



---

# Appeal Decision

Site visit made on 11 July 2017

**by G J Fort BA PGDip LLM MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 August 2017**

---

**Appeal Ref: APP/Z4718/W/17/3173711**

**Development Site, Hart Street, Huddersfield, West Yorkshire HD4 6LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Martin Devey FRICS (Benjamin Bentley & Partners) against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/60/91479/E, dated 24 May 2016, was refused by notice dated 20 January 2017.
  - The development proposed is residential development of 22 units.
- 

## Decision

1. The appeal is allowed and outline planning permission is granted for residential development of 22 units at Development Site, Hart Street, Huddersfield, West Yorkshire HD4 6LS in accordance with the terms of the application, Ref 2016/60/91479/E, dated 24 May 2016, subject to the conditions in the schedule to this decision below.

## Procedural Matters

2. The application that led to this appeal was in outline with all matters reserved. I have considered the appeal on this basis and have treated the submitted plans as merely illustrative insofar as they relate to the reserved matters.
3. In the banner heading above, I have used an abbreviated version of the description of the development taken from the planning application form<sup>1</sup>. This is because the outline status of the proposal is clear from elsewhere within the banner heading.
4. The Supreme Court judgement regarding *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council* [2017] UKSC 37 (hereafter "Suffolk Coastal") was given on 10 May 2017. As the content of that judgement contained matters material to the current appeal I sought comments on it from the parties. I received comments from the Council and appellant in respect of this judgement. Consequently, I consider that no prejudice would occur to any party as a result of me taking the *Suffolk Coastal* judgement into account in my assessment of the planning merits of the appeal.

---

<sup>1</sup> Which reads "Outline application with all matters reserved for residential development of 22 units"

## Main Issues

5. The main issues in this appeal are firstly, the effects of the proposed development on the character and appearance of the area; secondly, its effects on the biodiversity of the site; and thirdly, the effect of other considerations including housing land supply, on the overall planning balance.

## Reasons

### *Character and appearance*

6. The appeal site comprises a broadly rectangular, more or less level space; at its front towards Newsome Road is an area of open space, which a previous appeal decision<sup>2</sup> regarding the site identified as having a former use as allotments. At the back and covering the bulk of the appeal site are two large rectangular reservoirs, of an engineered character, which were apparently used in association with the Newsome Mill building to their rear. Within its south west boundary, a line of tall mature trees, subject to a Tree Preservation Order<sup>3</sup> are of a scale and presence that contribute a pleasant verdant character to the area.
7. Bounded tightly by industrial and residential development to the north-west, the appeal site is flanked by Naomi Road, Newsome Road and Hart Street on its other sides, which are lined in the main by dwellings of varying characters, including terraces and semi-detached properties of differing styles and scales. The appeal scheme would see the development of 22 dwellings on the site with an indicative access point from Hart Street.
8. The Inspector in their previous appeal decision relating to the site considered that the element of open land it contains provided valuable visual relief in an otherwise fairly densely developed urban area. At my visit I saw that, notwithstanding its current overgrown state, this is still the case, the semi-natural character of the site being a pleasant contrast to its relatively tightly developed immediate environs.
9. I have taken into account the material submitted by the appellant relating to the status of the site for the purposes of the development plan, noting that it is unallocated and thus not Green Belt or Urban Green Space. Moreover, the findings of the Council's *Open Space Study 2015: Open Space Assessment Report 2015 (Revised 2016)* (the Study) have been drawn to my attention. The Study concluded, in relation to the appeal site, that: "The current provision of natural and semi-natural greenspace in the ward is above the minimum benchmark standard. Consider change of use." I am mindful also of the material submitted by the appellant that shows the proximity of the Green Belt to the site, and locations of accessible open spaces in the environs of Newsome. However, these matters, taken together, merely demonstrate the quantity of green space in the wider area, and that the current use of the appeal site does not meet a functional need for recreational facilities or open space within Newsome.
10. As a result, I consider these matters do not establish that the appeal site's intrinsic character or contribution to the wider character and appearance of the area is diminished. Moreover, it does not follow from the Study's

---

<sup>2</sup> APP/Z4718/A/09/2100513/NWF

<sup>3</sup> Newsome Road/Naomi Road Newsome Tree Preservation Order No 18 1995

recommendation of consideration of a change of use that this necessarily entails residential or any other built development of the site. Similarly, the fact that the appeal site is in private rather than public ownership does not diminish its contribution to the area's character and appearance.

11. I note also the Strategic Housing Land Availability Assessment extracts in relation to the site supplied by the appellant, which identify the land as suitable for housing development. However, this document merely takes into account the environmental, policy and local constraints affecting the site, and does not constitute a fully-fledged assessment of a housing proposal in planning terms.
12. Whilst the formerly dismissed appeal at the site concerned a proposal for 28 dwellings and more amenity space could be provided as part of the current appeal scheme, I consider that the quantity of development proposed, including the housing itself, any outbuildings, boundary treatments and access arrangements would reduce the open character of the site. This would diminish the visual relief and verdant character that it imparts to its immediate environs and serve to add considerable density to the streetscene.
13. In this regard the proposed development would cause harm to the character and appearance of the area and would therefore conflict with Policies D1, D2 (vii) and NE6 of the Kirklees Unitary Development Plan (adopted March 1999/ Revised September 2007) (the UDP). Taken together, and amongst other things, these policies seek to ensure that development does not prejudice the character of its surroundings, or lead to the loss of water areas and valuable open land within towns.

### *Biodiversity*

14. Policy D2 (viii) of the UDP establishes that development should not prejudice wildlife interests. The National Planning Policy Framework (the Framework) requires the planning system to contribute to and enhance the natural and local environment by, amongst other matters, minimising impacts on biodiversity and providing net gains in biodiversity where possible<sup>4</sup>.
15. Whilst I note that the Council consider the water bodies to be a habitat of principal importance for the purposes of section 41 of the Natural Environment and Rural Communities Act 2006, I have been provided with no substantive evidence to demonstrate how it meets the relevant criteria in these regards, beyond the size of the ponds. I note references to an emerging development plan policy regarding habitats of principal importance. However, in this regard I am mindful of paragraph 216 of the Framework, and due to the relatively early stage of plan preparation, taken together with a lack of substantive evidence regarding whether there are any unresolved objections in relation to the policy, I attach it only modest weight in the overall planning balance in this instance.
16. Moreover, I have taken account of the previously dismissed appeal in these regards, which found no adverse biodiversity effects, and have also been mindful of the Ecological Appraisal<sup>5</sup> of the site (the Appraisal), which found that the reservoirs are a sub-optimal habitat for white-clawed crayfish<sup>6</sup>. Whilst the

---

<sup>4</sup> At paragraph 109

<sup>5</sup> Prepared by Ecus Ltd. Dated October 2016

<sup>6</sup> A protected species under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the Habitat Regulations 2010

Appraisal concluded that further survey work was needed to establish conclusively that white-clawed crayfish were not present at the site, given the low potential for this, combined with their confirmed absence at the time of the previous appeal, I consider that this is a matter that could be addressed by condition relating to biodiversity mitigation.

17. Furthermore, I note that in general the Appraisal found the habitats present on the appeal site to be of importance to nature conservation at the site level only and that a nocturnal bat survey recorded a low level of foraging and commuting activity by pipistrelle bats. I also consider that mitigation measures for common amphibians that may be present at the site could be controlled by condition. Whilst I note concerns that the Appraisal was not carried out during the optimal period for the presence of nesting birds, I am mindful of its recommendations regarding the timing of any site clearance and construction work. Consequently, I consider that mitigation in these regards could be controlled by a suitably worded condition.
18. Therefore, the evidence before me does not indicate that the proposed development would lead to materially harmful impacts to the biodiversity of the site and in this regard would not conflict with the Framework and Policy D2 (viii) of the UDP insofar as they seek to ensure, amongst other matters, that development does not prejudice wildlife interests and contributes to and enhances the natural and local environment.

#### *Other Considerations*

19. The Council cannot demonstrate a deliverable 5 year supply of housing land. Accordingly, I am mindful of paragraph 49 of the Framework, which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". In this instance, paragraph 14 of the Framework is engaged, which states that for decision-taking this means permission should be granted unless "the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate that development should be restricted."
20. As the policies referred to in footnote 9 of the Framework, which indicate that development should be restricted, relate to, amongst other things, sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest, and Local Green Space, I consider that none of these apply to the current appeal. For the purposes of the Framework, sustainable development comprises economic, social and environmental dimensions, and I have assessed the benefits advanced on behalf of the proposed development in these terms.
21. Whilst I have not been supplied with a precise figure of the housing land supply shortfall, I have taken into account the contents of the e-mail from the Council to the appellant dated 24 February 2017, which establishes that only a 2.45 year supply can be demonstrated. I have also had regard to a recent appeal decision<sup>7</sup> referred to me by the appellant concerning a site within the district wherein the Council identified the housing supply situation as "acute and

---

<sup>7</sup> APP/Z4718/W/16/3147937 dated 15 February 2017

- chronic". Moreover, I have been supplied with no substantive evidence by the Council to suggest that measures are being taken to remedy this shortfall.
22. Consequently, in helping to reduce this shortfall, the provision of additional housing units weighs in favour of the proposed development, and contributes to the Framework objective of boosting the supply of housing. New homes would deliver social and economic benefits, both during construction of the scheme, and from the potential increase of spending in local shops and services arising from its occupants thereafter. I have also been supplied with an estimate of the level of New Homes Bonus that the Council would be eligible to receive should the scheme come forward. Moreover, the appeal site is in an accessible location, close to local services and a regularly serviced bus route, which weighs in its favour in terms of its social sustainability.
23. I am mindful of the outline nature of the proposal, and I have been supplied with no layout plans, aside from the broad brush Access Plan<sup>8</sup>, to demonstrate that the proposed quantity of development could be accommodated within the confines of the site given the constraint created by the protected trees. I note that the appeal site could provide a proportion of affordable housing. However, I am aware of the appellant's caveat that this would be subject to viability, and thus the quantity of units delivered is uncertain at this stage. Nevertheless, I am mindful that the condition suggested by the Council could secure a proportion of affordable dwellings on the site; and consequently, this would be a considerable social benefit.
24. Thus despite of the uncertainties regarding the precise number of both market and affordable units that could be accommodated, given the housing supply situation in the Borough, residential development of the appeal site and its attendant economic and social benefits attract significant weight in favour of the appeal scheme in the overall planning balance.
25. I readily accept that the reservoir element of the site is previously developed land, and that its redevelopment would meet the Framework objective of directing development to such sites. This is a matter that attracts moderate weight in favour of the scheme in the overall planning balance. Whilst the removal of these water bodies, which are of considerable depth, could improve the safety of the site, I saw at my site visit that it was adequately fenced off, and I have been supplied with no substantive evidence of any accidents in relation to the ponds. As a result this aspect of the proposed development attracts only the most modest weight in its favour.
26. I have taken into account the heritage aspects of the reservoirs, and I note that the Council accepts that they are neither curtilage listed structures for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor within the setting of the listed mill to the rear. I note also the Council's Officer Report which states that due to their separation from the Mill that the water bodies have little significance as non-designated heritage assets. I am aware too that the water bodies are not mentioned within the listing description of the Mill, and I am conscious of references to an English Heritage report, which considered that the physical separation of the water bodies from the Mill, and the limited architectural interest of the ponds indicated that they were unsuitable for listing. I note also that there were no objections from statutory consultees in relation to the proposed development of the reservoir element of

---

<sup>8</sup> Dated April 2016

the appeal site. However, these considerations only point to a lack of harm to heritage interests rather than a positive benefit of the scheme in this regard and therefore have only a neutral effect on the overall planning balance.

27. I saw at my site visit that the Mill had been subject to fire damage and I am mindful of the appellant's comment that due to this the development of the appeal site would contribute to the vitality of the area. However, it is not clear how the development of the appeal site would serve to mitigate the damage to this listed building; and, as a consequence, this is a matter that weighs in favour of the proposed development only to the most marginal of degrees. Whilst I note comments from interested parties regarding the current condition of the Mill, and its planning history, these matters have only a limited bearing on my assessment of the planning merits of the appeal scheme.
28. The undeveloped part of the site was formerly used as allotments. However, I am cognisant that the land has not been in this use for a considerable period of time. As such the proposed development would not lead to a harmful reduction in the availability of allotments in the local area. However, this matter does not constitute a positive benefit of the scheme and thus affects the overall planning balance in only a neutral manner.
29. I note comments from third parties regarding the water bodies existing at the site, their potential contribution to management of flood risk in the wider area, and their current functional relationship to watercourses within their surroundings. However, the appeal site is within Flood Zone 1, and thus at a low risk of flooding. Moreover, I note that there were no objections to the scheme from Yorkshire Water with regard to drainage matters. Whilst I note references to earlier flood events, the appellant's submitted Flood Risk Assessment establishes that this was due to localised blockages of pipes, which have subsequently been addressed. Accordingly, I consider that a suitably worded condition would adequately control the drainage and flooding aspects of the proposed development, and that the proposed removal of the water bodies would cause no significant harm in this regard. However, this is again a matter that has only a neutral effect on the overall planning balance.
30. I am mindful of comments regarding the proposed development's effects on the living conditions of the occupants of adjacent properties. However, the site layout plan as submitted is only indicative, and I consider that issues of privacy, lighting and outlook are all matters relevant to a detailed consideration of the reserved matters. Access arrangements for the maintenance of properties adjacent to the appeal site are essentially private matters that have only limited bearing on the consideration of the planning merits of a proposal. As a consequence these matters have not weighed against the proposed development to any material degree.
31. Access and layout are not matters for detailed consideration at this stage. However, I note that there were no objections to the scheme and its indicative access point from the local highway authority. Moreover, it has not been established that the site could not accommodate the parking associated with its residential development. Whilst the proposed access point could reduce on-street parking in its immediate environs, I consider that the limited scale of this reduction would be unlikely to result in significant harm to the amenity of the occupants of adjacent properties, or to highway safety more generally. Moreover, there is no substantive evidence before me to suggest that the local



road network could not accommodate the traffic associated with the proposed development. Taking these matters together, I consider that the proposed development could facilitate a safe and suitable access to the site, and that severe cumulative impacts of the development on the transport network would not arise. Accordingly, these considerations do not weigh against the proposed development in the overall planning balance. In arriving at this view, and whilst mindful of planned developments elsewhere in the area, I am cognisant that the previously refused appeal concerning the site for a development proposal of 28 units found no adverse impacts to highway safety or the free flow of traffic.

32. I note references to a Draft Newsome Ward Neighbourhood Plan, and draft policies therein, which seek, amongst other things, a site allocation to retain the water bodies on the appeal site. However, due to the early stage of plan preparation and a lack of detail supplied in regard to the amount of outstanding objections to the emerging plan this is a consideration which carries only modest weight against the appeal scheme in this instance.
33. I have not been supplied with any substantive evidence to suggest that residential development of the appeal site would cause a significant detrimental effect to the air quality of its surroundings, and I note the lack of objections on the part of the Council's environmental health department in this regard. Accordingly, this is a matter that does not weigh against the appeal scheme to any material degree.
34. I have had regard to third party comments suggesting alternative uses for the site including a potential role in local food growing. However, the deliverability of these has not been demonstrated, and I am mindful that the site is within private ownership. Consequently, this is not a matter that weighs against the appeal scheme to any material degree.
35. I have considered the comments regarding the health benefits of green space in urban areas, and the appeal site in particular; however, I have been referred to no substantive evidence that supports this view. I note also that interested parties consider that the space has social benefits facilitating interaction with wildlife and other members of the community as a result of the scheme and that the topography of the local area means that some other open spaces are less accessible. The residential development of the site would undoubtedly reduce its potential in these regards. However, the private ownership of the site, combined with the Study's findings in regards to the over-supply of semi-natural green space such as this within the Newsome ward lead me to attach only modest weight to these matters in the overall planning balance.
36. Whilst mindful of comments that the proposed development could lead to additional pressure on the local area's infrastructure and services, the evidential basis of this view is not before me. Consequently, it has not been established that the proposed development would lead to harmful effects in this regard, and this is a matter that does not weigh against the scheme in the overall planning balance.

#### *The planning balance*

37. Taken together, the delivery of market and affordable housing; the employment and other economic activity generated during its construction; the contribution to spending in the local economy more generally; and the

accessible location of the appeal site comprise social and economic benefits that attract significant weight in the appeal scheme's favour. Whilst the harm the appeal scheme would cause to the character and appearance of the area is a matter of material weight, it clearly does not significantly and demonstrably outweigh these benefits. Moreover, for the reasons given above, no other objections advanced against the appeal scheme, taken individually or together, are of a weight sufficient to significantly and demonstrably outweigh its benefits. Accordingly, I conclude that the proposed development would therefore comprise sustainable development for the purposes of the Framework.

38. In arriving at this view, I am mindful of the appeal decision<sup>9</sup> referred to me by the Council; however, that related to a development proposal comprising a considerably lower number of dwellings on a site designated as 'Urban Greenspace' by the UDP, and in any event each scheme needs to be assessed on its own planning merits.
39. Accordingly, in this instance the significant weight of the material considerations advanced in favour of the scheme, and its concomitant compliance with the Framework, outweigh its conflicts with the development plan in terms of Policies D1, D2 (vii) and NE6 of the UDP; and in terms of its conflict with the site allocation from the emerging neighbourhood plan.

### **Conditions**

40. I have assessed the list of suggested conditions submitted by the Council against the tests given in paragraph 206 of the Framework, which states that they should only be imposed where they are necessary; relevant to planning and the development to be permitted; enforceable; precise; and reasonable in all other respects. I have amended the wording of the conditions attached where necessary in the interests of clarity and precision.
41. In order to comply with the Town and Country Planning Act 1990 (as amended) I have attached the standard implementation conditions relating to outline permissions. I have specified the approved plan in the interests of certainty.
42. Due to the contribution that the open character of the site currently makes to the character of the area, and to comply with the relevant policies of the UDP, I consider it necessary in the interests of the character and appearance of the area, and the residential amenity of the future occupants of the proposed development to attach a condition requiring arrangements for public open space to be submitted to and approved by the Council. This is of necessity a pre-commencement condition to ensure that the development makes appropriate provision in these regards.
43. I am conscious of the outline nature of the application and the lack of certainty regarding the quantity of development that could come forward as a result of site constraints. As a consequence, I consider in this exceptional instance that a pre-commencement condition requiring submission to the Council of a scheme for the provision of affordable housing is justified. This is necessary to ensure that the proposed development makes adequate arrangements in these regards to comply with development plan requirements.

---

<sup>9</sup> APP/Z4718/W/16/3166268



44. Given the current nature of the site I consider it necessary to attach a condition requiring a biodiversity habitat enhancement scheme to be submitted prior to development commencing; however, I have amended this to include details of mitigation measures as suggested by the appellant. This is of necessity a pre-commencement condition to ensure that development makes appropriate arrangements in these regards.
45. The proposed development would result in the removal of a considerable area of water on the site. I have therefore attached a condition to ensure that the development of the site is adequately drained to ensure that flood risk is not increased within its environs. This is of necessity a pre-commencement condition to ensure that development progresses in line with the approved details. I have attached a pre-commencement condition relating to the sewage disposal arrangements to ensure that the development makes appropriate arrangements in these regards.
46. I have been supplied with no substantive evidence to suggest that the site has the potential to be contaminated, but am mindful of the functional relationship with the Mill to its rear, particularly the water bodies on the site. As a consequence, I have attached a condition relating to contaminated land, but this is scaled-back and simplified from the suite of conditions suggested by the Council.
47. As the landscaping and layout of the site are reserved matters I consider that conditions relating the protection of retained trees on the site are more relevant to a detailed assessment of those matters.
48. A condition regarding the provision of electrical charging points would form part of a consideration of the layout of the site, and as a consequence I consider that this could form part of that future reserved matters application.

### **Conclusion**

49. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*G J Fort*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan Dwg No: AD3.
- 5) No development shall take place until a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord involved;
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

- 6) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the

course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 7) Notwithstanding condition 4 no development shall take place until details of the on-site mitigation and biodiversity enhancement and of off-site nature and water conservation measures have been submitted to and approved in writing by the local planning authority. The scheme shall include measures for the mitigation of biodiversity impacts of the development hereby approved and details of measures to encourage biodiversity within the site, including potential locations for bird and bat roosting opportunities. Development shall be carried out in accordance with the approved details.
- 8) Notwithstanding condition 4 no development shall take place until details of the arrangements for the provision of public open space to serve the development in accordance with the requirements of Policy H18 of the Council's UDP have been submitted to and approved in writing by the local planning authority. The details shall include the following matters
- i) The layout and disposition of the public open space
  - ii) the timescale for the implementation and completion of the works to provide the public open space
  - iii) the mechanism for ensuring that the public open space will be available for the public in perpetuity
  - iv) maintenance of the public open space in perpetuity.

Development shall be carried out in accordance with the approved details.

- 9) No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and,
  - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by

any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 10) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.