

North Yorkshire Council

Community Development Services

Richmond (Yorks) Constituency Planning Committee

11 April 2024

21/00797/FULL - Full Planning Permission for the Construction of 92no Residential Dwellings with Associated Access, Landscaping and Associated Infrastructure at Land North of Caxton Close, Brompton On Swale

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for Full Planning Permission for the Construction of 92no Residential Dwellings with Associated Access, Landscaping and Associated Infrastructure at Land North of Caxton Close, Brompton On Swale.
- 1.2 This application has been referred to planning committee by Officers due to raising significant material planning considerations in relation to scale and location of development.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

- 2.1. The application seeks planning permission for 92 houses of which 40% are proposed to be affordable, together with public open space and associated infrastructure.
- 2.2. The site is adjacent to Brompton on Swale a Primary Service Village, immediately to the north of a housing estate. The site and land to the east have extant planning permission for 200 dwellings and this is considered a strong material planning consideration. For these and further reasons set out in the report, the principle of development is considered acceptable.
- 2.3. All other matters are considered to be acceptable, and permission is recommended to be granted subject to S106 and conditions.

Figure 1 – Location Plan



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Documents for 21/00797/FULL](#)
- 3.2. The following relevant planning history has been identified for the application site:
- 3.3. This site was part of a larger application submitted in 2002 for 200 dwellings (ref. 1/12/328-/FULL- Full Planning Permission for Erection of 200 Dwellings with Associated Roads, Drainage, Open Space and Landscaping) approved October 2006. The LPA confirmed in writing on 26th January 2012 that a valid commencement had been made (therefore the permission is extant) but the development did not progress and has not been completed. No houses have been built or occupied.
- 3.4. Application ref. 1/12/328D/OUT - Outline Application for Residential Development of up to 250 Dwellings Including Roads, Open Spaces and Site for New Primary School. Finally Disposed of in May 2022.
- 3.5. Other relevant planning history relate to a pending S.73 application, which relates to the aforementioned 2002 approved scheme, ref. 22/00657/VAR.

4.0 SITE AND SURROUNDINGS

- 4.1. The application site comprises approximately 3.9ha of farmland, located immediately north of an existing residential development, off Gatherley Road, Brompton On Swale. The site itself is fairly flat, although the access to the site slopes gradually from south to north from the estate roundabout. Access to the existing housing estate (and in turn, the application site) is directly off Gatherley Road, located to the west.
- 4.2. The site is bounded by trees and hedgerows. To the west of the site is Robin Hood Farm and a recently approved residential development of 32 no. dwellings. Existing properties on Shakespeare Close, Nightingale Close and Cook Close are located to the immediate south and back onto application site.
- 4.3. A watercourse runs from north to south along the eastern side of the application site.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This The proposal (as amended) seeks full planning permission for the construction of a 92 no. unit residential development with associated access, landscaping and infrastructure. The dwellings proposed would be predominantly two storey (4 no. single storey properties would be provided) made up of the following:
 - 15 x 2 bedroom dwellings
 - 40 x 3 bedroom dwellings
 - 37 x 4 bedroom dwellings
- 5.2. The application proposes to provide 40% onsite affordable housing, which equates to 37 units (10% First Homes and the remaining 30% split between affordable rent and discount market units- 14 affordable rent, 14 discount market sale and 9 First Homes)
- 5.3. Access would be provided from an existing road serving Caxton Close, which is located within an existing housing development to the east of Gatherley Road.
- 5.4. Amended plans (ref. BOS-PH2-001, ref. P) now illustrate open space provision along the southern boundary of the application site, linking around via footpath to a "kickabout area" in the south eastern corner of the site. Boundary planting would be retained where possible

and a submitted Arboricultural Report sets out that due to design requirements, 6 no. Category B trees of 'moderate value' and 8 no. Category C trees of 'low value' would be removed and a further 2 no. trees that require removal regardless of the proposed development. The application is accompanied by a Landscape Proposals Plan (ref. 144930/8003 rev. B), illustrating the location and types of planting that would be implemented as part of the proposed development and includes further hedge, tree and shrub planting within the site.

- 5.5. Since the submission of the application, an updated Preliminary Ecological Appraisal and Ecological Impact Assessment, as well as a Biodiversity Net Gain Assessment have been submitted. The former now provides recent survey results for the proposed site area, relating to habitats and ecological value within the site and recommendations for avoiding impacts but where it is not possible to avoid, mitigation (in this case mitigation in relation to impacts of the development on bats through sensitive lighting design and the provision of native planting, bird and bat boxes). In terms of Biodiversity Net Gain, the submitted spreadsheet and report confirm that with the onsite and off site measures proposed, the development is capable of achieving 0.82% net gain for area based habitats and 67.36% net gain for hedgerows.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is:
- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
 - Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
 - The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Guidance - Material Considerations

- 6.3 Relevant guidance for this application is:
- National Planning Policy Framework 2023
 - National Planning Practice Guidance
 - National Design Guide 2021

7.0 CONSULTATION RESPONSES

- 7.1 Brompton On Swale Parish Council: No objections in principle, but initially objected in terms of lack of open and green spaces within the proposal and the density in contrast with the current Augustus Gardens development. Concern over lack of car parking spaces and loss of habitat for wildlife. Matters such as lack of maintenance within the existing estate were also raised, potentially adding to flood risk (especially to properties close to the sports field). The Parish Council understands that there are no plans to culvert, but to leave an unguarded ditch running through a housing estate and that flooding attenuation will be hydro break control systems to hold water for a period which will run into the same waterway that is currently undermaintained.

No further comments or objections to add in response to later consultations.

- 7.2 Division Member: No objections and the changes made to the application are pleasing to see, reflecting the neighbouring site layout, reducing the number of dwellings and the inclusion of bungalows.
- 7.3 Archaeology: No objections and no additional information requested, as past investigations have already carried out (and recorded) on the land.
- 7.4 Ecology: Initially raised concerns around regarding the date of the submitted PEA, as well as the fact that Biodiversity Net Gains (BNG) had not been addressed. Since the agent submitted a revised PEA with updated surveys and BNG report/calculations, NYC Ecology commented as follows:
- Birds – it is considered that retention of boundary features as noted above for bats, along with the provision of nest boxes as set out in the Jan 2022 report will provide suitable mitigation for birds utilising the site. In addition, standard avoidance measures such as the timing of vegetation removal (to avoid the bird nesting season) should be written into any CEMP documents.
- Water vole, Otter and WCC – as no evidence of these species was found and the habitat was considered sub optimal for these species, no specific mitigation is required.
- With regards to BNG, the spreadsheet and report confirm that with the on site and off site measures proposed, the development is capable of achieving 0.82% net gain for area based habitats and 67.36% net gain for hedgerows. Whilst it is disappointing that a higher percentage of net gain cannot be achieved, at the current time, the proposal is policy compliant. There will be a need to secure the offsite BNG and submission of a detailed Habitat Management and Monitoring Plan (HMMP) or Biodiversity Enhancement and Management Plan (BEMP) will be required either through a legal agreement or condition.
- 7.5 Education: A sum of £305,121 (based on uplifted 2021 rates) is sought towards education facilities
- 7.6 Environmental Health: Considered the acoustic report and are satisfied that it meets the requirements, providing that the proposed layout design and noise amelioration measures suggested are followed. With regards to contamination, a 'Watching Brief' shall be implemented to legislate for unexpected or previously-unidentified contamination encountered during site works. Occupancy or use of the development shall not be permitted until such time as written confirmation of the presence or absence of contamination during site works. Restrictions for working hours during construction are also recommended.
- 7.7 Local Highway Authority: No objections, subject to a S106 to secure a sum of £2,500 towards the monitoring of the Travel Plan and conditions relating to the detailed layout of road/footways; private access and/or verge crossings; Travel Plan delivery; submission of a Construction Management Plan and informatives relating to other LHA permissions that may be required and landscaping works.
- 7.8 Lead Local Flood Authority: Further to the submission of revised plans and Drainage Strategy, the LLFA consider that the submitted documents now demonstrate a reasonable approach to the management of surface water on site, subject to conditions relating to runoff rate, storage requirements and maintenance. The LLFA also note the matters raised by nearby residents and comment that it is for the applicant to open communications regarding the private issue.
- 7.9 Natural England: No objection.
- 7.10 NHS: No response received.

- 7.11 Police (Designing Out Crime Officer): The removal of a pedestrian link on the northern boundary of the site near to Plot 13 and the one on the eastern boundary near to Plots 35 and 36 have been removed which enhances the security of the scheme by reducing the number of potential access/escape routes for an offender. It is good to see service footpaths included for access, however, these should be gated as close to their entrance as possible with gates that are a minimum of 1.8m in height with a key-operated lock. It is pleasing to note that the lack of visitor parking has been addressed and that each property without a garage would be provided with a lockable shed that includes a cycle anchorage point. However, certain properties still lack demarcation between frontages.
- 7.12 Public Rights of Way: There is a Public Right of Way adjoining/adjacent to the application site boundary. If the proposed development will physically affect this either permanently or temporarily, a diversion will need to be made under S.257 of the Town and Country Planning Act 1990.
- 7.13 Yorkshire Water: No objections subject to conditions relating to waste water, so as to ensure separate systems for foul and surface water drainage on and off site are provided, as well as details on outfall and means of disposal of foul drainage for the whole site (including details of any balancing works, off site works and phasing that may be necessary).

Local Representations

- 7.14 22 no. local representations have been received of which 2 no. are in support and 20 no. are objecting. Matters raised as summarised below:

Objections

- Lack of services in the area to support more development (schools, medical services, shops, etc.)
- Additional traffic
- Impact on wildlife
- Surface water drainage
- Poor, linear design and not in keeping with the character of the existing estate
- Distance to public transport
- Brownfield land should be prioritised over greenfield
- Excessive number of playgrounds
- Proximity of playgrounds to existing properties
- Social housing should be better interspersed within the development
- Location of pumping station in proximity to residential dwelling
- Further planting requested for privacy along boundary
- Poor state of repair of existing play parks elsewhere
- No protection of amenity and security for properties to the east of the development
- Safety around the existing primary school would worsen, with an increase in numbers as a result of this development
- Condition of the drainage ditch that would be used for surface water drainage associated with the development

Support

- Good to see development proposed that would benefit people in the local area.
- More houses in a growing world is a good thing.

- 7.15 Comments have also been received from local interest groups and charities (The British Horse Society and Local Access Forum). A summary of the comments is provided below, however, please see website for full comments.

- 7.16 British Horse Society: Latest comments from the BHS are that it is noted there is some separation from the gardens of the houses to the northern boundary hedge line which should help to alleviate the intrusion of the houses on the public bridleway. It is also noted that the developers show a path of unknown status to the west side of the development which leads in a northerly direction onto the public bridleway. Consideration needs to be given for adequate sight lines and mitigation measures to prevent cyclists and others on some form of propelled transport from entering at speed onto the public bridleway so that a collision is avoided and so that horses being ridden on the bridleway are not startled with the potential for an accident.
- 7.17 Ramblers Association: No response received.
- 7.18 Local Access Forum: One play area seems inadequate for the number of new dwellings and suggest that further informal green spaces should be made within the development. The Forum supports the BHS in their concern over the boundary treatment to the north, where a bridleway runs outside the length of the development and where 'future access' and we ask that additional soft landscaping is provided to reduce the noise impact on the enjoyment of the public when using the right of way, as at the moment it is an undisturbed route without urban distraction.
- 7.19 Yorkshire Wildlife Trust: Comments from 2021-
1. Recreational impacts on Scorton Quarry SINC, which lies 470 m to the east (not 680 m as incorrectly stated at 3.1.2.1.) should be fully explored and addressed.
 2. Further survey work for protected species is clearly required as detailed within the report. These surveys should be carried out in full and should be provided prior to determination of the planning application.
 3. The report contains no detailed impact assessment for the submitted scheme, and contains a number of recommendations rather than firm commitments by the applicant to demonstrate that the mitigation hierarchy has been implemented. This is because the report is Preliminary Ecological Assessment, rather than a detailed Ecological Impact Assessment, which is required for planning purposes.
 4. In line with the NPFF, the development should deliver 'measurable' biodiversity net gain. The emerging Environment Bill is expected to put a requirement for all proposals to achieve a 10% net gain in biodiversity; whilst not yet formally released, this level is already being implemented as good practice across the country. We would therefore wish to see the usage of a biodiversity metric to demonstrate how net gains for biodiversity can be achieved on site. We would welcome the implementation of Defra v3.0 metric as industry standard, with sufficient justification for habitat classifications and conditions, pre and post development made clear. For ease of interpretation for use of the Defra metric which utilises UK Habitat Classification (2018), further survey in this format may prove beneficial.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended) as the overall site area is less than 5ha and number of dwellings is not more than 150 no. No Environment Statement is therefore required.

9.0 MAIN ISSUES

- 9.1. The key considerations in the assessment of this application are:

- Principle of Development
- Housing Mix
- Affordable Housing
- Land Quality and Classifications
- Flood Risk and Surface Water Drainage
- Foul Drainage
- Access, Parking and Highway Safety
- Accessibility
- Education Provision
- Open Space/Recreation Provision
- Landscape Impact
- Relationship to Surrounding Land Uses and Neighbouring Properties
- Design, Layout and Appearance
- Heritage and Archaeology
- Ecology
- Trees
- Ground Conditions/Land Quality
- Crime and Disorder
- Lighting
- Carbon Savings and Sustainable Construction
- The Public Sector Equality Duty

10.0 ASSESSMENT

Principle of Development

10.1 This application site forms part of a wider extant approval for 200 dwellings that was granted in 2006 (as set out in paragraph 3.2 above) and at that time, Gatherley Road was considered to be a sustainable location for new housing in the local context under the former Richmondshire Local Plan. Since then, the Richmondshire Local Plan Core Strategy (2012-2028) has been adopted and identifies the site as being within the Plan's Central Richmondshire sub area where most of the Plan Area's housing and employment related development will take place over the plan period. Brompton On Swale is defined as one of three Primary Service Villages (PSV) in the Central Richmondshire sub area (along with Scorton and Catterick Village) and the Local Plan anticipates that at least 240 houses will be developed across these three Primary Service Villages over the plan period. Development in these service villages is supported by the Central Richmondshire Spatial Strategy where (inter alia) proposals:

- maintain and enhance the roles of these three village;
- facilitate the continued development of the Gatherley Road residential area and its integration with Brompton on Swale;
- protect and enhance the provision of local facilities;
- are of an appropriate scale, location and design; and,
- are on vacant and previously developed sites in the built-up area as far as reasonably practical.

10.2 A recent appeal decision (APP/V2723/W/23/3317682), allowed the development of 32 dwellings on a field site outside but adjacent to the village of Scorton. The Inspector noted that the ADP sets out that the projected housing numbers are targets and not ceilings (as also determined by an Inspector dealing with a similar appeal case in Barton, which is also a PSV (APP/V2723/W/21/3287312) and exceeding housing figures for development within PSVs would not be a reason in itself to dismiss the appeal. Taking this into account, along with under delivery to date on Catterick Garrison as the primary location for housing

development, this site would deliver a significant part of the overall housing development that is needed across the plan period. The site is also within the central area where most housing development should be directed and in close proximity to the towns of Richmond and Catterick Garrison where there is a wide range of services and facilities.

- 10.3 To date, a total number of 417 dwellings have been approved in the Central Richmondshire PSVs, with 244 of those in Brompton On Swale. Whilst the target for these villages have been met and will likely be exceeded (in terms of houses built not just permitted) shortly after the Local Plan Period ends, there is a significant material planning consideration which is the extant planning permission for the application site and land to the east and south-east (1/12/328-/FULL). It is considered very likely if this application was refused and dismissed at appeal that the landowner and/or applicant would simply pursue the development under the extant permission. This is given significant weight as a planning consideration for this application.
- 10.4 On the basis of the preceding paragraph and detailed realistic fall back position it is not considered necessary to undertake a detailed assessment of whether the number of dwellings is sustainable including being proportionate to the village and that the infrastructure can accommodate, or can be made to, the development.
- 10.5 Concerns were raised during the consultation process regarding a possible lack of existing services in the local area available to support the proposed development, however, this scheme would provide 92 no. of the 200 already approved and therefore this aspect has already been considered as part of the Local Plan making process that was carried out during the adoption process associated with the Richmondshire Local Plan Core Strategy. Whilst the current scheme presents physical differences in aspects such as application site area, layout, house-types and open space provision (as well as additional technical matters that must now be addressed as part of additional requirements of the Local Plan and NPPF); the applicant sets out in supporting information that this part of the wider scheme would still be implementable.
- 10.6 For the foregoing reasons, the principle of development is considered acceptable and accords with Policies SP1, SP2, SP4, CP3 and CP4 of the Adopted Development Plan.

Housing Mix

- 10.7 Policy CP5 expects new housing proposals to take account of local housing requirements across all sectors of the community in terms of size, type, tenure, accessibility and adaptability. The submitted documents indicate that this would be achieved, which is welcomed, and a mix of housing would be provided, comprising 15 no. 4 bedroomed dwellings; 40 no. 4 bedroom dwellings and 37 no. 4 bedroomed dwellings. In addition 4 bungalows are proposed.

Affordable Housing

- 10.8 The scheme proposes to deliver 40% affordable housing onsite, which meets the Policy target of CP6 of the Local Plan. The scheme would consist of 37 affordable dwellings as follows: 10% First Homes (9 units), 15% affordable rent (14 units) and 15% discount market units (14). These would comprise 13 no. two-bedroom dwelling, 21 no. three bedroom dwellings and 3 no. four-bedroom. First Homes is the governments preferred discount market housing tenure requiring a discount of at least 30% and is passed onto future owners. The affordable housing provision is acceptable, Policy compliant and First Homes Guidance compliant subject to S106 agreement.

Land Quality and Classifications

- 10.9 The site is identified by the applicant as including some land that is “Best and Most Versatile” agricultural land, as such the NPPF requires that consideration is given to sites of a lesser quality as preferential. As BMV land is graded 1-3a, the land is potentially “good to moderate quality”. In terms of density, the applicant has reduced the number of dwellings down from 127 no. to 92 no. which would lessen the landscape impact and maintain a higher quality layout for residents. The loss of grade 3(a) land is nevertheless a factor that weighs against development, but notwithstanding this, it is considered that the housing benefits of the scheme identified above would outweigh the consequent loss of agricultural land. Furthermore, as discussed above the site has a realistic fall back position created by an extant planning permission.

Flood Risk and Surface Water Drainage

- 10.10 The application site is situated predominantly within Flood Zone 1 (low probability) and as such, there is not requirement for mitigating measures relating to flooding from Rivers and the Sea, Surface Water, Reservoirs or groundwater. The submitted (revised) Flood Risk Assessment (FRA) sets out that the area of surface water flooding along the edge of the existing watercourse would remain as undeveloped landscape area with ground levels unaltered and therefore would not pose a risk to proposed residential development.
- 10.11 There are public surface and foul water sewers within the estate roads serving the residential development to the south and an existing adopted 150mm diameter foul water sewer within Stephenson Road located to the south of the site. However, the existing sewer system does not have capacity to accept any surface water and therefore the application proposes to discharge to the open watercourse on the eastern boundary of the site. Due to the underlying strata, infiltration would not be a feasible means of surface water drainage and so as was the case for the extant permission, drainage to watercourse is the most appropriate method of drainage for this site. The LLFA have been consulted on this aspect of the proposed Drainage Strategy and have responded to confirm that having considered the capacity of the existing watercourse and expected flow rates, they are satisfied on the methods proposed, subject to conditions to require a scheme restricting the rate of development flow runoff (runoff rate, storage requirements and maintenance), restricted to a flowrate of 18l per second to be submitted prior to the commencement of development.
- 10.12 Strong objections were received during the course of the application, relating to existing surface water drainage issues and the proposed means of drainage into the existing watercourse. These concerns were considered and redirected to the Flood Risk Engineer who in response reiterated that the proposals are, in principle, considered to be satisfactory and very unlikely to increase flood risk off or onsite in accordance with the requirements of the National Planning Policy Framework. Any outstanding issues are not considered to be material to ensuring the new dwellings are not of risk of flooding or that there is an increased off site risk and that the developer as landowner has the right of connection to the watercourse within their land ownership, with a drainage system restricted to the existing greenfield runoff rate.

Foul Drainage

- 10.13 Yorkshire Water have considered the foul drainage details submitted within the Flood Risk Assessment (FRA) and do not raise any objections, subject to a planning conditions to require the site to be developed with separate systems of drainage for foul and surface water on and off site; works to provide a satisfactory outfall for surface water and the submission of details of the proposed means of foul water drainage for the whole site (prior to commencement).

Access, Parking and Highway Safety

- 10.14 Objections have been raised by local residents with regards to the increase in traffic that the proposed development would create, which is feared could in turn lead to a risk to highway safety. Highways have considered the application and local safety concerns. In response, the Highway Engineer raised a number of matters that required further information to be submitted, including (but not limited to) the need for an emergency access to be provided on account of the number of dwellings proposed that would be served by one point of access as well as querying the internal road layout as proposed, should further units come forward. Engineering drawings were requested, as well as a vehicle swept-path analysis; confirmation that the internal road layout can comply with the current residential design guide; the use of tactile paving at crossing points; compliance with current requirements for visibility splays; an internal speed limit restriction of 20mph. As well as amendments to the internal parking and road layout, the LHA requested further information in relation to cycle infrastructure and storage and drainage details for surface water were requested.
- 10.15 Additional information was later submitted by the applicant, which included detailed plans and a Technical Note by way of updating the submitted Transport Assessment. The LHA have considered all of these details and have responded to confirm that they are satisfied that the proposed scheme would be acceptable in highway safety terms, subject to conditions and the payment of £2,500 to go towards the monitoring of the Travel Plan. The scheme is therefore deemed to be in compliance with the expectations of CP3 and CP4 of the Local Plan in this regard.

Accessibility

- 10.16 The existing hedgerow along the northern site boundary would be retained as part of the landscaping plans for the proposed development and the British Horse Society and Local Access Forum concur that there would be adequate distance between the rear gardens of properties provided along the northern boundary of the site and the existing bridleway that runs in an east-west direction. This would ensure that disturbance to those using the PRoW are not disturbed and the current amenity of this as a definitive route remains largely unaltered other than a limited construction period. Further development may take place in due course beyond this boundary and so an indication is provided of potential links for vehicles, cycles and pedestrians, however, no works are proposed beyond the site boundary as part of this development. A link would be provided from the existing development to the south of the proposed site, which is welcomed in terms of connectivity and would allow for integration between new dwellings and existing. These aspects of the scheme are considered to be in line with the expectations of CP4 of the Local Plan.

Education Provision

- 10.17 The extant approval for the wider scheme included land for the provision of school development. This is no longer included (or deemed required by NYC Education), however, the applicants have confirmed their agreement to a financial contribution being made from this development towards the provision of school places at Brompton On Swale Primary School. A sum of £305,121 would therefore be provided for in accordance with the expectations of the Education Authority. Arrangements for the payment of that contribution would be incorporated into a Planning Obligation in the event of planning permission being granted.

Open Space/Recreation Provision

- 10.18 A number of concerns were raised during the consultation process with regards to the open space provision and that there is already play provision elsewhere, albeit poorly maintained. Notwithstanding this, Core Policy CP11 expects new development to include provision of sufficient quality recreational facilities and, where on-site provision is not possible or appropriate, a contribution towards enhancing existing assets will be sought. The total revised policy requirement for a development of the scale proposed (92 dwellings) is a combined open space of 12,893.5 sqm, which would equate to just under one third of the total site area.
- 10.19 Although the applicant maintains that there would be an overprovision of open space when taking into account the wider estate for the additional 108 dwellings, it is important to be satisfied that if only this part of the development comes forward, there would be adequate provision for those 92 no. dwellings.
- 10.20 The LPA accept that there is LEAP style play provision within the walking distances specified by the Fields in Trust Guidance from the site access point. However, within the new development these will exceed the maximum distances and therefore it is considered appropriate to require on site play. The application proposes to provide: an on-site Play Area with footpath links through to the 'kick-about' area to the east of the site; update existing equipment elsewhere (which is under the ownership of the applicant); resurface the existing LAP on Wellington Way and clean/upgrade where necessary play equipment on Stephenson Road. Whilst the on-site provision of the open/recreational space would fall short of the FIT requirements which are proportionately very large, on-site provision in an appropriate location within the site would be made (with additional 'kick-about' area), along with a commitment to improve existing play and recreational facilities already in the locale, within walking distance.
- 10.21 To ensure the kick about area is a welcoming space which attracts residents the S106 should specify the need for paths (suitable for wet weather), street furniture (including benches) and a piece of artwork. This is considered necessary as it is in the corner of the development and behind a pumping station, and irrespective reflects good place making.

Landscape Impact

- 10.22 The site is within an 'edge-of-settlement' location, and as such it is important that the density of the scheme is appropriate whilst comprising an efficient use of land. The surroundings of the site is made up of existing dwellings to the west but a rural landscape to the north and east. In ensuring that the proposed development does not present an inappropriately dense scheme that might be more suited to a purely urban context, it is considered paramount that landscaping around the northern and eastern boundaries is retained and remains substantial to softens views of the development from surrounding public vantage points. This can be secured by condition.

Relationship to Surrounding Land Uses and Neighbouring Properties

- 10.23 The application site is located to the north of the existing housing development off Gatherley Road and properties along the northern ends of Caxton Close, Shakespeare Close, Nightingale Close and Cook Close in particular. The application site is also to the north east of a smaller site, that has the benefit of Planning Permission (but not yet in situ) for 32 no. dwellings. The relationship between properties that back or face towards the application site is considered to be acceptable, in that the distance between properties and the landscaping to be retained would prevent any unacceptable overlooking or physical impacts on existing dwellings. Similarly, whilst concerns have been raised in connection with greater use of the existing footpath/cycle path that would then link the existing development to the south to the proposed site, the distances between this link and existing boundary

demarcation/landscaping is considered to be sufficient to protect against unacceptable impacts on existing levels of amenity.

- 10.24 Internally, the site layout is less dense than when it was first submitted for consideration and separation distances between main elevations and between gardens are considered to be acceptable and in line within similar residential housing development of this nature elsewhere. The application has been submitted with a Boundary Plan, illustrating a proposed use of a mixture of boundary treatments, from 1.8 timber fencing, estate fencing and masonry walling with fence panels between. This would provide a varied physical appearance whilst ensuring appropriate demarcation of private domains.
- 10.25 Subject to a condition to require a Construction Management Plan, covering issues such as noise and dust and a limit placed on the hours of work to protect the amenity of nearby residents, overall, the scheme would deliver a development that would provide an acceptable level of amenity, with regards to noise impact to both existing and future residents, in line with CP3 and CP4 of the Local Plan.

Design, Layout and Appearance

- 10.26 The proposed development would take the form of a loose “grid” pattern, in the way in which the estate roads would lead through and link up internally. The reduction in the number of dwellings now proposed has allowed for better orientation of some frontages and streetscenes throughout the development as a whole. Whilst not centrally located, the play area, kick-about area and SUDs have “prominence” as, with good levels of natural surveillance from nearby dwellings to detract from anti-social behaviour. Overall, there are no overt Local Plan or national policy reasons for such a layout to be unacceptable.
- 10.27 In terms of materials, a mixture of facing brick would be used for the outer walls of dwellings with some properties with rendered façades and red and grey tiles for roofing. Boundaries to dwellings would comprise of 1.2 metres and 1.8 metres high fencing, masonry walling and ‘estate’ railings. The proposed materials would assist in ‘breaking up’ the dwellings within the estate, creating a positive sense of place and overall, the appearance and design of the house types proposed would be good quality and compatible with existing dwellings elsewhere within the existing housing estate (often referred to as “Phase 1”).

Archaeology

- 10.28 The line of ‘Dere Street’ Roman Road passes west of the application site, but the County Archaeologist does not consider that this development raises any issues of archaeological interest following consideration of archaeology information.

Ecology

- 10.29 At the time the application was submitted, a Preliminary Ecological Appraisal (dated 2020) was provided. Potential loss of wildlife is a concern that has been raised by local residents as part of the consultation process and in terms of technical information submitted, inadequacies were identified, initially by the Yorkshire Wildlife trust and later the NYC Principal Ecologist. They concurred that there was a lack of detailed surveys provided and no calculations relating to how the applicant intended to deliver Biodiversity Net Gains (BNG).
- 10.30 Updated surveys dated 2022 were subsequently provided (including a BNG Assessment and accompanying metric) and the NYC Ecologist has now been able to provide a formal response and recommendation to the LPA. The 2021 surveys concluded that there is a single tree bat roost (Tree T3) within the site and the activity surveys demonstrate that the treelines on the eastern and southern boundaries, and the northern boundary hedgerow

provide important foraging features for bats, with the southern boundary receiving the highest numbers of commuting and foraging passes than any other area. It is considered that sufficient mitigation must be put in place to protect these features for bats, through the retention of habitat, management of existing habitats and protection of these habitats from lighting. Whilst there was no evidence of Water Vole, Otter and White-Clawed Crayfish, retention of boundary features and the provision of nest boxes would provide suitable mitigation for birds utilising the site.

- 10.31 The Ecologist did, however, note that low percentage of BNG (both on and off-site) is deemed achievable (0.82%) but as the application was submitted prior to 12th February 2024, the proposal is still deemed policy compliant. Gains that can be achieved would need to be secured through the submission of a detailed Habitat and Monitoring Plan (HMMP) or Biodiversity Enhancement and Management Plan (BEMP) and agreed through a condition and/or legal agreement.

Trees

- 10.32 To facilitate the development the removal of the following is required: 6 no. Category B trees of 'moderate value' and 8 no. Category C trees of 'low value' and a further 2 no. trees that require removal regardless of the proposed development. The layout includes buildings, roads and gardens close to trees to be retained and this may result in future pressure to prune or remove these features. It will also require more expensive construction methods to protect the trees to be retained, however, this has been proposed and can be controlled via condition. It is considered the tree and hedge loss is acceptable subject to a condition to secure landscaping which will include replacement planting.

Ground Conditions/Land Quality

- 10.33 Environmental Health have considered the desk-top site assessment (Geoenvironmental Appraisal by Lithos Ltd, dated July 2021) which accompanied the application and shows that the site is within an area where between 10 and 30% of homes are estimated to be above the radon action level. This would mean that full radon protection would be required. Whilst recommendations were made with regards to ground stability for certain plots, no significant contamination was encountered, except for an 'animal burial put' that would require chasing out. Subject to a condition requiring the developer to submit a Watching Brief and advising of the specific formal process for notifying the LPA in the event that contamination is found during the development process, Environmental Health do not object to the application and the proposals would meet the requirements of paragraph 180 of the NPPF.

Crime and Disorder

- 10.34 The Police Designing out Crime Officer initially made a number of recommendations on the scheme as originally submitted and raised matters such as (but not limited to), permeability; boundary treatments, demarcation and defensive planting; lighting of parking courts/security lighting; provision of secure cycle storage and trees as climbing aids. Many of these issues were considered to have been addressed as part of the revised scheme that was submitted (which was later amended further), except for a number of properties that still lack appropriate demarcation between frontages due to changes in parking provision. The Officer recommends that if planning permission is granted, a condition be attached to require the applicant to demonstrate how any remaining matters can be addressed, prior to the commencement of development. Subject to this condition, the scheme is considered to be in compliance with CP3 and CP13 of the Local Plan.

Lighting

- 10.35 If planning permission is granted, it is recommended that a planning condition is imposed requiring details of a scheme for all proposed external lighting to be agreed to ensure that the amount and type of lighting would not contribute in any significant way to light pollution levels on this site, which would be located on the edge of existing development. The lighting scheme would also need to be designed to have regard to ecological mitigation requirements as referred to in paragraph 8.27 above.

Carbon Savings and Sustainable Construction

- 10.36 Richmondshire Local Plan Core Strategy Policy CP2 sets out Richmondshire's approach to energy consumption in new development and expects that all new residential development of ten dwellings or more will be expected to submit an energy statement that shows consideration of opportunities to deliver carbon savings in excess of Building Regulation requirements and to demonstrate that carbon savings have been maximised by incorporating these opportunities into design. The applicant sets out in the supporting Design and Access Statement that they consider the requirements of CP2 to be out of date, based on a Ministerial Statement in 2015 advising against LPAs insisting on local technical standards and instead, the proposed development would intend to comply with the requirements of the 2013 Building Regulations. However, the applicant would be in agreement to a condition to require the submission of an Energy Statement.
- 10.37 Although the application itself did not make explicit provision for sustainable design or renewable energy other than the use of sustainable construction methods and energy efficiency incorporated in to the design, it is still considered that this development provides an opportunity to contribute in these important areas. The planning permission granted in 2006 was not subject to any such requirements, but that pre-dated the current policy expectations. There are various ways in which any such requirement could be met, but the probability is that either solar panels located on south or west facing roofs and/or ground source/air source heat pumps would be most realistic and viable. It is therefore recommended that a condition be attached to any planning permission granted to require the applicant to demonstrate how maximum carbon savings that are feasible and viable would be made through the submission of an Energy Statement, to be submitted prior to the commencement of the development in order to comply with the requirements of CP2 of the Local Plan.

The Public Sector Equality Duty

- 10.38 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Having regard to these requirements, it is considered that there will be no negative impact to persons who share a relevant protected characteristic. The proposed public open space would have good visibility, with level access which would meet the requirements of the Equality Act 2010.

10.39 The following Heads of Terms have been agreed with the applicant for this application.

Table 1		
Category/Type	Contribution	Amount & Trigger
Affordable Housing	<p>Submission and approval of a scheme to deliver 40% affordable dwellings (as defined by the National Planning Policy Framework) as part of the development.</p> <p>Split: 14 affordable rent, 14 discount market dale and 9 First Homes (as per First Homes Policy)</p> <p>Mix: 13 two-bedroom dwellings and 21 three bedroom dwellings and 3 four-bedroom.</p>	<p>Pre-commencement of a scheme to deliver 40% affordable dwellings (as defined by the National Planning Policy Framework) as part of the development. Of the 92 no. dwellings, a total of 37 affordable houses are to be provided on site consisting of 13 two-bedroom dwellings and 21 three bedroom dwellings and 3 four-bedroom (14 of which to be made available for 'affordable rent'; 14 for 'discount for market sale' and 9 'First Homes' in terms of 'affordable' tenure type). The Discount being at a minimum of 20% below full market value and at a price of no more than £150,000 for a two-bedroom dwelling and £185,000 for a three-bedroom dwelling on first sale.</p> <p>Affordable dwellings to be constructed in phases (to be agreed) alongside market dwellings and to be occupied by those defined as being in need of accommodation. Provisions for affordable dwellings to remain in perpetuity.</p>
Education	Towards school places at Brompton On Swale Church of England Primary School	Payment of a contribution of £305,121 to the Education Authority. Payment to be made in three phases - £101,707 at 23rd dwelling, £101,707 at 46th dwelling and £101,707 at 69th dwelling.
POS Delivery and Maintenance	<p>Delivery of public open space as detailed on the Site Layout Plan.</p> <p>Provision of an on-site Play Area in line with submitted Open Space Strategy, dated 7th September 2023</p>	Submission of a Public Open Space Scheme including phasing of delivery; Play Area proposals; and management and maintenance strategy.
Off-Site Play Area Improvements	Works to play spaces within existing development, known as 'Phase 1', under the ownership of Persimmon Homes.	<ul style="list-style-type: none"> - Resurfacing of the LPA neighbouring Wellington Way - Cleaning (and/or upgrading if necessary) of any play equipment of the LAP on Stephenson Road – Mid - Updating of equipment of the LEAP on Stephenson Road – End.

		Full schedule of works to be carried out to be submitted prior to commencement and works to be completed prior to first occupation of dwellings hereby approved.
Travel Plan	Monitoring of Travel Plan	The applicant to provide for the necessary contribution payment of £2,500 for monitoring towards the Travel Plan.
Monitoring	S106 Monitoring	£500 index linked, prior to commencement of development.

10.40 It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The development would provide 92 no. new homes within Brompton On Swale, which is one of the three settlements and a Primary Service Villages (PSV) within the Central Richmondshire sub area (along with Scorton and Catterick Village). The Local Plan anticipates that at least 240 houses will be developed across these three Primary Service Villages over the plan period, a number of which either have already been provided or planning permission approved for. However, an extant Planning Permission was granted in 2006 for the application site and is afforded great weight when considering the principle of development on this site.
- 11.2 The proposed development would allow for a policy compliant housing mix; 40% of which would be affordable dwellings. Adequate open space (provision of a children's play space), and upgrading of existing play areas within the existing development to the south; footpath/cycle linkages; a net gain in biodiversity and a financial contribution towards additional places at Brompton On Swale School would also be provided. All technical aspects including highways & access, protected species, biodiversity net gain, drainage, flooding and contamination have all been found to be acceptable subject to conditions.
- 11.3 It is considered that the scheme achieves a suitable level of amenity with the layout, design, positioning and orientation of any dwellings proposed not adversely affecting the outlook or privacy of any residents; either those in the existing neighbouring properties or the new ones that are proposed. The development would not have a negative impact on the immediate and wider landscape setting. The proposal would not have a harmful impact on the setting of nearby Listed Buildings or any archaeological remains.
- 11.4 Overall, it is therefore considered that the proposed development would constitute a suitable sustainable and deliverable housing site and as such, approval of the application is recommended.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2 Approved Plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- a) Application form and certificate
- b) Location Plan ref. BOS-PH2-000
- c) Planning Layout – ref. BOS-PH2-001, rev. P
- d) Materials Layout- ref. BOS-PH2-002, rev. D
- e) Boundary Layout, ref. BOS-PH2-003, rev. M
- f) Footpath Cycleway, ref. BOS-PH2-004, rev. C
- g) 144930-PL-8003-B-A1LV
- h) Open Space Strategy, dated 7th September 2023
- i) Flood Risk Assessment & Drainage Strategy (1), ref. 20-046, revision P3
- j) Stream Survey Report, dated July 2023
- k) Noise Assessment, ref. LAE1241.1, dated 5th July 2023
- l) Biodiversity Net Gain Assessment, dated September 2023
- m) Preliminary Ecological Appraisal, dated November 2020 and Updated January 2022
- n) Transport Assessment, v.2
- o) Swept Path (large car), ref. 20-046 1001-P1
- p) Swept Path (refuse vehicle), ref. 20-046 1000-P1
- q) Swept Path (fire tender), ref. 20-046 1002-P1
- r) House Type - Barnwood Village
- s) House Type – Brampton Village
- t) House Type – Burnham Village
- u) House Type – Charnwood Village
- v) House Type – Danbury Village
- w) House Type – Galloway Village
- x) House Type – Greenwood Village
- y) House Type – Hyde Village - rev J
- z) House Type – Kingley Village
- aa) House Type – Marston Village
- bb) House Type – Saunton Village
- cc) House Type – Sherwood Village
- dd) House Type – Wentwood Village
- ee) Ga1_1_Single Garage_R21_Rev00
- ff) Ga2_2_Double Garage_Twin_R21_Rev00
- gg) Substation Drawing, ref. C969407, rev. A
- hh) Arboricultural Impact Assessment, dated November 2020
- ii) Landscape Proposals ref. 144930/8001, rev. A
- jj) Technical Note (and Route Check, rev. H) dated 6th September 2023

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans

Pre-Commencement

Condition 3 Construction Management Plan

No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development phase must be

undertaken in accordance with the approved Construction Management Plan for that phase. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- a) details of any temporary construction access to the site including measures for removal following completion of construction works;
- b) restriction on the use of access for construction purposes shall be assessed and approved by the Local highway Authority;
- c) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- d) the parking of contractors' site operatives and visitor's vehicles;
- e) areas for storage of plant and materials used in constructing the development clear of the highway;
- f) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- g) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- h) protection of carriageway and footway users at all times during demolition and construction;
- i) protection of contractors working adjacent to the highway;
- j) details of site working hours;
- k) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- l) means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- m) measures to control and monitor construction noise;
- n) an undertaking that there must be no burning of materials on site at any time during construction;
- o) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- p) details of the measures to be taken for the protection of trees;
- q) details of external lighting equipment;
- r) details of ditches to be piped during the construction phases;
- s) a detailed method statement and programme for the building works; and
- t) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

Condition 4 Drainage Design Discharge

Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 18 litres per second for up to the 1 in 100 year event (for the western phase of development). A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere

Condition 5 Drainage Management & Maintenance

No development shall take place until a drainage scheme management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense; and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system

Condition 6 Carbon Savings

The development hereby permitted shall deliver carbon savings by exceeding the minimum standards prevailing through Part L of the Building Regulations to the maximum level that is feasible and viable for this particular development.

Prior to the commencement of any part of the development an energy statement confirming how carbon savings are to be delivered with reference to the extent that this will exceed Building Regulation Requirements along with an explanation of why this is the maximum level that would be feasible and viable for this particular proposal, shall be submitted to and approved in writing by the Local Planning Authority. The development shall there afterwards take place in full accordance with the approved details and any associated technology for specific plots, installed and made fully functional prior to that plots first occupation. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system which is more energy efficient.

Reason: To secure a more sustainable form of development and to meet the expectations of Policy CP2 Responding to Climate Change of the adopted Local Plan Core Strategy.

Condition 7 Finished Floor Levels

Prior to commencement of any development whatsoever, proposed external and finished floor levels shall be submitted to and approved in writing to the Local Planning Authority. There afterwards, the development will take place in complete accordance with approved levels.

Reason: To ensure that neighbours do not experience and unacceptable sense of enclosure or overlooking together with reducing the visual and landscape impact of the development.

Condition 8 Biodiversity Enhancement and Mitigation Plan

Development shall not commence until a Biodiversity Enhancement and Mitigation Plan (BEMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall provide an overview of habitat enhancement and creation based upon the recommendations set out in the Preliminary Ecological Appraisal (PEA) Survey Report (dated November 2020 and updated January 2022) and the Biodiversity Net Gain Assessment (dated September 2023).

Once agreed, all of the measures contained within shall then be implemented within a timescale to be first agreed in writing with the Local Planning Authority and maintained thereafter for the lifetime of the development.

Reason for Condition: To ensure the full and proper implementation of the approved development in the interests of ecology any protected species.

Early Stage/Construction Period

Condition 9 Roads

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. The development must only be carried out in compliance with the approved engineering drawings.

Reason: 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.

Condition 10 Materials

No materials shall be used in the construction of the external walls and roofs of the development hereby permitted until sample materials have been submitted to and approved in writing by the Local Planning Authority. Only such approved material shall be used in the development.

Reason : In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

Condition 11 Open Spaces

A detailed layout of the open space area including specifications of any equipment, seating, surfacing, associated fencing and tree and shrub planting to be provided shall be submitted to and approved in writing by the Local Planning Authority prior to any development above the laying of foundations.

The kick about areas shall include a solid path, two seating features and at least one piece of public art or fitness equipment/ structures suitable for older children and adults.

Reason: To delivery of good open space and play facility for children having regard to National Design Guide 2021. Furthermore to ensure satisfactory arrangements are made for the future maintenance of the area in the interests of both the residential amenities of the dwellings and the visual amenities of the site in general. The specification for the kickabout area is to increase the attractiveness of this relatively tucked away area and thus increase its use by residents, enhancing community cohesion and public health.

Pre-Occupation

Condition 12 Access

The development shall not be brought into use until the access to the site at Caxton Close has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail and the following requirements.

- Any gates or barriers must be erected a minimum distance of 3 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending 10m metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved detail and maintained thereafter to prevent such discharges.

- The final surfacing of any private access within 3 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: 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.

Condition 13 Contamination

A 'Watching Brief' shall be implemented to examine and look for unexpected or previously-identified contamination encountered during site works. Occupancy or use of the development shall not be permitted until such time as written confirmation of the presence or absence of contamination during site works.

If contamination is not present, a 'Confirmation Report' providing suitable photographic (or other) evidence, shall be submitted to and agreed in writing with the Local Planning Authority.

If contamination is present work shall cease immediately until such time as provisions A to D below are completed to the written satisfaction of the Local Planning Authority. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007):

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by a Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal
- Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the LPA. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

C: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.

D: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-identified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as

necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

E: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until the investigations, remediation and verification are completed. The actions required in Sections A to E shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: 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.

Condition 14 External lighting

Before the first dwelling hereby approved is occupied, details of external lighting in both private and shared parts of the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for low level, low intensity lighting without street lighting. The scheme shall thereafter be fully installed and operated in accordance with the approved details before the final dwelling on the site is occupied. No other external lighting shall be installed or erected.

Reason: To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity and minimising light pollution.

Condition 15 Path Delivery

Prior to occupation of the 58th dwelling, or in accordance with a phasing timetable to be first agreed in writing by the Local Planning Authority, the cycle path providing a foot and cycle link to the existing housing development to the south, as shown on the approved Proposed Site Plan, rev. P, shall be delivered in full to the site boundary and shall be open for public use. There afterwards, the path shall be retained and maintained for public use.

Reason: To ensure, as far of this individual development is able, to provide a pedestrian and cycle link between the two housing developments to encourage healthy and sustainable methods of travel, walking and cycling as a form exercise.

Condition 16 Travel Plan

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Condition 17 Trees

No construction works including site clearance, land levelling or bringing materials on site shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved documents and plans have been carried out and all tree protection barriers are in place as indicated on the Tree Protection Plans. Thereafter wards, the development construction works shall only be carried out in

full accordance with the recommendations and remedial measures specified in the approved Tree Survey document, including all tree and root protection measures.

The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

Reason : To ensure the full and proper implementation of the approved development in the interests of the trees to be retained in association with the proposed development.

Condition 18 Ecology Enhancements

The development shall be carried out in accordance with the recommendation for ecological mitigation and enhancement as set out in the Preliminary Ecological Appraisal, dated November 2020 and Updated January 2022, with particular reference to paragraphs 4.2.2.2-4.2.2.3 of Section 4.2 of that report.

Reason: To ensure that ecology and biodiversity present on and around the application site are given adequate protection and mitigation measures forming part of the approved scheme are implemented in full as part of the development.

Condition 19 Construction Hours

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- 0800 to 1800 hours Monday to Friday, 0830 to 1330 hours Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of protecting the amenities of local residents during the construction phases of the development.

Condition 20 Noise

The development shall be carried out in complete accordance with the submitted Noise Impact Assessment, dated July 2023.

Reason : In the interests of the amenity of existing and future residents.

Target Determination Date: 03.03.2022

Case Officer: Caroline Walton, caroline.walton@northyorks.gov.uk