

Parish: Tollerton
Ward: Easingwold

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Committee date: 7th July 2022
Officer dealing: Tim Wood
Target date: 6th July 2021
Extension of Time: 11th July 2022

21/01303/FUL

Development of 5 bungalows reduced to 4 bungalows on 23 March 2022
At: OS Field 5532 Hambleton View Tollerton North Yorkshire
For: Mr Diarmaid Kelly

1.0 Site, Context and proposal

- 1.1 The resolution of the planning committee on 12th February 2022 was to grant permission for 5 dwellings. This was subject to a requirement to link this development with the associated rural exception scheme application 21/01302/FUL through a legal agreement.
- 1.2 The legal agreement to link the proposal was not completed prior to the adoption of the Local Plan 22 February 2022 and a decision notice approving the development could not be issued. The decision is required to be reconsidered against the Development Plan as required by 3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.
- 1.3 In order to achieve compliance with the policies of the new Local Plan the scheme has been amended to reduce the number of open market dwellings. The application now proposes 4 detached bungalows with garages instead of 5. Although this necessitates a minor amendment to the layout and additional landscape above what was previously proposed, the scheme is fundamentally the same.
- 1.4 Under policy HG3, 5 bungalows would have required an affordable housing unit on site. This would be in addition to those proposed for application 21/01303/FUL for 12 affordable homes. The revised market scheme comprises 2 x 2 bed bungalows and 2 x 3 bed bungalows, and will form a 'windfall' site, in compliance with Policy HG5 of the Local Plan.
- 1.5 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.
- 1.6 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.
- 1.7 The site is accessed from an adoptable road which also serves the rural exception scheme and extends Station Court. One bungalow (instead of 2) 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.

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:
- Policy S1: Sustainable Development Principles
 - Policy S3: Spatial Distribution
 - Policy S5: Development in the Countryside
 - Policy HG1: Housing Delivery
 - Policy HG2: Delivering the Right Type of Homes
 - Policy HG5: Windfall Housing Development
 - Policy E1: Design
 - Policy E 2: Amenity
 - Policy E 3: The Natural Environment
 - Policy E4: Green Infrastructure
 - Policy E 7: Hambleton's Landscapes
 - Policy IC1: Infrastructure Delivery
 - Policy IC2: Transport and Accessibility
 - Policy IC3: Open Space, Sport and Recreation
 - Policy RM1: Water Quality, Supply and Foul Drainage
 - Policy RM2: Flood Risk
 - Policy RM:3 Surface Water and Drainage Management
 - Policy RM5: Ground Contamination and Groundwater Pollution
- Size, type and tenure of new homes SPD 2015

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. 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 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.
- 4.8 Statement of Community Involvement - The consultation exercise has been carried out in accordance with National policy and Hambleton Council's Statement of Community Involvement.
- 4.9 Advertisement - The application was advertised by site notice, press notice and neighbour notifications, which have now expired.
- 4.10 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
 - Size, Type and Tenure of homes
 - Character, Appearance and Design
 - Residential Amenity
 - Highway matters
 - Flood Risk and Drainage
 - Contaminated Land

Principle

- 5.2 The purpose of Local Plan S1 is to set out the central role that sustainable development plays in meeting the growth requirements for Hambleton, and to set out the ways and the expectations in which the Council will seek to achieve sustainable development.
- 5.3 Policy S2 sets out the Council's housing requirement and it identifies that the housing figures are based on existing commitments and sites allocated for development in this local plan. Housing development that comes forward during the plan period will be an important additional supply of homes and will be supported as set out in policies including HG4: Housing Exceptions and HG5: Windfall Housing Development.
- 5.4 Policy S3 sets out the settlement hierarchy. Tollerton is a Secondary Village within the Easingwold sub area. Such villages are expected to see development. This is because they have been identified as having the best access to services and the settlement character would be able to accommodate new development.
- 5.5 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 is accessible to existing services in Tollerton and to bus stops to access larger service centres. The application site would be within safe and close walking distance of these. Residents within the village can also access services and facilities in other villages as Tollerton does not have a primary school. Whilst other villages may not be within walking distance of Tollerton, and the absence of provision of a bus services is a detractor, this harm would be limited given the short distance.
- 5.6 Policy S5 sets out what constitutes the built form of a settlement, land outside it, is defined as countryside. The application site does not fall within the built form of Tollerton, and therefore it is in the countryside. Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.7 Local Plan policy HG5 provides support for windfall housing development. HG5 states that a proposal for housing development on a site adjacent to the built form of a defined village, which infers land within the countryside, will be supported, subject to provisions within the policy a-e.
- 5.8 Criterion a) requires that a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village. There are no sites in Tollerton on the Council's brownfield land register. There are no brownfield/previously developed sites within the built form of Tollerton.
- 5.9 Criterion b) requires a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA). The applicants have proposed 2 x 2 bed bungalows and 2 x 3 bed bungalows. This is considered to be a suitable mix reflecting the need for smaller homes and bungalows.

- 5.10 Criterion c) requires that the proposal is considered to represent incremental growth of the village that is commensurate to its size, scale, role and function. It is considered that 4 dwellings is small scale. There has been a gradual number of smaller schemes that have been granted permission since 2017 in the village, an issue is that none of these schemes have provided any affordable homes. So, whilst the total number of homes would increase the housing stock by 16 it would have positive implications in terms of meeting the housing needs of the district whilst accounting for less than 5% of the total homes in Tollerton.
- 5.11 Criterion d) requires that the proposed development would not result in the loss of open space that is important to the historic form and layout of the village. Much of the site abuts the boundaries with neighbouring development with public vantage points restricted to the road ends.
- 5.12 Criterion e) requires that the proposal would not have a detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village. 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.
- 5.13 As noted in the previous report. 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. The scheme is to be bound by the section 106 agreement to be developed after the affordable homes.
- 5.14 As a proposal for housing development on a site adjacent to the built form of a defined village, the application accords with Council's policies. The proposal is considered to accord with policies S1 to S3 and with criteria c-e of Local Plan policy HG5.

Size, Type and Tenure of homes

- 5.15 Policy HG2 is satisfied for this proposal as the size and type of the proposed dwellings provide a housing mix in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents. The proposed bungalows meet the Nationally Described Space Standards.
- 5.16 There is no requirement for this application to provide affordable housing, and no conflict with policy HG3. The applicant is happy to enter into a Legal Agreement to ensure the affordable housing on the adjacent site is constructed ahead of the market homes.

- 5.17 As set out in the previous report the application is submitted alongside a scheme for 12 affordable homes, which are proposed as a rural exception scheme. The applicants advise neither would come forward without the other, and therefore they will be tied with a legal agreement for the completion of the affordable homes before the market dwellings.

Character, Appearance and Design

- 5.18 Policy E1 requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 5.19 The development can be viewed from Kyle Close, Hambleton View and from dwellings off Jubilee Court and Station Court. The proposed development responds positively to its context by proposing bungalows. Their design and materials are appropriate for the area with Hambleton View, Kyle Close and the immediate area mainly comprising similar single storey properties.
- 5.20 The proposed scale, design and layout reflects local character, with design features and architectural detail taken from the existing examples within the locality. 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
- 5.21 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 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. Significant planting is proposed.
- 5.22 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, and incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime.
- 5.23 The application is supported by an ecological appraisal and landscape proposals; these indicate the impacts upon the natural environment would be suitably mitigated. Due to the space around the proposed bungalows Significant planting is proposed which will enhance the biodiversity of the site, and a suitably worded condition can be imposed to ensure compliance with Local Plan policy E3 and E4 which expects all development to demonstrate the delivery of a net gain for biodiversity and enhance green infrastructure.
- 5.24 The proposal development is in an accessible location, and will provide for a high quality design which with the incorporation of significant landscape and bio-diversity will provide a sense of place. The proposal complies with Local Plan policies E1, E3 and E4.

Residential Amenity

- 5.25 Policy E2 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 to be 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 fulfil Local Plan policy E2.

Landscape and Ecology

- 5.31 Local Plan policies E3 and E4 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, 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.
- 5.33 The proposal would not have an unacceptable effect on ecology biodiversity interests. Significant planting is proposed which will enhance the biodiversity of the site, and this has been significantly amended to increase the biodiversity of the site. A suitably worded condition can be imposed to ensure the details of the ecological scheme to be submitted, and compliance with Local Plan policy E3 and E4.

Highway Matters

- 5.34 Local Plan policy IC2 seeks to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments.
- 5.35 The above policy is 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.
- 5.36 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.
- 5.37 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.
- 5.38 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 Local Plan policy IC2.

Flood Risk and Drainage

- 5.39 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. 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.
- 5.40 The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. The site lies within Flood Zone 1. 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.
- 5.41 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.
- 5.42 Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner. 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. As noted previously Yorkshire Water agree to this.
- 5.43 The proposed development satisfactorily deals with flood risk and drainage and therefore the provisions of policies RM1, RM2 and RM3 are satisfied. Conditions have been imposed in line with the consultee recommendations.

Contaminated Land

- 5.44 Local Plan policy RM4 sets out the Council's approach in relation to how development proposals affect and are affected by air quality. Emerging policy RM5 identified the Council's approach in relation to ground contamination and groundwater pollution.
- 5.45 Local Plan policy RM5 requires 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.

5.46 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 Local Plan policy RM5.

Planning Balance and Conclusion

5.47 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.

5.48 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 Local Plan. 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.

5.49 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.

5.50 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 in relation to the timing of their construction in relation to application 21/01302/FUL that permission is **GRANTED** subject to the following conditions:

1. Timescale

The development hereby permitted shall begin not later than 3 years from the date of this decision.

2. Approved Drawings

The development hereby permitted shall be carried out in accordance with the approved plans listed:

1904-SI-32 Location Plan

1904-SI-32B Site Layout 4 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. Surface Water Drainage

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:

- i. include detail of the phasing of the development and phasing of drainage provision, where appropriate.
- ii. Identify where principles of sustainable urban drainage have been employed.
- iii. 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. Exceedance Flow Plan

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. Finished Floor Levels

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. Landscape and Ecology Scheme

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 for each landscape.
- 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 in relation to the incorporation of the biodiversity. 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. External Lighting

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. Designing out Crime

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. Separate Foul and Surface Water

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. Foul Water scheme

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. Electric Vehicle Charging Point

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. Road and Sewer Engineering Drawings

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. Carriageway and Footway Construction

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. Parking and Turning Areas

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. Construction Management Scheme

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. Boundary Treatment

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. Materials

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. Construction Methodology

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. Verification Report for noise attenuation

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. GPDO restriction

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. Phase 2

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. Remediation Scheme

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. Remediation scheme carried out

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. Unexpected Land Contamination

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.

25. Acoustic fence

Prior to the first occupation of the development a scheme for the maintenance of the acoustic fence shall be submitted for the written approval of the Local planning Authority. Once approved the development shall be implemented in accordance with the approved details prior to occupation of any unit and thereafter maintained in accordance with the approved scheme for the lifetime of the development.

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 Local Plan policy S1.
3. In the interest of satisfactory and sustainable drainage in accordance with Local Plan policies RM1, RM2 and RM3.
4. In the interest of satisfactory and sustainable drainage in accordance with Local Plan policies RM1, RM2 and RM3.
5. In the interests of the visual appearance and amenity of the development in accordance with Local Plan policies RM1, RM2 and RM3.
6. In the interests of the visual amenity and to achieve a net gain in biodiversity in accordance with Local Plan policies E3 and E4.
7. In the interests of the amenity of the development in accordance with Local Plan policy E2.
8. In the interests of the amenity of the development in accordance with Local Plan Policy E1.

9. In the interest of satisfactory and sustainable drainage in accordance with Local Plan policies RM1, RM2 and RM3.
10. In the interest of satisfactory and sustainable drainage in accordance with Local Plan policies RM1, RM2 and RM3.
11. In the interests of sustainable development in accordance with Local Plan policies RM1, RM2 and RM3.
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 Local Plan policies IC2 and E2.
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 Local Plan policies IC2 and E2.
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 Local Plan policies IC2 and E2.
15. In the interest of public safety and amenity in accordance with Local Plan policies IC2 and E2.
16. In the interests of neighbouring residential amenity in accordance with Local Plan policies IC2 and E2.
17. In the interests of neighbouring residential amenity in accordance with Local Plan policies E1 and E2.
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 Local Plan policies IC2 and E2.
20. To ensure the proposed noise attenuation measures are satisfactory in the interests of residential amenity in accordance with Local Plan policies E2.
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 in accordance with Local Plan policy RM5.
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 in accordance Local Plan policy E2.

24. 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 in accordance Local Plan policy E2.
25. In the interest of the residential amenity of the development in accordance with Local Plan policy E2.