

ITEM NO: 7Application No.
21/00427/FULWard:
Winkfield And
CranbourneDate Registered:
23 April 2021Target Decision Date:
23 July 2021

Site Address:

**North Lodge Farm Forest Road Hayley Green
Warfield Bracknell Berkshire RG42 6DD**

Proposal:

**Section 73 application to vary Condition 25 (Drainage) of Planning
Permission 17/00656/OUT (Residential Development of 19 no.
dwellings).**

Applicant:

Mr Nathan Craker

Agent:

(There is no agent for this application)

Case Officer:

Katie Andrews, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

1. SUMMARY

1.1 This is an application under Section 73 of the Town and Country Planning Act to vary condition 25 attached to application 17/00656/OUT which granted outline permission for the residential development of 19 no. dwellings (including affordable housing) including associated access, open space and landscaping following demolition of existing buildings, structures and hardstanding (all matters reserved except access).

1.2 It is recommended that condition 25 be varied to allow the principle of the drainage scheme to be amended to provide increased on-site storage of surface water and its outfall into a ditch at the front of the site.

RECOMMENDATION
The Assistant Director: Planning be recommended to approve the application subject to the conditions set out in Section 11 of this report.

2. REASON FOR REPORTING THE APPLICATION TO THE ADVISORY PLANNING COMMITTEE

2.1 The application is being reported to the Advisory Planning Committee at the request of Councillor Dudley and Councillor Virgo to allow full consideration of the alternative drainage proposals to be undertaken.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Land outside a defined settlement
Trees on site covered by TPO 1236
Within 5km of SPA

3.1 The application site is located outside but adjacent to the settlement boundary as defined on the Policies Map (2013). It is therefore considered a countryside site, but lies outside the Green Belt. Immediately to the south and wrapping around to the west of the site is Westmorland Park and immediately to the south of this is the urban area of Bracknell. To the east is The Limes, a cul-de-sac development at the western end of the linear settlement of Hayley Green and to the north is an equestrian centre. Access would be from Forest Road, a classified road to the north.

3.2 The site is occupied by a residential dwelling and a landscaping business with trees located to all of the boundaries of the site. The existing dwelling forms one of a number of buildings on the site which are used in connection with the residential and landscaping business uses. There are 2 x accesses from Forest Road, with long drives leading to the residence and landscaping business. Tree Preservation Order (TPO) 1236 covers trees on the site to the northern and eastern boundaries.

4. RELEVANT SITE HISTORY

4.1 The relevant planning history can be summarised as follows:

17/00656/OUT Outline application for the residential development of 19 no. dwellings (including affordable housing) including associated access, open space and landscaping

following demolition of existing buildings, structures and hardstanding. (All matters reserved except access). Approved 11.04.2019

21/00440/REM Reserved matters application for the residential development of 19 no. dwellings (including affordable housing) including associated open space and landscaping following demolition of existing buildings, structures and hardstanding (following approval of 17/00656/OUT). Pending.

5. THE PROPOSAL

5.1 This application seeks to vary condition 25 of application 17/00656/OUT which granted outline planning permission for the residential development of 19 no. dwellings (including affordable housing) including associated access, open space and landscaping following demolition of existing buildings, structures and hardstanding. (All matters reserved except access).

5.2 The applicants have advised that they are unable to implement a drainage scheme in accordance with the principles approved under 17/00656/OUT. This proposed the drainage of the site to Westmorland Pond with a detailed drainage strategy required to be submitted and approved by condition 25. Thames Water have withdrawn their consent to allow drainage into the pond and accordingly the applicant has needed to find a new way to drain the site.

5.3 The proposal is now for the surface water drainage to be conveyed to the north of the site and discharged into a ditch along the frontage of the site (which the owner of the site has responsibility for as it abuts the site) on the southern side of Forest Road.

Legislative Background.

5.4 Section 73 enables conditions associated with a planning permission to be varied or removed. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

5.5 Whilst an application under section 73 enables conditions to be varied, the time limit cannot be amended, nor can the description of development.

5.6 A permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted. The new permission sits alongside the original permission. In respect of conditions, Planning Practice Guidance clarifies that '*notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged*'.

5.7 Condition 25 stated:

No development shall take place until a surface water drainage scheme (SWDS) for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include BRE365 Compliant Infiltration tests to establish whether infiltration is viable on the site and a period of groundwater monitoring to determine the presence of any groundwater table. The drainage strategy shall be informed by the geotechnical investigation and demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm with a suitable allowance for climate change and allowances for urban creep included (results for 1 in 1, 1 in 2, 1 in 30, 1 in 100 and 1 in 100 + 40%), will not exceed the run-off rates or volumes from the equivalent greenfield site and that flood risk will not be increased elsewhere in accordance with the principles of the Odyssey Markides Flood Risk Assessment dated December 2017. The strategy should include detailed levels design to demonstrate exceedance routing throughout the development, and

calculations demonstrating sufficient water quality treatment times are provided within the SUDS scheme.

The agreed details shall be fully implemented in the drainage scheme and thereafter retained.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policies: Section 14 NPPF]

5.8 The applicant has submitted a revised drainage statement to amend the drainage principles that were approved under 17/00656/OUT.

5.9 Condition 25 is proposed to be reworded as below:

No development shall take place until a surface water drainage scheme (SWDS) for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include BRE365 Compliant Infiltration tests to establish whether infiltration is viable on the site and a period of groundwater monitoring to determine the presence of any groundwater table. The drainage strategy shall be informed by the geotechnical investigation and demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm with a suitable allowance for climate change and allowances for urban creep included (results for 1 in 1, 1 in 2, 1 in 30, 1 in 100 and 1 in 100 + 40%). Should infiltration not be feasible, discharge rates from the site will not exceed the run-off rates or volumes from the equivalent greenfield rates of the area associated with the catchment of the ditch into which discharge is proposed as set out within the Odyssey Markides Section 73 Application Drainage Strategy Technical Note dated April 2021. Flood risk will not be increased elsewhere in accordance with the principles of Flood Risk Assessment. The strategy should include detailed levels design to demonstrate exceedance routing throughout the development, and calculations demonstrating sufficient water quality treatment times are provided within the SUDS scheme.

The agreed details shall be fully implemented in the drainage scheme and thereafter retained.
REASON: To ensure that the site is properly drained and does not increase the risk of flooding.
[Relevant Policies: Section 14 NPPF]

6. REPRESENTATIONS RECEIVED

6.1 Warfield Parish Council

Indicates that consideration should be left to the planning officer.

6.2 Winkfield Parish Council

No response

6.3 Other Representations

2 letters of objection have been received from different addresses, making the following representations:

- Will lead to increased flooding on Forest Road.
- Water currently drains from the site in a number of directions and Forest Road still floods.
- Ditches further along towards Westmorland Park are not maintained so more water will channel onto Forest Road and cause even greater flooding.
- Proposal dangerous for road users, pedestrians and would cause damage to surrounding infrastructure.
- Questions how water is stopped from backing up along the ditch.

- Westmorland Pond is also not an appropriate solution for the disposal of water and will cause flooding [*Officer note: this has consent under 17/00656/OUT*]

1 further letter of objection on the amended drainage proposals has been received from an original objector:

- The proposal for surface water drainage is going to cause problems.
- How can water flow away when the river level is high after heavy rainfall?
- Reservations about contamination of the surface runoff from the private road and parking areas. Oil contamination from cars needs to be avoided if discharging into a public watercourse [*Officer note: the management and maintenance of the surface water drainage is dealt with via a s106 agreement and planning conditions*]
- Would Thames Water accept a combined foul and surface water drain instead that joins to the main foul sewer along Forest Road? [*Officer note: we have to consider the proposal as submitted*]

7. SUMMARY OF CONSULTATION RESPONSES

Biodiversity Officer

7.1 No objection subject to condition to secure updated biodiversity surveys and conditions secured on original consent.

Drainage Consultant

7.2 No objection subject to consideration that permeable pavement can remain safe and accessible for maintenance over the lifetime of the development. The location of the outfall should also be reconsidered in terms of maintenance requirements.

[Officer note: A final drainage scheme is required for approval under recommended condition 26 (which was previously 25 on 17/00656/OUT). The s106 agreement associated with the approved outline application secured the maintenance]

Thames Water

7.3 Raises no objection to the amended drainage principles.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and associated policies are:

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD	Consistent
Land Outside Settlement (Countryside)	'Saved' policy EN8 of the BFBLP, CS9 of CSDPD	Not fully consistent
Affordable Housing	CS16 and CS17 of the CSDPD	Consistent
Character	CS1 and CS7 of CSDPD, Saved policies EN2 and EN20 of BFBLP.	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	Consistent
Open Space Provision	CS8 of CSDPD, Saved Policy R4 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP	Consistent

	CS23 of the CSDPD	
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Archaeology	CSDPD Policy CS1 'Saved' Policy EN7	
Supplementary Planning Documents (SPD)		
Thames Basin Heath Special Protection Area (SPD)		
Design SPD		
Parking standards SPD		
Character Area Assessments SPD (Chapter 4- Northern Villages)		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		
Bracknell Forest Borough Landscape Character Assessment (LUC) 2015		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Revised drainage scheme
- iii. Ecology

i. Principle of development

9.2 The site is located outside of any settlement within the countryside, as designated by the Bracknell Forest Policy Map.

9.3 The granting of outline planning permission 17/00656/OUT is a material consideration in the determination of this revised application. The permission remains extant and accepts the principle of 19 new dwellings on this site

9.4 The principle of development does not need to be re-assessed as part of this application which is therefore considered acceptable subject to other material considerations in relation to changing the principle of the drainage scheme.

ii. Revised drainage scheme

9.5 Approved application 17/00656/OUT secured an 'in principle' drainage scheme with its final design to be submitted under condition 25. The applicants have advised that they are now unable to secure the drainage of the site in accordance with the principles approved under 17/00656/OUT due to Thames Water withdrawing their consent for the site to drain to Westmorland pond, which is a Thames Water Asset.

9.6 The revised drainage strategy (Drainage Strategy Technical Note produced by Odyssey dated Oct 2021) proposes the surface water drainage to be conveyed to the north of the site and discharged into a ditch along the frontage of the site (which the applicant owns and has the responsibility to maintain) on the southern side of Forest Road. Currently only a small

proportion (and not all) of the sites natural catchment falls towards this ditch. The drainage report advises that the total existing catchment area that falls towards the ditch is 0.33 ha shown on Odyssey drawing 20-121/004. The new proposal reduces the run-off rate through on site storage in order to ensure the run-off from the whole site does not exceed the existing rate from the 0.33ha area.

9.7 The surface water from the site would be conveyed via the existing ditch along Forest Road to the Bull Brook. This replicates the eventual destination in the approved strategy under 17/00656/OUT. The proposal requires a greater amount of storage on site to allow for the reduction in flow rate. The strategy has been shown on Odyssey drawing 20-121/100.

9.8 Surface water is proposed to be attenuated on site via permeable paving with a cellular sub-base replacement to increase the storage volumes proposed. The drainage strategy has provided Micro Drainage source control (cascade) calculations.

9.9 The Council's Drainage Consultants have advised that the amended drainage strategy is acceptable, considering that all other options have been explored and that there is no alternative. They have advised that this is the most appropriate discharge location for the site.

9.10 The applicant proposes to limit run off rates from the site to the greenfield rate for the existing natural catchment area for the ditch which has been determined in light of the existing site topography. This will result in a reduction in runoff from the site as a whole and as the proposed drainage from the site to the ditch mimics the existing scenario, there will be no increase in runoff to the ditch. It is therefore considered that the ditch will have sufficient capacity, and that surface water flood risk will not be increased as a result of the development.

9.11 They have therefore agreed in principle the revised drainage proposals and recommend the approval of the Section 73 application.

9.12 They have however noted that the following elements should be reconsidered in subsequent iterations of the development design. The current proposals include deep permeable paving over a large area. Future designs should ensure that these will remain safe and accessible for maintenance over the lifetime of the development. In addition the outfall of the development is located in close proximity to a property. This should be reconsidered in terms of maintenance requirements. Condition 26 would require a final drainage scheme to be submitted which is in line with the approved outline consent 17/00656/OUT. The associated s106 attached to the outline secured the maintenance for the lifetime of the development and these requirements would apply equally to any s73 permission.



Proposed in principle drainage strategy

iii. Ecology

9.13 The report for Biodiversity considered under 17/00656/OUT was dated March 2017. It is therefore considered to be out of date with reference to the CIEEM advice note on the lifespan of ecological reports and surveys (2019) and further consideration to protected species should be given. As the site has previously been surveyed for the extant outline permission it is considered reasonable that this can be achieved by a further planning condition and mitigation secured as necessary.

10. CONCLUSION

10.1 This section 73 application seeks to vary condition 25 of outline permission 17/00656/OUT which changes the principle of the approved drainage scheme. The changes to the principle of the drainage scheme are considered to be acceptable. Increases in on-site storage capacity are proposed which will result in a reduction in runoff from the site as a whole. Although an outfall would be provided to the ditch along the site's frontage, no increase in runoff from that currently occurring from the site would result. It is therefore considered that the ditch will have sufficient capacity, and that surface water flood risk will not be increased as a result of the amended drainage scheme.

11. RECOMMENDATION

That the Assistant Director: Planning be recommended to APPROVE the application subject to the following conditions, amended, added to or deleted as the Assistant Director: Planning considers necessary:-

1. Approval of the details of the scale of the buildings, the layout, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced. The plans and particulars in relation to the Reserved Matters shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date (11.04.2019) of outline permission 17/00656/OUT.

REASON: A section 73 application cannot be used to vary the time limit for implementation therefore this condition must remain unchanged from the original permission.

3. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out only in accordance with the following approved plans:-

533.00.02 Rev.C 'Existing site block plan' received on 17 July 2018

533.10.19 Rev.F 'Site Layout Plan with footpath, verge and road adoption details' received on 26 September 2018

4994/001 Rev.A 'Proposed Footway Link to Bus Stop' received on 17 October 2017

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

5. An updated ecological survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any required mitigation measures, shall be submitted to the Local Planning Authority before construction works commence on the development with the results/mitigation measures to be agreed in writing with the Local Planning Authority.

REASON: To ensure the status of protected species and habitats on site has not changed since the last survey. [Relevant Plans and Policies: Core Strategy DPD CS1, CS7]

6. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed
- (b) Ecological trends and constraints on site that might influence management
- (c) Aims and objectives of management
- (d) Appropriate management options for achieving aims and objectives
- (e) Prescriptions for management actions
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- (g) Details of the body or organisation responsible for implementation of the plan
- (h) On-going monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]

7. The development shall not be occupied until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.

REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1]

8. The landscaping details required by condition 01 shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no freestanding external lighting shall be installed on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of nature conservation and visual amenity.
[Relevant policies: CSDPD CS1 and CS7, BFBLP EN20]

10. The development shall not be begun until an Energy Demand Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:

- (a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
- (b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be at least 20%).

The buildings thereafter constructed by the carrying out of the development shall be in accordance with the approved assessment and retained in accordance therewith.

REASON: In the interests of the sustainability and the efficient use of resources.

[Relevant Plans and Policies: CSDPD Policy CS12]

11. The development shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, as required under optional Building Regulation Part G, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy: Core Strategy DPD CS10]

12. The development hereby permitted shall not be begun until a detailed site specific construction method statement for all hard surfaced areas of any description within the minimum root protection areas of retained trees calculated in accordance with British Standard 5837:2005 'Trees In Relation To Construction Recommendations', or any subsequent revision, has been submitted to and approved in writing by the Local Planning Authority. Details shall be based on a porous 'No-Dig' principle of construction, avoiding any excavation of existing levels in all areas concerned, and shall include:-

a) An approved development layout plan identifying all areas where special construction measures are to be undertaken.

b) Materials including porous surface finish.

c) Construction profile/s showing existing /proposed finished levels together with any grading of levels proposed adjacent to the footprint in each respective structure.

d) Programme and method of implementation.

The Construction Method Statement shall be observed, performed and complied with.

REASON: In order to alleviate any adverse impact on the root systems and the long term health of retained trees, in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

13. All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3 metres high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2005, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.

REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

[Relevant policies: CSDPD CS7, BFBLP EN1 and EN20]

14. The protective fencing and other protection measures specified by the previous condition shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these protected areas including but not restricted to the following:-

a) No mixing of cement or any other materials.

b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.

c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.

d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.

REASON: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

[Relevant policies: CSDPD CS7, BFBLP EN1 and EN20]

15. The development hereby permitted shall not be begun until details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

REASON: In the interests of the character of the area.

[Relevant Policies: BFBLP EN20, CSDPD CS7]

16. No dwelling shall be occupied until the existing access to the site has been closed and a footway/ verge is provided over the closed access in accordance with details which have been submitted to and approved in writing by the Local Planning Authority; the footway/verge shall be retained thereafter.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

17. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

18. No dwelling shall be occupied until a means of access for pedestrians and cyclists to it has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.

[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]

19. No development shall be occupied until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

20. No dwelling shall be occupied until visibility splays of 2.0 metres by 2.0metres have been provided at the junction of the driveway and the adjacent carriageway. The dimensions shall be measured along the edge of the drive and the edge of the carriageway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

21. No dwelling shall be occupied until the associated vehicle parking serving it has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

22. The garage accommodation shall be retained for the use of the parking of vehicles and bicycles at all times.

REASON: To ensure that the Local Planning Authority's vehicle parking standards are met.

[Relevant Policy: BFBLP M9]

23. No gates shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

24. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off-site highway works comprising:-

- The footway works shown on Dwg 4994/001 Rev.A and Dwg.533.10.19 Rev.F including off-site works to link the east-west footpath within the site to the path to the north of Westmorland Pond.

The buildings provided by the carrying out of the development shall not be occupied until the off-site highway works have been completed in accordance with the approved scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

25. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

(a) Parking of vehicles of site personnel, operatives and visitors

(b) Loading and unloading of plant and vehicles

(c) Storage of plant and materials used in constructing the development

(d) Wheel cleaning facilities

(e) Temporary portacabins and welfare for site operatives

and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.

REASON: In the interests of amenity and road safety.

26. No development shall commence until a surface water drainage scheme (SWDS) for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include BRE365 Compliant Infiltration tests to establish whether infiltration is viable on the site and a period of groundwater monitoring to determine the presence of any groundwater table. The drainage strategy shall be informed by the geotechnical investigation and demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm with a suitable allowance for climate change and allowances for urban creep included (results for 1 in 1, 1 in 2, 1 in 30, 1 in 100 and 1 in 100 + 40%). Should infiltration not be feasible, discharge rates from the site will not exceed the run-off rates or volumes from the equivalent greenfield rates of the area associated with the catchment of the ditch into which discharge is proposed as set out within the Odyssey Markides Section 73 Application Drainage Strategy Technical Note dated April 2021. Flood risk will not be increased elsewhere in accordance with the principles of Flood Risk Assessment. The strategy should include detailed levels design to demonstrate exceedance routing throughout the development, and calculations demonstrating sufficient water quality treatment times are provided within the SUDS scheme. The agreed details shall be fully implemented in the drainage scheme and thereafter retained.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.

[Relevant Policies: Section 14 NPPF]

27. No development shall commence until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- full details of all components of the proposed drainage system including dimensions, locations, gradients,
- invert and cover levels,
- headwall details,
- collector pipes,
- catchpit locations and filter specifications,
- services locations in private areas
- constructions details for permeable paving, including check dam locations and service crossings,
- constructions details for geocellular storage demonstrating access for maintenance

The approved details shall be fully incorporated in the drainage and retained.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.

[Relevant Policies: Section 14 NPPF]

28. No development shall commence until details of how the surface water drainage shall be maintained and managed after completion, have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features. The agreed details shall be fully actioned within the maintenance and management of the drainage.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.

[Relevant Policies: Section 14 NPPF]

29. No development shall commence until a drainage strategy detailing any on-site and off-site drainage works, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.

[Relevant Policies: Section 14 NPPF]

30. No buildings shall be occupied until the sustainable urban drainage scheme for this site has been completed in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the Local Planning Authority.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding.

[Relevant Policies: Section 14 NPPF]

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A and E of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

REASON: The site is affected by a Tree Preservation Order/contains trees which are a feature of the site where strict control over development is required by the policies of the development to ensure their protection.

[Relevant Policies: BFBLP EN1, Core Strategy DPD CS7]

32. The development hereby permitted (including any demolition) shall not be begun until details of a scheme (Working Method Statement or site-specific Construction Environmental Management Plan) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) specifications of control of noise arrangements for construction and demolition.
- (ii) methodology of controlling dust, smell and other effluvia
- (iii) site security arrangements including hoardings
- (iv) proposed method of piling for foundations
- (v) construction and demolition methodology
- (vi) construction and demolition working hours
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site

The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of the amenities of the area.

[Relevant Policies BFBLP CS7 and EN25]

33. No development shall take place until a contaminated land Phase I report (Desk Top Study) has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site and the Desk Top Study has been submitted to and approved in writing by the Local Planning Authority.

The Phase I report must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

Following approval of the Desk Top Study, if a Phase II report (Site investigation) is required it will be completed by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall be agreed with the Local Planning Authority prior to commencement of any investigation work and shall then proceed in strict accordance with the measures approved.

The Phase II report must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.

34. Following completion of the desk top study (phase I) and site investigation (phase II) required by the above condition, a remediation scheme to deal with any contaminants identified (including gas protection measures if necessary) must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an implementation timetable, monitoring proposals and a remediation verification methodology. The remediation scheme must be carried out before the development commences.

An appropriately qualified person shall oversee the implementation of all remediation/mitigation works.

Should any unforeseen contamination be encountered during the development, the Local Planning Authority shall be informed immediately. Any further investigation/remedial/protective works shall be carried out to agreed timescales and approved by the Local Planning Authority in writing.

A Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority upon completion of the remediation/mitigation work in accordance with the agreed implementation timetables. The report shall include confirmation that all remediation measures have been carried out fully in accordance with the approved remediation scheme and detail the action taken and verification methodology used (including details of the sampling and analysis programme) at each stage of the remediation/mitigation works to confirm the adequacy of decontamination. The Site Completion Report must also include details of future monitoring and reporting if this is deemed necessary, or a statement to the effect that no future monitoring is required, with an explanation as to why future monitoring is not necessary.

If no contamination is encountered during the development, a written statement confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

REASON: To enable to the Local Planning Authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:-

1, 3, 4, 8, 13, 14, 15, 22, 23, 31

The following conditions require discharge prior to the commencement of development hereby approved:-

2, 5, 9, 10, 11, 12, 24, 25, 26, 27, 28, 29, 32, 33, 34

The following conditions require discharge prior to the occupation of the dwellings hereby approved:-

6, 7, 16, 17, 18, 19, 20, 21, 30

3. The applicant will need to enter into a Section 278 agreement with the Highway Authority for off-site highway works.

4. No demolition or construction work shall take place outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 13:00 Saturday and not at all on Sundays and Public Holidays.

5. The applicant is advised that services shall not be located within the tree belt at the front of the site.

6. The applicant is advised that ordinary water course consent will be required from the Lead Local Flood Authority.