure crime prevention and safety of the area.

- 15) No dwelling shall be occupied until a minimum of 1 electric vehicle charging point has been installed on each property in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

- 16) No dwelling shall be occupied until all related fencing, walling and other boundary treatments have been carried out in accordance with details and a timetable that have been submitted to and approved by the Local Planning Authority. Such details shall include ragstone walling as shown on drawing no. 2855-99-AF and shall include detail of bond, mortar mix and pointing detail.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- 17) The development should accord with the decontamination strategy approved under 18/502138/SUB. Any changes to these components require the express consent of the local planning authority.

A Closure Report shall be submitted upon completion of the works which shall include full verification details and should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: To ensure the future development is not at risk from pollutants or contaminants.

- 18) Details of a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity

- 19) Development shall be carried out in accordance with a detailed foul water sewerage disposal strategy and implementation timetable for the site that has been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the approved foul water disposal has been fully installed.

Reason: To avoid pollution.

- 20) Development shall be carried out in accordance with a detailed sustainable surface water drainage design that has been submitted to and approved in writing by the local planning authority. The detailed drainage design shall demonstrate that:

i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.

ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.

iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

- 21) No dwelling shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be

implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: In the interests of sustainable drainage.

- 22) Archaeological investigation, recording and reporting shall be to the specification and timetable approved under 18/502138/SUB.

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

### **Informative**

- 1) This planning permission should be read in conjunction with the Deed of Agreement Pursuant to Section 106 of the Town & Country Planning Act 1990 dated 7 February 2018 in connection with planning permission 16/508660/FULL, as the obligations under that Section 106 agreement bind against this new permission.

Case Officer: Marion Geary