

**Parish: Tollerton**  
**Ward: Easingwold**  
**14**

Committee date: 10<sup>th</sup> February 2022  
Officer dealing: Kate Williams  
Target date: 6<sup>th</sup> July 2021  
Extension of Time: 9<sup>th</sup> December 2021

**21/01303/FUL**

**Development of 5 Bungalows**  
**At: OS Field 5532 Hambleton View Tollerton North Yorkshire**  
**For: Mr Diarmaid Kelly**

## **1.0 Site, context and proposal**

- 1.1 This application was deferred from the December 2021 Planning Committee meeting in tandem with the application for the 12 affordable homes (21/01302/FUL). Further assessment of housing need has been undertaken relating to the proposal for the 12 affordable homes enabling this application to be recommended for decision. The application proposes 5 detached bungalows with garages. They are accessed from a proposed adopted road which is to be constructed to facilitate 12 affordable home proposed to the east of the application site, and which serves both developments.
- 1.2 This application site is located immediately adjacent to the eastern extent of the development limit of Tollerton. Tollerton is a 'Secondary Village' in the settlement hierarchy, within the Easingwold Sub Area, outlined in Policy CP4 of the Hambleton Core Strategy.
- 1.3 The site topography is relatively flat, but with an incline from the south to the northwest, with levels across the site varying. The site is currently open grassland, with an existing hedgerow along the north eastern boundary. The rear boundaries of dwellings on Station Court lie adjacent to the north western boundary. Existing residential development lies to the south west (Kyle Close, Hambleton View, and Jubilee Court) which is separated from the application site by fencing and existing vegetation.
- 1.4 The bungalow accommodation comprises the 2 x 3 bed bungalows and 3 x 3 bed bungalows. Two bungalows are sited facing the access road, and three are proposed facing a courtyard. They would have at least 3 car parking spaces each and space for the collection of refuse. All have garden space, and planting is proposed around the periphery of the site. The intervening distance from the rear of the proposed dwellings and the Maltings Farm yard to the south is not less than 80m, 110m from the buildings to the site boundary and the proposed dwellings to the farm buildings is 145m, the same as neighbouring dwellings such as Maple House.
- 1.5 The application is submitted alongside application 21/01303/FUL for 12 affordable homes, to be considered as a rural exception scheme. This proposal is to be considered under the provision of the Council's adopted Interim Planning Guidance.

## **2.0 Relevant planning and enforcement history**

- 2.1 19/02170/FUL Application for the construction of 5 residential dwellings. Withdrawn 29.03.2021
- 2.2 21/01302/FUL - Development of 12 affordable dwellings (Pending Consideration).
- 2.3 07/03189/FUL - Construction of 12 affordable dwellings. Land at Station Road Tollerton York. Permitted 14.01.2008.

## **3.0 Relevant planning policies**

- 3.1 The relevant policies are:
- Core Strategy Policy CP1 - Sustainable development
  - Core Strategy Policy CP2 - Access
  - Core Strategy Policy CP4 - Settlement hierarchy
  - Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
  - Core Strategy Policy CP17 - Promoting high quality design
  - Core Strategy Policy CP18 – Prudent use of natural resources
  - Core Strategy Policy CP21 – Safe response to natural and other forces
  - Development Policies DP1 - Protecting amenity
  - Development Policies DP3 - Site accessibility
  - Development Policies DP4 - Access for all
  - Development Policies DP9 - Development outside Development Limits
  - Development Policies DP30 - Protecting the character and appearance of the countryside
  - Development Policies DP31 – Protecting natural resources
  - Development Policies DP32 – General Design
  - Development Policies DP33 - Landscaping
  - Development Policies DP36 - Waste
  - Development Policies DP42 – Hazardous and Environmentally sensitive operations
  - Development Policies DP43 – Flooding and Floodplains
  - Interim Planning Guidance 2015
  - Size, type and tenure of new homes SPD 2015
- 3.2 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php> The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

## **4.0 Consultations**

- 4.1 Parish Council (Tollerton) – Wish to see refused.
- The above applications are for a total of seventeen additional dwellings in the parish.
  - The location of the proposed developments will impose additional traffic pressure on the outturn onto Station Road, an area where we have already received complaints of excess vehicle movements.
  - The ‘market value’ properties are being facilitated by the ‘affordable’ properties. This is contrary to the Rural Exception requirements under the planning legislation.

- There is currently an application for four additional houses under consideration, and over the preceding two years over thirty four properties have been constructed in the parish.
- The above would give an increase in properties in the parish of fifty five in less than two years. This equates close to 15 % growth in the property numbers in the short term, and is against the wishes of the majority of the parishioners.
- There has been a decrease in employment in the parish, with the Thompson Joinery business ceasing operations and houses built on its former site. There is no additional employment being created within the parish currently.
- Following a housing needs survey carried out in June this year by the Rural Housing Enablement officer, the results are inconclusive, and there appears to be NO Requirement for ADDITIONAL housing within the parish, the 'need' being fulfilled by the current properties available or under construction.
- The Parish population continues to state that they do not want any further growth in the village as this is now beyond sustainable levels. Residents in both the Hambleton View and Kyle Close roads have raised objections at our last Parish Council meeting concerning the two applications.
- The housing need locally is being met in other areas where there is a variety of housing types that can be acquired by various methods of finance.

4.2 The Parish Council submitted a survey which is attached as Appendix 1. There were 97 respondents. In relation to this application, the sites were referenced A (21/01303/FUL) and B (this application). The survey advises that 61% feel there should be no further developments in the village. 39% feel there should be. Subsequent questions looked at the different sites A-D and asked if provision of affordable housing made them favourable.

•Field A. 29% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this to 31% agree or strongly agree while 55% disagree or strongly agree.

•Field B. 27% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this minimally to 29% agree or strongly agree while 57% disagree or strongly disagree.

4.3 Local Highway Authority – No objections. They recommend conditions for full road and sewer engineering drawings, the completion of carriage and footways and lighting prior to occupation, construction of parking areas prior to occupation and the provision of a construction management plan.

4.4 Environmental Health - I have reviewed the Noise assessment prepared by ENS, Ref: NIA/8866/19/8839/V2/Tollerton, Dated April 2021. The assessment has considered the noise and vibration from the Rail line. Table 4.1, Page 4 shows the recommended indoor noise levels, section 5.1, Page 5, states the sound attenuation scheme proposals. In order to mitigate the noise from the rail line, a scheme of sound insulation works has been developed to protect the proposed residential development from the ambient noise climate as demonstrated in Table 5.1, page 5 of the Noise assessment.

There is no history of complaints regarding the farming operations at Maltings Farm.

4.5 Lead Local Flood Authority – No objections. The LLFA recommends conditions for a detailed drainage scheme, exceedance flow routes and floor levels.

- 4.6 Yorkshire Water - No objections. They recommend conditions to secure separate systems of drainage for foul and surface water, development to be in accordance and for the approval of proposed means of disposal of foul water drainage.
- 4.7 Lead Local Flood Authority – No objections. The LLFA recommends conditions for a detailed drainage scheme, exceedance flow routes and floor levels.
- 4.8 Yorkshire Water - No objections. They recommend conditions to secure separate systems of drainage for foul and surface water, and for the approval of proposed means of disposal of foul water drainage.
- 4.9 Statement of Community Involvement - The consultation exercise has been carried out in accordance with National policy and Hambleton Council's Statement of Community Involvement.
- 4.10 Advertisement - The application was advertised by site notice, press notice and neighbour notifications, which have now expired.
- 4.11 Public observations – There have been 11 objections to the proposals. They are summarised as follows:
- No need for affordable homes, as there are currently properties empty, and the updated need survey does not show a need for 12 homes
  - There is a sufficient number of affordable homes in Easingwold
  - The sewage system is inadequate
  - The site floods
  - The access is dangerous and narrow
  - The development will be unsafe for children
  - Inadequate bus services
  - The condition of existing roads is inadequate for additional properties
  - Concerns Hambleton View and Kyle Close will be opened up to create an access
  - Will cause damage to existing roads
  - Parking is inadequate
  - Will lead to an exacerbation of parking for traffic in nearby areas
  - Concern about construction traffic
  - Concern about impact for residents from the trainline
  - Will result in loss of wildlife
  - How is existing landscape area to be maintained?
  - Inadequate services within the village
  - Concerns raised about the construction phase in terms of noise, activity and damage to roads

## **5.0 Analysis**

- 5.1 The main issues to consider are:
- Principle
  - Affordable and Open Market Provision
  - Scale of Development
  - Size, Type and Tenure of homes
  - Highway matters

- Design and Layout
- Residential Amenity
- Landscape and Ecology
- Flood Risk and Drainage
- Contaminated Land

## Principle

- 5.2 Policies CP1 and CP2 are overarching policies which seek to ensure development is sustainable, and that it should be located so as to minimise the need to travel, particularly by car. Tollerton is a secondary village within the Easingwold sub area, which along with the service centres and service villages are expected to be the focus for development. This is because they have been identified as having best access to local infrastructure, services and facilities and settlement character would be able to accommodate new development.
- 5.3 Policy CP4 supports development in the Development Limits of the settlements in the hierarchy, in other locations development may be supported when an exceptional case can be made. However, the proposed open market housing does not fulfil the exceptions.
- 5.4 Paragraph 78 of the NPPF, which states that “Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.” The Council’s emerging Local Plan policy is consistent with this approach and whilst the Rural Exceptions Sites policy should deliver 100% affordable housing, the NPPF as well as emerging Local Plan H4 allows for a small number of market homes to be included in order to make schemes viable. The application has been submitted as two schemes, and no financial viability assessment has been provided. The applicants advise neither would come forward without the other.
- 5.5 Notwithstanding the above, in order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits. In consideration of the application is the Council’s interim planning guidance note, for the purposes of determining small scale residential development. Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria, which are discussed below.
- 5.6 *1) Development should be located where it will support local services including services in a village nearby.* Tollerton is a secondary village, which the policy and the Council considers to be a sustainable settlement for housing development. Services in Tollerton include a village store and post office, there is also a caravan park, public house and tearoom. There is a place of worship and village hall, Drs surgery and recreation facilities. The site lies outside, but adjacent to the development limits which run behind the homes constructed at Station Court and at the side and rear of Jubilee Court, Kyle Close and Hambleton Way. The site is therefore accessible to existing services in Tollerton and to bus stops to access larger service centres. Residents within the village can also access nearby services and facilities in other villages.

- 5.7 Promoting sustainable patterns of development is a key aim of the National Planning Policy Framework. Tollerton has a variety of facilities. The application site would be within safe and close walking distance of these. Therefore, it would be capable of being able to support most basic everyday needs. Furthermore, the proposed development would help to maintain the vitality of nearby communities, as Tollerton does not have a primary school, and those nearby have places to accommodate. Whilst other villages may not be within walking distance of Tollerton, and the absence of provision of a bus services is a detractor, that that this harm would be limited given the short distance.
- 5.8 *2) Development must be small in scale, reflecting the existing built form and character of the village.* The policy advises that 5 dwellings is small scale, but that each development must be considered on its own merits. This is relevant because the 2 schemes together would increase the housing stock by 17 new dwellings. The applicants' consider that the proposed scale, design and layout reflects local character, with design features and architectural detail taken from the existing examples within the locality, and that this and the adjoining application for the rural exception scheme will form a logical extension to the eastern edge of the Tollerton settlement limits.
- 5.9 The density of development would also reflect the surrounding area. Much of the site abuts the boundaries with neighbouring development with public vantage points restricted to the road ends. Whilst the site is open, it is not countryside in character terms with its proximity to the existing development, and the railway line and residential cul-de-sacs, and therefore the rural aspect is limited. The proposal would be contained and even at an overall number of 17 dwellings would not be unacceptable in terms of the character of the area or visual appearance.
- 5.10 In relation to need for proposed development. The Council's overall housing target set in policy is a minimum target and thereby it follows that the specific levels of new development set out in the settlement hierarchy should also be treated as minimum targets.
- 5.11 *3) Development must not have a detrimental impact on the natural, built and historic environment.* The application is supported by an ecological appraisal and landscape proposals, these indicate the impacts upon the natural environment would be suitably mitigated. In relation to the built environment the site is between existing housing development and railway line, it continues the grain of development on Station Court and creates an acceptable rounding off of built development for the settlement.
- 5.12 *4) Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.* The application site is adjacent to Tollerton, and as the land to the north is constrained by the presence of the railway line, the landscape is not transitional into the open countryside and therefore built development can be accommodated with limited harm to the area, particularly as a result of the low dwellings proposed and planting around the site. The relationship with the existing and proposed 12-unit affordable housing scheme is important. If the scheme was developed separately from the 12-unit affordable housing scheme it would appear less strongly related to the built-up area. Controls to require the scheme to be

developed in tandem or following the 12-unit affordable housing scheme would therefore be appropriate.

- 5.13 *5) Development must be capable of being accommodated within the capacity of existing or planned infrastructure.* There is no evidence from the consultees that the existing highway network in terms of its capacity, safety issues and construction could not accommodate the level of traffic. The surface water and drainage infrastructure will be able to accommodate the development with the proposals in place by this application.

#### Size, Type and Tenure of homes

- 5.14 Policy CP8 and DP13 of the Development Policies concerns the mix of dwellings in terms of size, type and tenure. In coming to a view on mix, a number of criteria are to be taken into account, including the Council's Housing Needs Study, other local housing needs information and current market conditions.
- 5.15 The applicants have proposed 2 x 2 bed bungalows and 3 x 3 bed bungalows. This is considered to be a suitable mix reflecting the need for smaller homes. The applicant is happy to enter into a Legal Agreement to ensure the affordable housing is constructed ahead of the market homes. The proposed mix has been previously discussed and agreed with officers during the pre-application enquiry process. The proposed bungalows meet the Nationally Described Space Standards. The proposal would therefore accord with CP8 and DP13.

#### Highway matters

- 5.16 Core Strategy Policy CP2 seeks to ensure that the location of development is located as far as possible so that it will minimise the use of the car and promotes improvements in accessibility by non-car transport. Development Policy DP3 states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development.
- 5.17 The above policies are consistent with chapter 9 of the NPPF which also promotes sustainable travel. Paragraph 110 of the NPPF also sets out that safe and suitable access should be achieved and any significant impact any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The NPPF further states at paragraph 111, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.18 Safe access into the site is achievable, the Local Highway Authority does not advise that the access is dangerous and narrow, not that the road is in a poor state unable to accommodate the development. Pedestrians are accommodated within pavements. The level of proposed car parking for each dwelling is considered to be appropriate. The transport statement advises that Electric vehicle charging points will be provided and that secure cycle storage will be provided in the form of sheds within the garden area of the properties. Construction is subject to a construction management plan condition.

- 5.19 Comments in relation to increased pressure for parking on local roads is noted, but less likely to occur, as residents residing in proposed development will have parking spaces and be able to access the nearby facilities (which increase parking demand on nearby streets) on foot. There is no access proposed from Kyle Close, Hambleton View or Jubilee Court. The access is clearly shown on the proposed plans as an extension to Station Court.
- 5.20 The cumulative impacts on the highway network would not be severe and the proposed development satisfactorily provides additional mitigation and enhancements to accessibility therefore fulfilling the aims of the relevant LDF Policies CP2 and DP3.

#### Design and Layout

- 5.21 Policy CP17 and DP32 both concern a high quality of design and matters related to the local context, character and distinctiveness. Chapter 12 of the NPPF also seeks to achieve high quality buildings and places, and good design.
- 5.22 The development can be viewed from Kyle Close, Hambleton View and from dwellings off Jubilee Court and Station Court but vehicle access is limited to Station Court only. The main principle is to locate vehicles so they do not dominate the street scene, and in curtilage parking has been provided in addition to garages. Visitor parking can be accommodated on the proposed highway. Rear gardens will be gated with locking gates. Masonry walls will be provided where backs are adjacent to public areas and fencing with trellising bound gardens in other areas. Buildings will be laid out to overlook public space with windows on side elevations facing public space. Prominent materials will be brickwork and thin leading edge roof tiles throughout, with a mixture of brick and stone for the heads and cills to external openings. Brick coursing details possibly combined with feature contrasting brick are typical of local and wider area characteristics.
- 5.23 Existing mature trees will be retained to maintain the green character and where possible integrated into the proposals. Landscaping to plot frontages including additional tree planting will define public and private space and create defensible space. Open space management would be incorporated into the s106 agreement.
- 5.24 Crime is mentioned amongst other anti-social issues in the representations. Whilst others crime issues are noted, these are not considered to justify opposition to the proposal on these grounds, and overall the application details the measures it would take in this respect. The development is not considered to harm the form and character of the settlement or open countryside. The design of the dwellings are acceptable and comply with CP17, DP1, DP10, DP30 and DP32.

#### Residential Amenity

- 5.25 Policy DP1 states that all development proposals must protect amenity, particularly about privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.26 The proximity to the East Coast rail line has been considered and addressed within the Noise Impact Assessment. The proposals have determined external noise levels at the application site, assessed the potential impact of the external noise climate

on the proposed development, and provide recommendations for a scheme of sound attenuation works, which will be conditioned.

- 5.27 The proposed mitigation includes enhanced acoustic glass, and mechanical ventilation. In order to mitigate rail noise in gardens it is recommended that a 3 metre high solid timber fence is installed along the entire north eastern boundary. The maintenance of this will be specified within the open space arrangements within the s106 agreement.
- 5.28 Maltings Farm is approximately 110m from the application site boundary. The proximity of the proposed dwellings are the same distance from the farm as other nearby dwellings which were approved under application 06/01778/OUT and 09/01292/REM. There are many other existing dwellings within 400m of this site. After seeking further advice from Environmental Health, they have confirmed that no complaints relating to Maltings Farm have been received.
- 5.29 The proposed development would relate acceptably to the affordable housing scheme and to existing residential development. Distances between dwellings within and outside the site are satisfactory and would preserve residential amenity. The access road is not considered to be significantly harmful due to the separation distance and boundary treatment and planting between it and the neighbouring gardens. Vehicle movements would not be excessive, and detailed boundary treatment will be conditioned along this boundary.
- 5.30 Permitted development rights are removed, which is reasonable in the circumstances to ensure that any future residential development or extension is able to incorporate similar measures. A verification report has also been conditioned for the proposed mitigation and the maintenance of the acoustic fence will be stipulated within the S106 agreement. The proposed development therefore conforms to LDF Policies CP1, CP17, CP18 DP1, DP32 and DP34.

#### Landscape and Ecology

- 5.31 Policies CP16 and DP30, and DP31 are relevant in consideration of landscape character and visual impacts. The above policies seek safeguards via suitable mitigation. Paragraph 170 of the NPPF, states that the planning system should contribute to and enhance the natural and local environment.
- 5.32 The site mainly comprises poor semi-improved grassland, scrub and amenity grassland, hedgerows and trees to the site boundaries. The trees within the site and hedgerows are to be retained. A retained tree on the site would have potential for bat roost, and the grassland would provide habitats and foraging areas for birds, bats and hedgehogs. In order to avoid impacts the removal of vegetation can be conditioned to avoid the bird nesting season, and precautionary approach to other mammals can be undertaken. The trees on the eastern edge of the site are within the application boundary but are outside the garden areas of Bungalow 4 and 5, with some additional tree planting shown such as Oak, Cherry, Field Maple and Silver Birch within garden areas. Final landscape details are reserved for condition.
- 5.33 The trees on eastern edge of the site are within the application boundary, but are outside the garden areas of Bungalows 4 and 5, with some additional tree planting

shown such as Oak, Cherry, Field Maple and Silver Birch, within garden areas. Final landscape details are reserved for condition.

- 5.34 The proposal would not have an unacceptable effect on ecology or biodiversity interests and subject to the imposition of a landscape and ecological condition it would comply with Policies CP1, CP16 and DP31.

#### Flood Risk and Drainage

- 5.35 Policies CP21 and DP43 see to protect the environment from flooding, mitigate development from the consequences of pollution, noise, or hazardous activities. It also seeks to ensure that new development is capable of being accommodated by existing or proposed services.
- 5.36 The site lies within Flood Zone 1. Foul water will discharge to public foul sewer network via on site pumping station. This is acceptable to Yorkshire Water who have not raised capacity as an issue for them. Sub-soil conditions do not support the use of soakaways and the site is remote from watercourse. Surface water will discharge to public surface water sewer via storage with restricted discharge rate.
- 5.37 Officers note the comments in relation to flood risk, and the LLFA have been involved in discussions regarding the surface water treatment. The applicant has submitted further in depth information regarding site topography, surface water source generation and road access levels. The documents indicate that a positive drainage systems and road access levels will reduce the risk of site generated surface water and enable safe access.
- 5.38 Yorkshire Water accept the proposed development, and the LLFA is now satisfied that any residual risk can be safely managed. Although indicative flood routes have been indicated on drawings a detailed exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system, this has been conditioned as requested by the consultee. The proposed development therefore conforms to LDF Policies CP21 and DP43.

#### Contaminated Land

- 5.39 The LDF Policies CP21, DP42 and DP44 require that communities are kept healthy and safe from proposed developments. The Development Constraints Report (Phase 1) produced by JP Wild Ltd submitted in support of the above development concludes that the risk on contamination on site to be very low, but recommends a 'minimal' Stage 2 investigation to determine underlying strata and obtain soil samples from made ground and natural strata or contamination testing for metals, metalloids, PAH and asbestos.
- 5.40 The applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment, which can be secured by conditions. If any contamination is found, remediation is conditioned. It is therefore considered the proposal would fulfil the requirements of CP21 and DP42 and DP44.

## Other Considerations

- 5.41 The section 106 agreement will need to secure the affordable housing on the associated affordable housing application, and will be required relating to this application to address maintenance requirements of public open space and the acoustic fencing around the site.

## Planning Balance and Conclusions

- 5.42 The proposal would not be unacceptable in terms of highway safety and access, flood risk and drainage, living conditions, amenity of nearby residents and biodiversity.
- 5.43 Whilst concerns have been raised about the sustainability of the site and access to services and the amount of bus services, the development is a suitable and sustainable location for housing development as has been determined by the settlement hierarchy in the LDF and emerging Local Plan. The advice from the consultee is that there is a wider need for affordable homes, and officers advise that this is acceptable to consider this. The benefits of the proposal as a result of new housing development in a sustainable location would be of a moderate scale. There would be some social benefit in providing additional homes which would contribute to providing family homes in the area.
- 5.44 There would also be economic benefits as the proposal would be in a suitable location, where new residents would contribute to local services. There would be economic benefits from the construction phase of the development. Protecting the environment is another key aspect of achieving sustainable development, and the development would preserve the character and appearance of the area.
- 5.45 The social and economic gains are considered to tip the balance in favour of the development and the proposal is considered to represent sustainable development required by the NPPF and recommended for approval.

## 6.0 Recommendation

- 6.1 That subject to the satisfactory prior completion of a planning obligation regarding the maintenance of open space and boundary treatment that permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with the approved plans listed:  
1904-SI-32 Location Plan  
1904-SI-21 Site Layout 5 Bungalow Scheme  
1904-HTC-02 C Type Elevations  
1904-HTC-01 C Type Floor Plan  
1904-HTA-02 A Type Elevations  
1904-HTA-02 A Type Floor Plan

3. Development shall not commence until a scheme detailing surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall
  - include detail of the phasing of the development and phasing of drainage provision, where appropriate;
  - Identify where principles of sustainable urban drainage have been employed;
  - ensure Surface water flows away from the railway and that there is no ponding of water adjacent to the railway boundary.The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.
4. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site including Network Rail assets. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site. The submitted exceedance plan should be based on the proposed finished site levels to ensure that any changes in levels do not inadvertently increase flood risk elsewhere.
5. The development shall not commence until details of finished floor levels of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. The details should include levels of all properties adjoining the application site. Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved scheme satisfying this condition.
6. An updated Landscape and Ecological scheme shall be submitted to and approved by the Local Planning Authority prior to the construction of the external walls of any home hereby approved. The scheme shall include (but is not limited to):
  - The species mixes and structure.
  - The sizes, heights, and densities of plant species to be used.
  - Timing of planting and delivery.
  - The management requirements (establishments and long-term management).
  - A plan and sections of the proposed acoustic boundary fence treatment in relation to existing and proposed trees and hedgerows.
  - Details of how the bio-diversity enhancement measures in the submitted Ecological Appraisal at section 5.31 have been incorporated into the scheme.The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

7. The development hereby permitted shall not commence until a scheme showing the provisions to be made for external lighting has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.
8. The development hereby permitted shall not commence until a scheme showing the provisions to be made to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.
9. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
10. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 5 (five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
11. A scheme showing the provision for each home to have an electric vehicle charging point shall be submitted for the written approval of the Local Planning Authority. The scheme shall include the location, and specification for each charging point. Once approved the development shall be implemented in accordance with the approved details prior to the occupation of the home to which the charging point serves, and thereafter retained for the lifetime of the development, unless otherwise agreed by the Local Planning Authority.
12. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.
13. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

14. No part of the development must be brought into use until the parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 1904-SI-12B. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
15. No development must commence until a Construction Management scheme has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved scheme plan. The scheme must include, but not be limited to, arrangements for the following in respect of each phase of the works:
- details of any temporary construction access to the site including measures for removal following completion of construction works;
  - wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - the parking of contractors' vehicles;
  - areas for storage of plant and materials used in constructing the development clear of the highway;
  - contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
  - construction ecological mitigation as specified within the submitted ecological report section 5.26 and 5.29.
  - No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.
16. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials, type of boundary treatment, and its maintenance to be erected along the western boundary adjacent to properties on Jubilee Court, Kyle Close and Hambleton View, and The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. (Network Rail's existing fencing/wall must not be removed or damaged). The plan shall show how any ecological requirements as set out in section 5.31 of the Ecological appraisal have been incorporated. No part of the development shall be occupied until the approved boundary treatment for that part has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.
17. The construction of the external walls of the development hereby permitted shall not be commenced until details/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
18. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in

accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

19. A verification report for the approved scheme for the noise attenuation of the development, shall be submitted to and approved by the Local Planning authority prior to the occupation of the site. Once approved the development shall be implemented in accordance with the approved details and any additional remediation required and thereafter retained.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
21. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority. Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.
22. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and PL.F.2 Consultation response. April 2012 site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
23. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
24. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The reasons for the conditions:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is carried out in accordance with the approved details and for the avoidance of doubt in accordance with LDF Policies CP1 and DP1.
3. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
4. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
5. In the interests of the visual appearance and amenity of the development in accordance with LDF Policies CP1 and DP1.
6. In the interests of the visual amenity and biodiversity in accordance with LDF Policies CP16 and DP31.
7. In the interests of the amenity of the development in accordance with LDF Policies CP1 and DP1.
8. In the interests of the amenity of the development in accordance with LDF Policies CP1 and DP1.
9. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43
10. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43
11. In the interests of sustainable development in accordance with LDF Policy DP34.
12. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in accordance with LDF Policies CP2 and DP3.
13. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users in accordance with LDF Policies CP2 and DP3.
14. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP1 and DP1.
15. In the interest of public safety and amenity in accordance with LDF Policies CP1 and DP1.
16. In the interests of neighbouring residential amenity in accordance with LDF Policies CP1 and DP1.

17. In the interests of neighbouring residential amenity in accordance with LDF Policies CP1 and DP1.
18. In the interests of the visual amenity of the development in accordance with LDF Policies CP17 and DP33.
19. In the interests of railway asset safety in accordance with LDF Policies CP1 and DP1.
20. To ensure the proposed noise attenuation measures are satisfactory in the interests of residential amenity in accordance with LDF Policies CP1 and DP1.
21. In the interests of residential amenity due to the requirements to control noise from the railway line in accordance with LDF Policies CP1 and DP1.
22. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
23. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
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