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22/01486/OUT

Demolition of existing buildings and outline planning application for 4no dwellings (Use Class C3) with all matters reserved except access

At: Land To The South Of Beck Lane
For: Roberts/Christon

This application is referred to Planning Committee at the request of Councillor Andy Robinson because the issues raised by the development are of significant public interest.

1.0 Site, Context and Proposal

- 1.1 The application site is located to the south of the dwellings on Beck Lane, west of Stockton Road and east of Cod Beck. The site comprises 0.40ha and is currently in agricultural use. The site features two agricultural buildings. One is an old red brick agricultural building which has fallen into a state of disrepair with collapsed roof. Due to the age of the building and use of an engraved keystone (potentially pointing to chapel use) local residents sought advice from Historic England on the suitability of the building for statutory listing. Historic England found that the building was utilitarian in design and most likely built as a kennels or pigsty. Historic England found no special interest of national significance that would warrant statutory listing.
- 1.2 The site is located approximately 30m east of Cod Beck and approximately 20m from the edge of Flood Zone 2. During the life of the application the application site was reduced to exclude the Flood Zone. Local residents, however, contend that the experienced flood zone is larger than that recorded by the Environment Agency. The Flood Risk Assessment has therefore been amended to reflect a higher level. Local residents maintain that flood water reaches the area where the access road is proposed.
- 1.3 There is a distinct land level change at the western end of the site. The land level rises up from the river bank by 3m up to the main level of the site i.e. the river is 3m below the site with a bank leading up to the site. The area where the access road is proposed features this land level change so that it is likely that the access road will require engineering works to build up the ground and achieve the required levels.
- 1.4 The western edge of the site also features a mature Wellingtonia tree. A Tree Preservation Order, 22/00008/TPO2, was confirmed on this tree in July 2022.

- 1.5 The site is bordered to the north and east by residential development. To the south of the site the adjacent land has previously been used as a caravan site, however, the planning history indicates that part of the land has reverted to agricultural use and part has been approved as part of a holiday let. To the west of the site lies Cod Beck.
- 1.6 This is an outline application for the demolition of the buildings and construction of 4 dwellings with access only considered. The remaining matters of appearance, layout, scale and landscaping will be considered at a later stage should outline consent be granted. An indicative plan has been submitted to demonstrate how the site could be laid out.

2.0 Relevant Planning and Enforcement History

- 2.1 There is no relevant planning and enforcement history at this site.

3.0 Relevant Planning Policies

- 3.1 The relevant policies are:

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S3: Spatial Distribution
Local Plan Policy HG5: Windfall Housing Development
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy RM2: Flood Risk
Local Plan Policy RM3: Surface Water and Drainage Management
Housing SPD
National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council – South Kilvington Parish Council returned a neutral response but raise the following points on behalf of local residents who are in objection:
- Serious thought must be given to the drainage scheme and any impact on the flood zone both locally and in the wider area.
 - Responsibility for long term maintenance of the drainage attenuation measures must be secured.
 - This application is for 4 dwellings and any further development beyond this should be refused.
 - Impact on privacy of properties on Beck Lane
 - Boundary treatments should be provided for clear delineation of plots and to avoid trespassing as a shortcut to the village
 - Construction management plan should be required if planning is granted
 - Access for bin collection. Collection point is a concern as unsightly and may attract vermin etc.
- The Parish Council also make the following comments:
- The proposal offers a good housing mix and property size is a welcome addition to the area
 - This is a low-density development in keeping with the area

- Attenuation pond would be welcome as a nature spot
- Would the attenuation pond and nature area of the site be made available for the wider community and general public? If so, it would be welcomed.

- 4.2 Highway Authority – The applicant has indicated that a public road would be provided however it is not the policy of the Local Highway Authority to adopt a road serving a development of this scale. No objections were raised and conditions are recommended.
- 4.3 Environment Agency – Following a number of consultations the Environment Agency have concluded that the development is outside of the Flood Zone and recommends that the development be carried out in accordance with the Flood Risk Assessment. A condition is recommended that the access road be built in accordance with the drawing shown in the Flood Risk Assessment.
- 4.4 Internal Drainage Board – No objection
- 4.5 Yorkshire Water – no objection subject to conditions
- 4.6 MOD safeguarding – Awaiting final response
- 4.7 Public comments – 46 letters of objection were received from members of the public raising the following issues:
- Beck Lane not suitable for current traffic levels without this development
 - Existing foul sewerage at full capacity
 - This land floods when it rains and the development will cause this to run off into existing properties
 - The application contains inaccuracies including reference to 10 dwellings and incorrect postcode
 - Cod Beck floods annually and the access road will go through the flood zone
 - Land level changes for the access road will displace floodwater resulting in flooding downstream and on the A167
 - The land currently soaks up rainwater but non-porous surfacing will result in additional water flowing into Cod Beck
 - Climate change may mean the road may flood in future
 - Who will pay to maintain drainage systems, the road and flood damage
 - Access for emergency vehicles
 - Visibility at the junction with Beck Lane
 - Direct access from the A61 should be used
 - Refuse vehicles already reverse down Beck Lane and refuse to do so after snow
 - Bin collection point will be an eyesore
 - No footpath on southern side of Beck Lane and vehicles will be turning onto pedestrians and tourists using Swale Way.
 - Impact on views from Public Right Of Way
 - Impact on habitats adjacent to the river during construction
 - Access road cuts into neighbouring land and root protection area of protected tree
 - The land level at which the flood zone sits is very similar to the land level where the access road is located showing that it is within the flood zone
 - Impact on biodiversity

- Potential structural damage to neighbouring properties from proposed trees
- Increased flooding to properties in Thirsk
- Impact on privacy/overlooking of neighbouring dwellings and proposed screening will cause loss of light/overshadowing
- Noise and disturbance
- Loss of turning point which is used for parking by visitors/fishermen etc
- Potential for trespass to cut through private property to gain access to main road
- Lack of local infrastructure such as phone lines/internet
- Loss of outlook
- Impact on protected tree
- Flood water has come up to the boundary wall of Meadow View?
- What will happen to the land now excluded from the application site?
- Land levelling on the opposite side of the Beck has increased flooding on the east side.
- Impact of street lighting on existing properties
- Additional surveys for bats required
- Impact during construction
- Visibility at junction with main road
- Loss of agricultural land
- No archaeological survey
- Village becoming less attractive to tourists, less like a village
- Loss of safe play area for children
- Road bank encroaches on neighbouring property outside the red edge
- Impact of climate change
- Road will damage existing foundations

5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Housing Mix
- Impact on the character of the area
- Amenity
- Drainage and Flood Risk
- Highways safety
- Biodiversity

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 HG5 : Windfall Housing Development.
- 5.4 Policy S3 sets out the settlement hierarchy. South Kilvington is a secondary village within the Thirsk sub area. Such villages are expected to see development. This is because they have been identified as having access to services and the settlement character would be able to accommodate new development. The position of a settlement within the hierarchy is based on the range and type of services and facilities available within the settlement or in its immediate vicinity and the availability of public transport services.
- 5.5 Policy S5 states that the built form is defined as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. Land outside of this built form is considered to be open countryside. The built form excludes gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement. In this case the site is not considered to be within the built form of the settlement. It can, however, be considered to be adjacent to it.
- 5.6 Policy HG5 states that adjacent to the built form of a defined village housing development will be supported where a number of criteria are met.
- 5.7 Criterion a. requires that a sequential approach to development be taken which prioritises previously developed land over undeveloped land. The applicant has submitted an assessment of the settlement and identified 3 previously developed sites that could be considered for redevelopment. Whilst there is some disagreement with some of the wording and parameters overall the assessment is suitable for the purpose submitted. The main point being that there is no suitable and viable previously developed land available within the built form of the village. Part a. is therefore satisfied.

Housing Mix

- 5.8 Criterion b. requires a housing mix in accordance with the Council's up to date evidence. The supporting statement indicates that all dwellings would be bungalows. The indicative mix is shown as 1 x 2 bed, 2 x 3 bed and 1 x 4 bed. As the number of units proposed is low the target mix calculates as follows:

House size	Target	Equivalent number of units	Proposed
1Bed	5-10%	0.4 units	0
2Bed	40-45%	1.8 units	1

3Bed	40-45%	1.8 units	2
4Bed	0-10%	0.4 units	1

5.9 As can be seen above the mix is one of the options that would fit into the SPD targets. It may be that an opposite mix may be more acceptable eg 1x1bed, 2x2bed and 1x3bed. The application, however, is in outline with access only considered. The scale and mix, therefore, are indicative only and will be considered at reserved matters stage.

Impact on the character of the area

- 5.10 Criterion c. requires that development, both individually and cumulatively, be commensurate with the size, scale, role and function of the settlement. South Kilvington is made up of approximately 114 dwellings. The application is for four dwellings which equates to approximately 3.5% increase.
- 5.11 Permission has been granted on land to the north of the Primary school for five detached dwellings. Permission has also been granted for two dwellings at Glebe Farm on the southern edge of the settlement. This brings the total since the introduction of the Interim Policy Guidance (now superseded by the Local Plan) to 11 with the proposed development included. This equates to a cumulative increase of 9.6 %. This is considered to be commensurate with scale, role and function of South Kilvington. Criterion c. is therefore satisfied.
- 5.12 Criteria d. and e. relate to layout, historic form and character of the settlement and surrounding countryside. Historic mapping shows that South Kilvington was predominantly linear on the western side of Stockton Road. To the rear of road fronting properties were long plots stretching down to Cod Beck. Beck Lane appears on both the 1850s and 1890s mapping presumably connecting the village to the public footpath along the beck.
- 5.13 The construction of dwellings at Church Farm and either side of Beck Lane has somewhat eroded the distinctive linear pattern in the immediate vicinity. It is considered, therefore, that the site does not constitute an open space that is important to the historic form and layout of the village. It is also considered that the development would not have a detrimental impact on the character or appearance of the settlement as a whole nor would it result in the loss of countryside that makes a significant contribution to the character or setting of this part of the village. Criteria d. and e. therefore are satisfied.

Amenity

- 5.14 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. Amongst other things listed in the policy a proposal will be required to ensure:
- adequate availability of daylight and sunlight for the proposed use, and would therefore not result in significant effects of overshadowing and the need for artificial light;
 - the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy;
 - adequate and convenient provision is made for the storage and collection of waste and recycling;
 - that there would be adequate and convenient provision of private external amenity space.
- 5.15 The application is in outline with access only considered. An indicative site plan has been submitted showing how the site could be laid out. The layout shows that 4 dwellings could be sited in compliance with the above criteria set by Policy E2. Separation distances between the proposed units and the existing properties to the north are approximately 20.5-21.5m. Good size private amenity areas are shown for each proposed dwelling. Bin storage is shown to the front of each property.
- 5.16 It appears from the application that the developer intended for the road to be adopted, however, the Highways Officer has indicated a road serving only 4 dwellings would not be adopted by the highway authority. It is envisioned then that a bin collection point will need to be established as part of the layout details at reserved matters stage.
- 5.17 Local residents have raised concerns over the proximity of the development to existing properties to the north. It should be noted that the existing properties have relatively small amenity spaces to the southern side of the dwellings. It appears as though each dwelling also has some amenity space to the side or front of the host property. The result, however, is that the southern elevations are very close to the boundary, between 1.5 and 2.5m. Residents have indicated that the proximity of the access road and footpath to their gardens and rear windows will erode the level of privacy they currently enjoy. The introduction of planting to provide screening would, in the opinion of residents result in loss of light.
- 5.18 The access road is somewhat fixed, at least for the first section, due to drainage issues as will be assessed below. There may be alternative options for the layout of the internal road that would resolve the privacy issue. Layout, however, is a reserved matter and the position of the internal access road is not under consideration at this point and the issues of privacy and light cannot be finalised at the outline stage.

Drainage and flood risk

5.19 Policy RM3 states a proposal will only be supported where surface water and drainage have been addressed such that:

- surface water run-off is limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
- where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council's Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;
- wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;
- if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;
- if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
- SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.

5.20 Paragraph 5.8.3 of the FRA indicates that the photographic evidence provided by residents has been used as the extent of the flooding. Local residents, however, point out that the photographs show receding water levels as they did not approach the floodwater at its full extent. The full extent is claimed to be following the 36m contour line as shown in Figure 1 below that passes through the centre of the site. The access road would be located in this area.

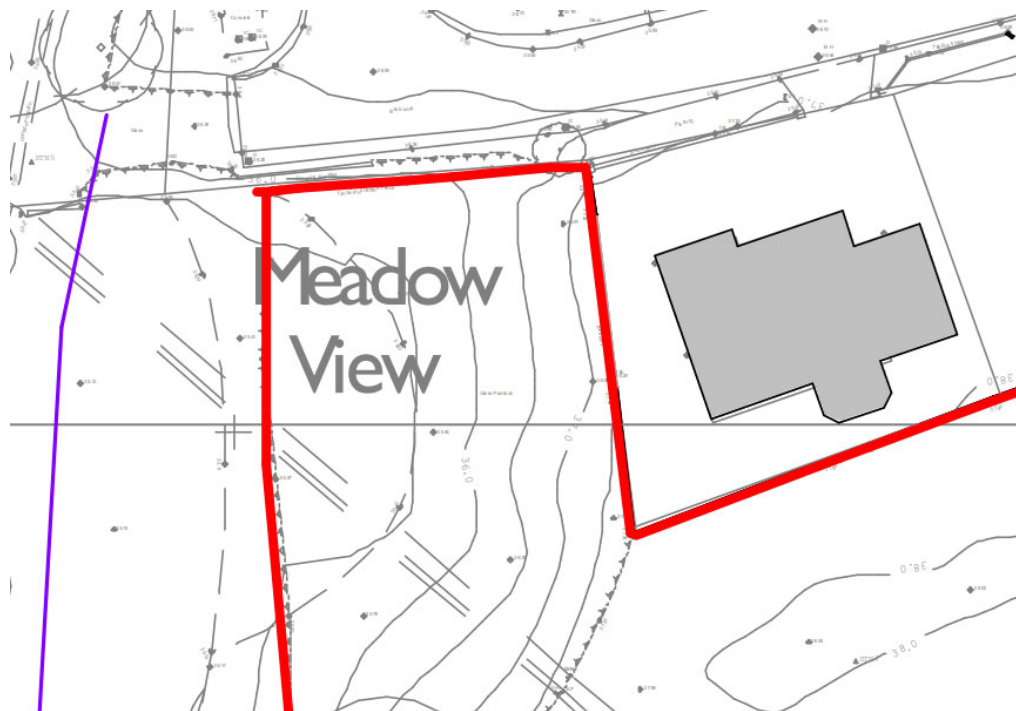


Figure 1

- 5.21 When submitted the application site included land within the areas defined by the Environment Agency as Flood Zones 2 and 3 (Flood Zone 2 shown as purple line in Figure 1 (running north south on the west side of the Figure 1 and beyond the site boundary)). Since then, the red edge has been reduced, moving further away from the beck, to exclude the Environment Agency flood zones. As such the site falls outside of the scope for sequential and exception testing. The Flood Risk Assessment submitted with the application applies the sequential and exception tests, however, as following the amendment to the application site the tests are not required and are not reviewed further in this report.
- 5.22 There appears to be no available planning guidance on the assessment of locally experienced flooding outside of the recorded flood zones. It is noted, however, that in Paragraph 162 of the National Planning Policy Framework it is stated that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.23 It is widely accepted and understood that climate change is likely to lead to increased risks of flooding in the future with risks increasing over time. Flood risk is not static; it cannot be described simply as a fixed water level that will occur if a river overtops its banks. It is therefore important to consider the continuum of risk carefully. Risk varies depending on the severity of the event, the source of the water, the pathways of flooding and the vulnerability of receptors. The Flood Zones also do not take account of climate change. In the absence of any published information on exactly how Flood Zone boundaries might change due to climate change, a workable assumption is that the current day Flood Zone 2 extent will be entirely taken up by Flood Zone 3 in the future.
- 5.24 Development on a greenfield site is required to manage the rates of discharge of surface water, these and other drainage matters can be appropriately controlled by conditions. As the Flood Risk Assessment has been amended to include

additional land as evidenced by local residents it is considered that drainage and flood risk have been adequately addressed in this case.

Highway safety

- 5.25 Policy IC1 states that the Council will seek to ensure that development is supported by the timely delivery of necessary infrastructure and facilities. Policy IC2 states that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all.
- 5.26 Access is considered as part of this outline application. All other matters relating to internal parking etc would be considered at Reserved Matters stage. North Yorkshire County Council Highways Officers have been consulted and have raised no objection to the location of the access point. They have indicated, however, that the internal road is unlikely to be adopted due to the relatively small scale of the development it serves.

Biodiversity

- 5.27 Policy E3 (The Natural Environment) of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity. Paragraph 6.46 of the supporting text states that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated.
- 5.28 As the application is in outline form with only access considered, landscaping details will be considered at reserved matters stage. As indicative plans have been drawn up, however, the Biodiversity Net Gain report shows that the site could achieve a net gain of 49.85% for habitat units and 330.36% for hedgerow units. The requirements of Policy E3 can reasonably be expected to be met by the development.
- 5.29 A Preliminary Ecological Survey was submitted with the application. The survey indicates that overall the site is considered to be of low ecological value. The modern agricultural building located on the eastern half of the site was deemed to have moderate potential for bats.
- 5.30 A further scoping assessment was then carried out by a licenced Ecologist and the subsequent report submitted. No field sign evidence synonymous with use of the building either internally or externally by bats was recorded during the survey. Cracks and fissures were recorded on all buildings within the site, however, due to the size of the gaps, presence of cobwebbing, no suitable recess within the walls or roof features and construction of buildings, it was deemed that all features were classified as suboptimal and ecologically unfunctional. Furthermore, elevated predation risks via the presence of brown rat and levels of exposure are deemed a restrictive factor to bat use of the buildings. The report concludes that the buildings within the site were deemed to have a negligible roost suitability. No further surveys are required.

Conclusion

- 5.31 The site for housing development is identified as being adjoining the built up area of a settlement within the hierarchy of the Local Plan. Additional housing will provide economic and social benefits within the capacity of infrastructure without significant residual risks to highway safety, or harm to amenity of neighbours and the risks to the environment can be appropriately managed by planning conditions.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; (c) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (d) the scale of buildings overall.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the Location Plan 2131.001 Rev A received by the Local Planning Authority on 15th September 2022 and insofar as it relates to the point of access only Proposed Site Plan 2131.024 received by the Local Planning Authority on 15th September 2022.

4. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

* The crossing of the highway verge must be constructed in accordance with Standard Detail number E60 and the following requirements.

* Any gates or barriers must not be able to swing over the existing or proposed highway.

* That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 15.

* The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works must accord with the approved details

5. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

* vehicular and pedestrian accesses;

* vehicular parking;

* vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

6. No development must commence until a Construction Management Plan 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 plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

* wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

* the parking of contractors' site operatives and visitor's 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.

7. 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.

8. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

9. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

10. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form. These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

11. Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a minimum 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

12. 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.

13. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwellings nor shall any structure be erected within or on the boundary of the curtilage of the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

14. No soil, waste, plant or materials shall be placed on land within the control of the applicant that is within the land shown on Environment Agency mapping to be within Flood Zone 2 or 3 during the construction phase or subsequently.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, prior to the commencement of development.

3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

4. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

5. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

6. In the interest of public safety and amenity.

7. In the interest of satisfactory and sustainable drainage.

8. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

9. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

10. To ensure that the development is appropriate in terms of townscape and landscape impact in accordance with policy E1, E2 and E7

11. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.

12. 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.

13. To control the extension or alteration of the development in order to ensure that development does not result in an unacceptable impact on the adjacent flood zone in accordance with Local Plan Policies RM1 and RM2.

14. To control the development and guard against a loss of capacity to the flood zone or increase the likelihood of pollution that could have an unacceptable impact on the adjacent flood zone or water quality in accordance with Local Plan Policies RM1, RM2, and RM3.