



Appeal Decision

Site visit made on 27 January 2021

by A M Nilsson BA (Hons) Dip TP MRPTI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/E2734/W/20/3260624

Land North of Kingsley Farm, Kingsley Road, Harrogate, HG1 4RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Richborough Estates against the decision of Harrogate Borough Council.
 - The application Ref 19/02262/OUTMAJ, dated 25 February 2019, was refused by notice dated 5 August 2020.
 - The development proposed is for residential development, public open space, green infrastructure and associated works; with all matters reserved (149 dwellings indicated).
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development, public open space, green infrastructure and associated works; with all matters reserved (149 dwellings indicated) at Land North of Kingsley Farm, Kingsley Road, Harrogate, HG1 4RF in accordance with the terms of the application, Ref 19/02262/OUTMAJ, dated 25 February 2019, subject to the conditions contained in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Richborough Estates against Harrogate Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application as originally submitted was for up to 170 dwellings. This was amended during the application stage to 149 dwellings that was subsequently refused by the Council. I have considered the appeal as it relates to the Council's decision for 149 dwellings.
4. The application was in outline with all matters reserved. Plans have been submitted as part of the appeal which indicate how the dwellings could be accommodated on the site. I have taken these plans into account for indicative purposes only.

Main Issue

5. The main issue is whether the proposal would represent a sustainable form of development with regard to its location and accessibility to public transport and local services and facilities.

Reasons

The Appeal Site

6. The appeal site predominantly comprises agricultural land and is located to the north-west of a partially completed residential development that is accessed via Kingsley Road. A railway line that includes a footbridge is located beyond the northern boundary. There are also public rights of way crossing the site that connect with other existing public rights of way in the surrounding area.
7. There are a number of either recently constructed housing sites, or housing sites that are currently under construction, in the surrounding area. In addition, there are other sites in the area that are allocated in the Local Plan for housing development.
8. The site is around 1km from the A59 (Knaresborough Road) where there are a number of local level services and facilities, including convenience stores, bus stops and food establishments.

Planning Policy

9. The development plan comprises the Harrogate District Local Plan (HDLP) adopted in 2020. Policy DM1 allocates the appeal site for housing development for a potential number of 140 dwellings. This policy identifies the site as H23 and includes a number of requirements that the development of the site should meet. Relevant to the main issue, these requirements include: the provision of vehicle, cycle and pedestrian access from Kingsley Road; and provision of pedestrian and cycle links within the site and from the site to provide convenient routes to local facilities and services, and nearby residential areas including development planned on adjacent sites. The policy also includes the requirement for the submission of a Travel Plan.

Location and Accessibility

10. The proposed development, through a combination of proposed routes and existing routes, would include the provision of appropriate vehicle, cycle and pedestrian access from Kingsley Road. This would be achieved from Kingsley Road and via the housing developments to the south, identified in the Local Plan as H47 and H48. Although the exact detail and location of the routes within the site would be submitted as part of any future reserved matters application, I am satisfied that the indicative plans demonstrate that such routes are feasible.
11. The indicative plans set out the available walking routes to bus stops in the local area. Four routes are identified of various lengths. Routes A, B and C lead to Knaresborough Road where there are a number of bus stops with a high frequency of services (up to 12 buses an hour in each direction). Route D leads to bus stops on Dene Park.
12. Two distances are put forward for Routes A, B and C, one to the site itself and the other to the centre of the site. One distance is given for Route D. The Council do not dispute the distances. Their statement identified the appeal proposal as being 'around a 1km from the bus stops of Knaresborough Road' a distance which they consider would discourage use of sustainable travel choices.

13. Local or national policy does not set a prescriptive distance which would be deemed appropriate for accessing facilities such as bus stops. Distance is but one of several factors which can contribute to the appropriateness, suitability or attractiveness of a walking or cycling route. Matters such as incline, surveillance, directness and indeed attractiveness of the built environment can also contribute to whether a route is likely to be used.
14. In considering the routes put forward, those that are largely in situ, namely Routes A and B are predominantly level with a good degree of surveillance and street-lighting. They provide routes through pleasant residential environments. Route A in particular offers, for the most part, a direct linear route. Route C has similar characteristics however it would be partially through an as yet unbuilt housing site. Route D would involve use of the footbridge over the railway line and across an unmade path with no surveillance. These factors would likely discourage the use of this route.
15. I find that the distances that future residents would be required to walk to access bus stops and local services would be approaching the threshold of what would be an acceptable distance. However, when combined with the factors which I have identified above, I do not consider that future residents would be discouraged from accessing bus stops and local services and facilities on Knaresborough Road on foot. Furthermore, future residents would be more likely to walk to access bus services that are high frequency, knowing a lengthy wait time would not follow their walk.
16. In this regard, I am satisfied that it has been demonstrated that appropriate provision can be made for pedestrian and cycle links within the site and from the site to provide convenient routes to local facilities and services, and nearby residential areas including development planned on adjacent sites.
17. The walking distances and routes that have been put forward would ensure that the development has good access to public transport infrastructure so that it does not noticeably add to traffic congestion and emissions or poor air quality. In this sense it would be in accordance with the Council's carbon reduction strategy.
18. I therefore conclude that the proposal represents a sustainable form of development with regard to its location and available travel choices. It would comply with Policy TI1 of the Harrogate District Local Plan (2020) which requires, amongst other things, that development proposals seek to minimise the need to travel and achieve more sustainable travel behaviour by requiring all developments which will generate significant amounts of traffic to be supported by a transport statement or transport assessment and a travel plan. The proposed development would also comply with the requirements of Policy DM1 of the HDLP which outline the requirements for the development of the site.
19. The proposal also complies with paragraphs 108 and 110 of the National Planning Policy Framework (2019) (the framework) which outline, amongst other things, that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; and safe and suitable access to the site can be achieved for all users. It also complies with the requirement of the Framework that development should give priority

first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services.

Other Matters

20. I have considered the representations that were submitted both to the original planning application and the appeal.
21. I am not provided with any substantive evidence that would lead me to conclude that the development should be prevented on the basis of the need for housing, or in light of the amount of housing development in the area.
22. Reference to the appeal site forming greenfield land and the wish for the site to be retained as such do not override the primacy of the Local Plan allocation of the site for housing development to which I give significant weight. I am also mindful that the principle of the site for housing development is not in dispute between the main parties.
23. Reference has been made that the development comprising 149 dwellings would exceed the policy allocation of 140 dwellings. The figure referred to in the policy is referred to as a potential number of dwellings and I am not presented with any substantive evidence as to why an increase from this potential figure by 9 additional dwellings would cause harm in planning terms or would render the proposal to be unacceptable.
24. Many representations refer to the highways impact of the development during construction and through its occupation. Construction impacts may be adequately addressed through the imposition of a suitably worded planning condition, and I am not presented with any substantive evidence that the proposal would lead to an unacceptable impact on the highway network or cause severe harm. The highway impact of the development is not in dispute between the main parties and I note that there is no outstanding objection from the local highway authority to the proposal. It is also not in dispute between the main parties that the site can demonstrably accommodate the 149 dwellings that are proposed.
25. There is no substantive evidence that there would be an unacceptable impact on landscape and biodiversity as a result of the development. Appropriate reports and assessments were submitted with the planning application and such matters are not in dispute. Appropriate conditions can be imposed to secure landscape and biodiversity measures and enhancements, and such matters would also form part of the consideration of future reserved matters.
26. I am not presented with substantive evidence that the development would harmfully contribute to climate change, air quality, or anti-social behaviour. Appropriately worded conditions can be imposed in relation to energy use and crime prevention.
27. As the application was made in outline with all matters reserved the impact of the development, in terms of its layout and appearance, on the character and appearance of the area and the living conditions of occupants of nearby residential properties would be considered at the reserved matters stage.

28. Representations suggesting that the development is for profit and may de-value properties are not land use planning matters, or matters of significant weight which would alter my findings on the main issue.

Section 106 Agreement

29. I am presented with a signed and completed legal agreement, dated 17 December 2020, to secure, in the event planning permission is granted for the development; affordable housing, education contribution, open space contribution, open space management, permeable paving contribution and various highway works.
30. Although the agreement has been signed by the relevant parties, it is, however, necessary that I consider this obligation against the three tests set out in the National Planning Policy Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
31. The requirement for affordable housing is set out in both national and local policy. All new housing development brings about demand for education, public open space facilities and highway infrastructure. The specific nature of the site and development require the use of permeable paving and this is required to be maintained to function correctly. Therefore, I am satisfied that the proposed obligations and contributions would be necessary to make the development acceptable in planning terms. Furthermore, on the evidence before me, they would be directly related, and fairly and reasonably related in scale and kind, to the development proposed. The agreement therefore meets the relevant tests. I have therefore attached weight to the obligations and contributions in reaching my decision.

Conditions

32. I have considered the conditions put forward by the Council against the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency, clarity and omitted others.
33. In addition to the standard time limit condition, I have attached conditions relating to the submission of reserved matters and the time limits associated with this.
34. It is not necessary to impose conditions which set-out in detail what is required to be included in the reserved matters, as has been suggested by the Council. This is because such factors will form part of any future assessment of the reserved matters submission.
35. In the interests of highway safety, conditions requiring; the provision of appropriate accesses for pedestrians, vehicles and cyclists (as submitted) and their phasing are required.
36. In the interests of sustainability, conditions requiring; the development accords with the Development Specific Sustainability Improvements document, the submission of a detailed Energy Statement, details of small scale renewable and low carbon energy generation, and implementation of electric vehicle charging to serve the dwellings, are required.

37. In the interests of character and appearance, and the living conditions of future residents, a condition relating to the number of dwellings and provision of open space is necessary.
38. A condition requiring agreement with the statutory undertaker for any diversion or closure of the sewer is necessary in the interests of flooding and pollution. For these same reasons, as are measures to protect the public water supply infrastructure.
39. A condition requiring the reporting of any unexpected contamination, and if necessary, a remediation report, implementation and validation statement, is necessary to ensure the site is free from contamination in the interests of public health and safety and to mitigate any adverse impact on the environment.
40. In the interests of the living conditions of residents, highway safety, health and safety and ecological interests, it is necessary to impose a condition requiring the submission of a Construction Management Plan. It is required prior to the commencement of the development to ensure that such measures are in place throughout the construction phase.
41. A condition requiring a capacity and condition survey to be undertaken on receiving ditches/culverts on site and watercourses (on site) is required to manage the risk of flooding. It is required prior to commencement to ensure that any measures needed can be built into the development at an early stage. A condition requiring that foul and surface water are drained on separate systems is necessary in the interests of flooding and pollution. A condition requiring details of surface water drainage from hard-surfaced areas is required to manage the risk of flooding and pollution of watercourses.
42. Details of works to be carried out close to the boundary with the railway line are necessary to ensure the safe operation of the railway.
43. Conditions stipulating various highway works that are required to be undertaken, including a highway condition survey, are necessary in the interests of highway safety.
44. Details of the provision of affordable housing is necessary to ensure that affordable housing is provided on site. It is required prior to commencement to ensure that affordable housing is catered for from the outset of development.
45. A condition to assess the noise environment and what, if any, mitigation measures are needed to be built into the development is required in the interests of the living conditions of future occupants of the development.
46. In the interests of the living conditions of future occupants and highway safety, it is necessary to impose conditions requiring the installation of footpaths and parking prior to occupation of the dwellings. It is also in the interests of highway safety and sustainability that a Travel Plan and an electric vehicle infrastructure strategy and implementation plan is submitted prior the occupation of the dwellings.
47. A condition requiring ecological mitigation and enhancement is required in the interests of biodiversity.

48. In the interests of digital connectivity, it is necessary to impose a condition requiring the installation of appropriate broadband infrastructure.
49. It is not necessary at this stage to impose a condition requiring the replacement of failed landscape features. Such a condition would be pertinent to the approval of the reserved matter of landscaping.

Conclusion

50. The appeal site forms part of a number of sites in the HDLP that were allocated for housing development. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The framework at paragraph 11(c) advises that for decision making, development proposals that accord with an up-to date development plan should be approved without delay.
51. The appeal proposals relate to an allocated site and accord with the location and scale of development proposed in the Local Plan. There is no evidence to suggest that the site is otherwise than sustainably located in relation to its proximity to sustainable travel choices and local services. Connectivity would be improved by the enhanced accessibility proposals associated with the footpath provision.
52. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Further to condition 1 above the design of the dwellings shall accord with the details set out in the Development Specific Sustainability Improvements document received by the Local Planning Authority on 6 July 2020 and a detailed Energy Statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to reducing greenhouse gas emissions shall be submitted as part of the first application for approval of reserved matters.
- 5) Any application for the reserved matter of access shall accord with the points of pedestrian and vehicular access with: (a) Kingsley Road as shown on Fore

Consulting Limited drawing 3368B-200-P-08 as received by the Local Planning Authority on 20 December 2019 and the double height kerbing and gateway feature as shown on Richborough Estates drawing Access/AAD001 as received by the Local Planning Authority on 2 March 2020, and (b) the boundary of the adjacent development (Housing Site H48) between points A and B as shown on the Proposed Access and Movement Plan 30164_12C received by the Local Planning Authority on 15.05.2020.

- 6) Further to condition 5 above and Plan 30164_12C any application for the reserved matter of access shall also accord with the points of pedestrian and/or cycle access with: (a) the public right of way that passes through the site marked in purple on that plan, (b) the boundaries with the adjacent developments (Housing Sites H47 and H21) between points C and D, and E and F, respectively, and (c) the boundary with the Kingsley Drive - Avondale Road cycleway at point G.
- 7) Further to conditions 5 and 6 above any application for the reserved matter of access shall include a phasing plan for the provision of these accesses
- 8) Any application for the reserved matter of appearance shall include details of any small-scale renewable and low carbon energy generation that is to be incorporated into their design
- 9) Any application for the reserved matter of layout: (a) shall provide for no more than 149 dwellings across the entire site, (b) shall provide for appropriate on-site open space for the resultant population of the development,
- 10) If the required stand-off distance to the public sewer is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
- 11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and approved in writing by the Local Planning Authority.
- 12) Further to condition 11, where remediation is necessary a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works
- 13) Further to condition 12, following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- 14) Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Development shall be undertaken in strict accordance with approved Construction Management Plan. The scope of the Plan shall include:

- (a) A program of works.
 - (b) A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - (c) All preparatory and construction work activities including deliveries taking place between the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday with no such work undertaken on Sundays and Statutory Holidays.
 - (d) Construction traffic management plan including details of the routes to be used by HGV construction traffic, which shall avoid Bogs Lane.
 - (e) Erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
 - (f) External lighting equipment, whether utilised for construction purposes or installed as part of the development, arranged such that no lighting will be shone directly onto the trees and hedgerows bounding or within the site.
 - (g) Fail Safe working adjacent to Network Rail's property.
 - (h) Loading and unloading of plant and materials.
 - (i) Measures to control the emission of noise, dust and dirt during construction.
 - (j) Measures to prevent mud/dirt being deposited on the highway including the wheel washing facilities shown on Richborough Estates drawing Access/AAD001 as received by the Local Planning Authority on 2 March 2020.
 - (k) On-site surface water management at all times during preparatory and construction work.
 - (l) Measures to prevent the discharge of surface water to the existing or proposed highway and which shall be retained following completion of the development, unless an alternative scheme is approved under the subsequent conditions of this permission.
 - (m) Precautions to be taken during the course of works, to avoid harm to nesting birds, bats and terrestrial mammals, including checks for bats prior to the removal of any trees identified as supporting bat roost potential and a pre-commencement check for badgers.
 - (n) Precautions to be taken to prevent the spread of non-native invasive species.
 - (o) Proposed phasing of construction.
 - (p) Risk assessment in relation to the railway.
 - (q) Security arrangements for construction equipment and materials.
 - (r) Storage of plant and materials used in constructing the development.
 - (s) The parking of vehicles of site operatives and visitors.
 - (t) Use of Vibro-impact Machinery including a method statement.
- A copy of the approved Construction Management Plan shall be available on site for access by site operatives at all times during construction.

- 15) Development shall not commence until a capacity and condition survey has been undertaken on receiving ditches/culverts on site and watercourses (on site) and the survey together with a report detailing any necessary maintenance and/or reinstatement works has been submitted to and approved in writing with the Local Planning Authority. No part of the development shall be brought into use until those maintenance and/or reinstatement works have been completed in strict accordance with the approved details.
- 16) Prior to any excavations or earthworks on the site being undertaken full details of such works to be carried out near the railway undertaker's boundary fence

shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

- 17) There shall 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) or other works until: (a) Details of the highway improvement works, including the timing of their provision and which comprise: (i) Provision of tactile paving, (ii) Proposed Site Access (signalised third leg) and associated amendment to the traffic signal infrastructure to the signalised shuttle working system, (iii) Traffic Signage and electrical work associated with a Traffic Regulation Order to restrict turning manoeuvres at Kingsley Road/Site Access junction, and (iv) Traffic Signage and electrical work associated with a Traffic Regulation Order to cover proposed site entrance and thus extend 7.5T HGV Environmental Weight Limit associated with the Kingsley Road/Bogs Lane Railway Bridge, have been submitted to and approved in writing by the Local Planning Authority. (b) An independent Stage 2 Safety Audit has been carried out in accordance with GG119 - Road Safety Audit or any superseding regulations. (c) A programme for the completion of the proposed works has been submitted. The highway improvement works shall be carried out in strict accordance with the approved details, and the site access with signalised third leg shall be completed before any excavation or other groundworks, except for investigative works, or the depositing of material on the site.
- 18) There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 50 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the Fore Consulting Limited drawing 3368B-200-P-08 as received by the Local Planning Authority on 20 December 2019. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.
- 19) There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 20) There shall be no heavy commercial vehicles brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority
- 21) The site shall be developed with separate systems of drainage for foul and surface water on and off site, and prior the commencement of any drainage works on the site a drainage scheme, which shall identify any phasing, shall have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and will include: (a) Peak flow rates of discharge which shall not exceed a maximum flowrate of 10.3 litres per second for up to the 1 in 100

year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. (b) A drainage system designed with sufficient on site attenuation so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, nor any flooding for a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development, except within an area that is designed to hold and/or convey water. The design shall also ensure that storm water resulting from a 1 in 100 year rainfall event, plus an allowance of 40% to account for climate change & urban creep can be stored on the site without risk to people or property and without increasing the restricted flows off site. (Including full Micro Drainage calculations). (c) Proposed control measures to manage pollution from vehicle parking and hard standing areas if required. (d) An exceedance flood routing plan which shall demonstrate where flooding could potentially occur if the designed drainage systems were to be exceeded or fail for any reason including rainfall in excess of the 1 in 100 year event. The routing map should indicate direction of flood flows, highlighting areas that could flood and to what depth. The plan must demonstrate that exceedance flows will not cause risk or flooding to property/people on or off site. (e) Details and drawings to demonstrate how surface water will be managed through the construction phases. (f) Any new drains located, and thereafter maintained, so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment. (g) No construction of soakaways within any Network Rail lease area. (h) Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or drawings showing any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development including: I. details to demonstrate how the maintenance of any privately managed surface water drainage systems will be funded for the lifetime of the development, II. details of the organisation appointed to undertake future management and maintenance on behalf of the residents including details of any resident committees, III. a maintenance & operation manual for the privately managed surface water drainage systems itemising the tasks to be undertaken and frequency required, IV. a plan clearly showing the extent of the land ownership along with easements and rights of way for access to carry out maintenance on third party land if required. V. physical access arrangements in perpetuity, and VI. written confirmation that the management & maintenance of any privately managed/maintained communal drainage systems not adopted by a public organisation will be written into the deeds for each house with any new owners or future owners required to formally acknowledge the maintenance responsibility. A copy or copies, as applicable, of the deeds shall be submitted to the Local Planning Authority prior to the initial occupation of the dwelling, or dwellings, to which they relate (in the case of identical deeds other than property address details, a single copy with a list of the properties so covered by the general terms of the deeds). The works shall be implemented in accordance with the approved phasing, and no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with the approved details. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed.

- 22) There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing: (i) the proposed highway layout including the highway boundary, (ii) dimensions of any carriageway, cycleway, footway, and verges, (iii) visibility splays, (iv) the proposed buildings and site layout, including levels, (v) accesses and driveways, (vi) drainage and sewerage system, (vii) lining and signing, (viii) traffic calming measures, and (ix) all types of surfacing (including tactile paving), kerbing and edging. (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing: (i) the existing ground level, (ii) the proposed road channel and centre line levels, and (iii) full details of surface water drainage proposals. (c) Full highway construction details including: (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycle ways and footways/footpaths, (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels, (iii) kerb and edging construction details, and (iv) typical drainage construction details. (d) Details of the method and means of surface water disposal. (e) Details of all proposed street lighting which shall be sited such that no lighting will be shone directly onto the trees and hedgerows bounding or within the site. (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features. (g) Full working drawings for any structures which affect or form part of the highway network. (h) A programme for completing the works, including any phasing, before the first dwelling of the development is occupied. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.
- 23) No construction works in the relevant area(s) of the site shall commence until those related to the implementation of measures to protect the public water supply infrastructure that is laid within the site boundary carried out in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.
- 24) No parking areas or other areas of hardstanding shall be provided on the site until a scheme, detailing the treatment of all surface water flows from those areas through the use of road side gullies, oil interceptors, reed beds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.
- 25) Prior to the commencement of the development hereby approved a detailed assessment of the requirement for the provision of affordable housing as part of the development with regard to the Planning Practice Guidance "Planning obligations"(or any guidance or legislation revoking and re-enacting that

Guidance with or without modification), shall have been submitted to and approved in writing by the Local Planning Authority. The assessment shall include where appropriate a scheme of provision of affordable housing which shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and the affordable housing shall be provided in accordance with the scheme as approved by the Local Planning Authority. The scheme shall include: (a) The numbers, type, tenure and location on the site of the affordable housing provision to be made. This shall be based on a contribution of not less than 40% of housing units/bed spaces where no reduction in the contribution is allowed for in the Planning Practice Guidance. (b) The timing of construction of the affordable housing and its phasing in relation to the occupancy of the market housing; (c) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if no such provider is involved); (d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and (e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. The affordable housing shall be provided in strict accordance with approved scheme and thereafter be retained.

- 26) Prior to the external walling of any dwelling hereby approved commencing a report specifying the measures to be taken to protect the development from railway and other noise shall be submitted to and approved in writing by the Local Planning Authority. The report shall: (a) Determine the existing noise climate, (b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development (c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The properties requiring such mitigation shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.
- 27) No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.
- 28) No dwelling to which this planning permission relates shall be occupied until the related parking facilities have been constructed in accordance with the drawings approved under the terms of condition 1 above. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 29) The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
- 30) Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include: (a) the appointment of a travel co-ordinator, (b) a partnership approach to influence travel behaviour, (c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site, (d) provision of up-to-date details of public transport services, (e)

continual appraisal of travel patterns and measures provided through the travel plan, (f) improved safety for vulnerable road users, (g) a reduction in all vehicle trips and mileage, (h) a programme for the implementation of such measures and any proposed physical works, (i) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance, and (j) measures to reduce reduction of carbon emissions e.g. electric charging points, cycle storage facilities at dwellings. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

- 31) An Ecological Mitigation and Enhancement Scheme, submitted on its own or as part of a site landscape management plan that is written with the involvement of ecological professionals, shall include details of native tree, shrub and wildflower planting, provision of bat and swift bricks, connectivity for hedgehogs and a sensitive lighting plan and be submitted to and agreed by the Local Planning Authority prior to the first occupation of any dwelling. The scheme should include arrangements for the provision for long-term management and maintenance of biodiversity on the site. The approved Ecological Mitigation and Enhancement Scheme must be implemented in accordance with agreed timescales.
- 32) An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter.
- 33) All dwellings hereby approved shall either have access for Fibre to the Premises broadband infrastructure capable of Next Generation Access speeds, or a download connection at least 30Mbps and provision for the delivery of Fibre to the Premises broadband at a future date.