

<u>Location:</u>	<b>Land Between 53 And 81 And Land Rear Of 7-53 Waterdell Lane St Ippolyts Hertfordshire</b>
<u>Applicant:</u>	<b>Countryside Properties</b>
<u>Proposal:</u>	<b>Erection of 52 dwellings including open space, landscaping, local area for play, and associated highway works (as amended by plans received 09/03/23 and 30/08/23)</b>
<u>Ref. No:</u>	<b>20/02412/FP</b>
<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of expiry of statutory period:**

14 April 2020

**Extension of statutory period:**

31 January 2024

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater, as set out in 8.4.5 of the Council's Scheme of Delegation.

The Planning Committee resolved to grant planning permission on 14 September 2023 subject to conditions and completion of a satisfactory legal agreement. The original report is attached (Addendum Officer Report – Appendix 1). This report was corrected and updated, and this is also attached (Addendum Supplementary Report – Appendix 2).

Following that decision, it has become apparent that the Section 106 contributions agreed by the Committee and set out at paragraph 4.3 of the Addendum Officer Report were not correct, as not all contributions requested by Hertfordshire Country Council had been stated in the original report. This relates to Special Educational Needs and Disabilities contribution.

For clarity and the avoidance of doubt, no alterations to the previously approved plans are proposed. This report is only concerned with alterations to the previously agreed planning obligations for the Section 106 legal agreement.

**1.0 Relevant Site History**

1.1 See Addendum Officer Report (Appendix 1)

## 2.0 **Policies**

2.1 See Addendum Officer Report (Appendix 1)

## 3.0 **Representations**

### 3.1 **Neighbouring Properties:**

See Addendum Officer Report (Appendix 1). No new comments received.

### **Consultees**

3.2 See Addendum Officer Report (Appendix 1) and Addendum Supplementary Report (Appendix 2). No new comments received.

### 3.3 **HCC Growth and Infrastructure**

*(Comments dated 27 June 2023)*

Based on the information to date for the development of 52 dwellings we would seek financial contributions towards the following projects:

*Primary Education* towards the expansion of St Ippolyts School Primary School and/or provision serving the development (£484,971 index linked to BCIS 1Q2022)

*Secondary Education* towards the expansion of The Priory Secondary School and/or provision serving the development (£610,532 index linked to BCIS 1Q2022)

***Special Educational Needs and Disabilities (SEND) towards the towards the new East Severe Learning Difficulty school and/or provision serving the development (£66,227 index linked to BCIS 1Q2022)***

*Library Service* towards increasing the capacity of Hitchin Library and/or provision serving the development (£12,484 index linked to BCIS 1Q2022)

*Youth Service* towards the delivery of a new centre at Hitchin and the surrounding area and/or provision serving the development (£18,390 index linked to BCIS 1Q2022)

*Monitoring Fees* – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

4.1.1 See Addendum Officer Report (Appendix 1).

## 4.2 **Proposal**

4.2.1 See Addendum Officer Report (Appendix 1).

## 4.3 **Key Issues**

4.3.1 The key issue for consideration is as follows:

--The appropriateness of the planning obligations proposed.

The Addendum Officer Report (Appendix 1) and the Addendum Supplementary Report (Appendix2) set out the issues previously considered and approved by the Planning Committee on 14 September 2023.

### Planning obligations:

4.3.2 The table below sets out the planning obligations for the application agreed by the Planning Committee on 14 September 2023:

<b>Element</b>	<b>Detail and Justification</b>
Affordable Housing (NHDC)	On site provision of 21 affordable dwellings based on 65% rented tenure (4 x 1-bed flats, 2 x 2 bed flats, 3 x 2 bed houses, 4 x 3 bed houses, 1 x 4 bed house) and 35% intermediate affordable housing tenure (2 x 2 bed houses, 4 x 3 bed houses, 1 x 4 bed house)  NHDC Planning Obligations Supplementary Planning Document  Local Plan Policy HS2 'Affordable Housing'
Open space/ SUDS management and maintenance arrangements (NHDC)	Open Space Management Company and SUDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SUDS on-site
Pitch sports contribution (NHDC)	Contribution of £360 per Dwelling towards the replacement of changing rooms at Waterdell lane Recreation Ground
Informal open space contribution (NHDC)	Contribution of £385 per Dwelling towards the provision of improvements to off-site open space within the Parish of St Ippolyts

Primary education (HCC)	<p>Contribution of £484,971 (index-linked) towards the expansion of St Ippolyts School</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Secondary education (HCC)	<p>Contribution of £610,532 (index-linked) towards the expansion of the Priory School</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Library Services (HCC)	<p>Contribution of £12,484 (index-linked) towards the expansion of Hitchin Library</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Youth Services (HCC)	<p>Contribution of £18,390 (index-linked) towards the expansion of Hitchin Young People's Centre</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Sustainable Transport (HCC)	<p>Contribution of £52,000 (index-linked) towards refurbishments of two bus stops on London Road</p>
Fire Hydrants (HCC)	<p>Provision of fire hydrants for the development</p>
Monitoring Fees (HCC)	<p>Monitoring Fees – HCC will charge monitoring fees.</p> <p>These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (before adjusting for inflation).</p> <p>HCC Guide to Developer Infrastructure Contributions (July 2021)</p>

- 4.3.3 Hertfordshire County Council Growth and Infrastructure had in their letter of 27 June 2023 requested the contributions below that were not reported to the Committee:

Special Educational Needs and Disabilities (SEND) (HCC)	Contribution of £66,227 (index-linked) towards the new East Severe Learning Difficulty school and/or provision serving the development.
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- 4.3.4 This further obligation has been agreed by the applicant and all relevant parties and will be included in the draft S106 that has been submitted to the LPA. The new obligation is considered to meet the relevant tests relating to planning obligations (set out in paragraph 57 of the NPPF) and makes the development acceptable in planning terms through acceptable mitigation of its impacts on relevant infrastructure.

#### 4.4 **Conclusion**

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the adopted Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

#### 5.0 **Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### 6.0 **Recommendation**

- 6.1 That planning permission is resolved to be **GRANTED** subject to the following:
- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and
  - B) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives as set out in the Addendum Officer Report; and
  - C) Conditions and Informatives as set out in the Addendum Officer Report.
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development; and any trees or plants which, within a period of 3 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

7. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The

fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

8. No gates (except for the temporary construction phase) shall be provided across the accesses to the site on London Road, Waterdell Lane and Half Handkerchief Lane.

Reason: In the interests of local visual amenity and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

9. Prior to the occupation of each dwelling hereby permitted, the car parking spaces shown for that dwelling on the approved plans shall be marked out and made available and shall thereafter be kept available solely for the parking of motor vehicles.

10. Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

The use of the garages hereby permitted shall remain at all times incidental to the enjoyment of the dwellinghouses to which they relate and shall not be used in connection with any form of trade, business or commercial activity (aside from the temporary sales suite).

Reason: To safeguard the residential character of the locality and the amenities of nearby residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity on the site and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A and B of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

12. Prior to the commencement of the hard landscaping works, details of all hard surfacing to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

13. In accordance with paragraph 2.22 of the Conservation Management Plan dated 07/07/2022, the following materials:

- (i) Bricks
- (ii) Mortars
- (iii) Fencing
- (iv) Step slabs

to be used for the repairs of both Ice House structures together with an associated method statement, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the repairs. Thereafter, the works shall be implemented in accordance with the approved materials/method statement(s) and prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the special character of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Immediate Term' aims of the submitted Conservation Management Plan.

14. Following the completion of the works identified at 2.20 of the Conservation Management Plan dated 07/07/2022, the design (size/content/siting) of a Heritage information board referred to at 3.8 of the Conservation Management Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the information board. Thereafter, the information board shall be implemented in accordance with the approved details prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the setting of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Intermediate Term' aims of the submitted Conservation Management Plan.

15. Full details of the proposed perimeter fence to the Ice House as referred to in paragraph 3.14 of the Conservation Management Plan dated 07/07/2022, shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the fencing. Thereafter, the fencing shall be implemented in accordance with the approved details and prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the setting of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Intermediate Term' aims of the submitted Conservation Management Plan.

16. In accordance with paragraph 4.6 and 4.7 of the Conservation Management Plan dated 07/07/2022, a non-intrusive visual inspection by a suitably qualified person with experience in assessing the condition of historic structures, assisted by rope harness equipment, shall be undertaken once every two years. Any works identified as a result of the bi-annual survey shall be undertaken by the site's public open space management company referred to at Appendix II of the Conservation Management Plan.



Reason: To ensure that special regard is paid to the significance of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Long Term' aims of the submitted Conservation Management Plan.

17. If during construction, any contamination not previously identified is found to be present at the site it shall be reported to the local planning authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters. To comply with Policy NE11 of the Local Plan.

18. Prior to the occupation of the dwellings hereby permitted the proposed junction access works shall be provided as identified on the 'in principle' Proposed Site Access Layout identified on drawing number 171381-002 revision O and shall include proposed 3.0 metre wide shared footway/cycleway along the development's frontage along the London Road to include pedestrian crossing points, upgrade improvement works to the bus stop (plated as London Road Crossroads) that are adjacent to the junction of Brookend Lane and pedestrian access improvement to the junction of Brookend Lane as part of the application. The exact location of the accommodating works such as crossing points and markings will need to be agreed in conjunction with appropriate parties.

These facilities shall meet appropriate accessibility standards and be constructed as in accordance with Roads in Hertfordshire Highway Design Guide.

These works shall be secured and undertaken to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Arrangement shall be made for surface water drainage to the main development access to be intercepted and disposed of separately so that it does not discharge from or onto the public highway.

Reason: To ensure satisfactory development and in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for New Developments. (section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport. In accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan. To comply with Policy T1 of the Local Plan.

19. Prior to the side roads (offsets from the principal access road) are first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 25 metres to both directions shall be provided and permanently maintained as defined on the visibility splay Drawing Number 171381 - 004 revision O, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4.

20. Prior to use the gradient of the principal access road shall be constructed not be steeper than 1 in 20.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 5, of Hertfordshire's Local Transport Plan 4.

21. Prior to occupation of any dwellings within the development for which full planning permission has been granted, the following transport infrastructure shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in consultation with the Highway Authority:

The provision of a footway as shown on drawing number 171381-003 revision K to tie into Half Hankerchief Lane complete with pedestrian guard rail, including a pedestrian crossing point in Waterdell Lane and complete with raised platform across the principal access road, all details shall be submitted and approved in writing by the Highway Authority.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition, and to further encourage sustainable modes of transport.

22. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan of:

- (a) Construction vehicle numbers, type, routing;
- (b) Access arrangements to the site;
- (c) Traffic management requirements
- (d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- (e) Siting and details of wheel washing facilities;
- (f) Cleaning of site entrances, site tracks and the adjacent public highway;
- (g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- (h) Provision of sufficient on-site parking prior to commencement of construction activities;
- (i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- (j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

23. Prior to occupation, each proposed new dwelling (52) shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

24. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: In the interests of assessing impacts on assets of archaeological interest. To comply with Policy HE4 of the Local Plan.

25. The 'Biodiversity Area' at the west of the site annotated as such on drawing C00205-CSP-EL-XX-DR-L-003-Rev.PL7 shall not be accessible to public or private access and shall remain as such.

Reason: In the interests of maintaining biodiversity net gain and the control of this part of the development in the Green Belt. To comply with Policies SP5 and NE4 of the Local Plan, and Sections 13 and 15 of the NPPF.

26. No dwelling hereby permitted shall be occupied until a scheme of external lighting has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall be designed to ensure public safety and to minimise the potential effects upon the ecology of the site and its surroundings. The scheme shall include details of external lighting of the Public footpath. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The scheme shall be implemented as approved and in accordance with an agreed programme/strategy, and the arrangements shall be maintained and retained thereafter.

Reason: In the interests of biodiversity and local amenity. To comply with Policies D1 and NE4 of the Local Plan.

27. Prior to the commencement of these parts of the development, full details shall be provided of sheds for cycle storage as shown on drawing C00205-MCL-EX-XX-DR-A-P0013 Rev E. These details shall then be approved, and the sheds erected and completed before occupation of each dwelling they would be in association with.

Reason: In the interests of providing adequate cycle storage and sustainable transport. To comply with Policies T1 and T2 of the Local Plan.

28. Prior to the occupation of the first dwelling of the development, the biodiversity enhancement measures in drawing C00205-CSP-EL-XX-DR-L-003-Rev.PL7 shall be completed. These measures shall then remain in perpetuity.

Reason: In the interests of securing and maintaining biodiversity net gain and protected species. To comply with Policy NE4 of the Local Plan and Section 15 of the NPPF.

29. Prior to the commencement of above ground construction of the development, a sustainability and energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of climate change. To comply with Policy D1 of the Local Plan and Section 14 of the NPPF.

30. Prior to the commencement of the parts of the development that will intrude into the root protection areas of trees protected under TPO/00200 at the south east boundary of the site with Half Handkerchief Lane, full details of the methods of construction and excavation shall be provided, which shall demonstrate that these trees shall not be harmed. Once approved, the development shall be implemented in accordance with these details.

Reason: In the interests of protecting significant trees. To comply with Policy NE2 of the Local Plan.

31. Prior to commencement of development, in accordance with the submitted FRA (Flood Risk Assessment by Ardent Consulting Engineers, Ref: 191381-02D, rev D, dated February 2023) and Drainage Strategy Plan, Ref. 171381-001 rev K, dated February 2023, detailed design of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Surface water runoff will be directed to an attenuation basin with infiltration trenches installed at its bottom to allow the surface water flows to infiltrate into the ground. Any excess water will be stored in the attenuation storage provided.

II. The contributing impermeable areas will reflect the areas as proposed within the new development layout (C00205-MCL-EX-XX-DR-A-P0001 Rev D, submitted in March 2023) and be exact as proposed, and not based on assumptions, as currently proposed. Urban creep of 10% will still apply. The total impermeable area should however stay within the limit of 1.45ha as agreed within the FRA.

III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).

IV. Detailed designs, hydraulic calculations and plans of the whole drainage design including the conveyance network and any storage features in the:

a. 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.

b. 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g., pumping station or electricity substation) within the development.

c. The latest relevant FEH rainfall data should be used in the model provided for the whole drainage network, as it was previously provided for the basin.

V. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be

submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event plus climate change. The plan will include the proposed finished ground levels and finished floor levels.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

32. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA (Flood Risk Assessment by Ardent Consulting Engineers, Ref: 191381-02D, rev D, dated February 2023) and Drainage Strategy Plan, Ref. 171381-001 rev K, dated February 2023 and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Local Planning Policies: Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

33. The development hereby approved shall not be first occupied until a detailed maintenance and management plan of the whole sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval 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 scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Local Planning Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

34. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 31 and Condition 32. Where necessary, details of corrective works to be carried out along with a

timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

35. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated February 2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

36. The north first floor side elevation windows of Plot 34 and Plot 36 shall be obscure glazed. The facing first floor side elevation windows of Plots 9 and 10 shall be obscure glazed. The first floor side elevation windows of Plots 7, 8, 16, 20, 28, 30, 29 and 32 shall be obscure glazed.

Reason: In the interests of privacy and amenity. To comply with Policy D1 of the Local Plan.

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.