
Appeal Decision

Hearing Held on 8 September 2021

Site visit made on 9 September 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/G2713/W/20/3258099

Land off Back Lane, Sowerby, Thirsk, YO7 1ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Tolent Living (on behalf of Karbon Homes) against the decision of Hambleton District Council.
 - The application Ref 19/02572/FUL, dated 27 November 2019, was refused by notice dated 7 May 2020.
 - The development proposed is described as proposed development of 64no new residential dwellings with associated access, infrastructure, and landscaping.
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Decision

1. The appeal is allowed, and planning permission granted for the '*development of 64no new residential dwellings with associated access, infrastructure, and landscaping*', in accordance with the details submitted with planning application Ref 19/02572/FUL, as amended by the details received during the appeal, and subject to the schedule of conditions set out below.

Application for costs

2. At the Hearing an application for costs was made by Karbon Homes against Hambleton District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Prior to the hearing an unsigned planning agreement, prepared in accordance with s106 of the Town and Country Planning Act 1990, was submitted which sought to ensure that the site provided 100% affordable housing. Since the close of the hearing, I have received a completed agreement which has been dated 10 September 2021. I will address the compliance of the obligation with Regulation 122 of the Community Infrastructure Levy Regulations and paragraph 57 of the National Planning Policy Framework (the Framework) later in this decision.
4. The appellant has submitted amended plans which seek to address some of the concerns the Council had with the layout of the development, in particular the location of the 2.5 storey houses. The Council raised no issues in relation to the acceptance of the proposed amendments either through the Statement of Common Ground (SoCG) or at the hearing. The amended plans also show a revised landscaping scheme, revised site boundary treatments, revised street

scenes and a revised tenure plan. The revised street scenes and tenure plan stem from the change in house types on certain plots.

5. I am satisfied that the amendments to the landscaping scheme and site boundaries could be dealt with by a condition should I be minded to allow the appeal. I therefore do not consider that the acceptance of these amendments would deprive those who were consulted on the original scheme of the opportunity of a further consultation.
6. Furthermore, whilst the amendments to the proposed layout change the house types in certain areas of the development, no new house types are introduced, nor are any houses moved closer to the boundary of the site. I therefore consider that the proposed amendments do not fundamentally alter the proposal that was considered by the Council nor do they deprive those who should have been consulted the opportunity to be consulted on these amendments.
7. Overall, the comments and objections I have seen from those consulted on the proposal relate more to the principle of development in this location and not to the details. Therefore, should I be minded to allow the appeal I shall make that determination on the basis of the amended plans.

Background and Main Issues

8. The Council refused the proposal for 5 reasons. These reasons covered the suitability of the location for development, the local need for affordable housing and the lack of a mechanism for its delivery, the effect of the development on ecology and biodiversity and the effect of the development on the character and appearance of the area (including its effect on the setting of the Thirsk and Sowerby Conservation Area (CA)).
9. In the SoCG the Council withdrew the reason for refusal relating to affordable housing (reason for refusal 2). This was confirmed at the hearing. It is also agreed by the parties that the site lies outside the development limits defined for Thirsk and Sowerby. In the case of Thirsk and Sowerby the policies of the development plan do not allow for affordable housing outside their development limits, unlike other settlements in the District. However, the need for affordable housing is identified in Policy CP4 as a circumstance where an exceptional case can be made. Therefore, whilst certain aspects of reason for refusal 2 are not now relevant, the issue of the need for affordable housing is still relevant to the appeal.
10. As a result, the main issues at this appeal are:
 - whether the location of development is suitable having regard to the policies of the development plan;
 - how the development would contribute to the general need for affordable housing in the area;
 - the loss of trees and hedgerows and the effect on ecology and biodiversity; and
 - the effect of the development on the character and appearance of the area, including its effect on the setting of the Thirsk and Sowerby CA.

Reasons

Suitability of the location

11. The site lies next to the built-up area of Sowerby, opposite the built development along the eastern side of Back Lane. To its south and west lies agricultural land. It is separated from the agricultural land to the west by a track containing a public footpath referred to as 'Donkey Lane'. To the north, whilst the land does not appear to be in active agricultural use it is occupied by a building of an agricultural character that is surrounded by grassland. Beyond this area are the houses that comprise St Oswalds Close. The main centre of Sowerby lies immediately to the east beyond Back Lane and is easily accessed from the appeal site. Therefore, in locational terms the appeal site relates well to the built-up area of Sowerby and its facilities.
12. The development plan is comprised of the Local Development Framework, Development Plan Documents, Development Policies, adopted February 2008 (DP) and the Local Development Framework, Development Plan Document, Core Strategy (CS), adopted April 2007. It is common ground between the parties that the site, for the purposes of the development plan lies outside the development limits of Sowerby.
13. In these circumstances the policies of the DP and CS which are relevant to this appeal are CP1, CP4 and DP9. CP1 sets the general context for the provision of new development within the District. It directs development to previously developed land in the first instance before green field sites should be considered. It also seeks to strike a balance between the housing, social and economic needs of the area and protecting the natural and built assets of the District. Fundamentally, in terms of the location of the appeal proposal there is nothing that precludes a case being made for the compliance of the appeal proposal with CP1.
14. CP4 supports proposals that are within the development limits of a settlement and sets out where exceptions to this approach can be made. This includes the provision of affordable housing which meets a local need where that need cannot be met elsewhere in a settlement within the hierarchy. DP9 is related to CP4 in that it reinforces the importance of development limits and the exceptional requirements necessary for development to be justified outside those limits.
15. The appeal proposal would be for affordable housing with a mixture of affordable housing for rent, shared ownership, and affordable rent to buy. Therefore 100% of the proposed dwellings would be for some form of affordable housing. The appellant is a registered provider and the planning agreement which has been submitted sets out a mechanism for ensuring that any dwellings provided, should the appeal be allowed, are occupied by those requiring this type of accommodation.
16. The Council has accepted through the withdrawal of reason for refusal 2 that a policy compliant case can be made for an affordable housing development outside the development limits of Thirsk with Sowerby provided a need can be established for additional affordable housing. It has also recognised that this need does not need to be 'local' to Thirsk with Sowerby and can relate to the

District as a whole. Furthermore, it has also accepted that the mechanism set out in the planning agreement would secure the future of the proposal to provide affordable housing to meet local needs and that the tenure balance would be acceptable.

17. Policy CP4 recognises that the provision of affordable housing can be justified as being 'exceptional' provided a case can be made in terms of need. In essence therefore the compliance of the appeal proposal with the locational policies set out above will turn on whether exceptional circumstances apply to the proposal sufficient to demonstrate that a need for affordable housing exists in the District and/or locally and that that need cannot be met in a settlement within the hierarchy.
18. Consequently, I now go on to consider the need for affordable housing and whether it can be met within a settlement within the hierarchy.

The need for affordable housing

19. The Council has argued that it is meeting the need for affordable housing within the District. It argues that this is demonstrated in the Strategic Housing Market Assessment from 2016 which shows a need for 361 affordable houses between 2014 and 2035 at an average of 69 dwellings per annum (dpa). More recent evidence from the Housing and Economic Development Needs Assessment, the HEDNA, states that between 2016 and 2035, 55 dpa are required. The existing delivery stands at an average of 109 dpa in the period since 2016.
20. However, the above figures are predicated on delivering on the shortfall in the requirement for affordable homes over the period up to 2035. The appellant has argued that this shortfall should be made up earlier and within the first 5-years of the local plan. This, the appellant argues, is consistent with the method for making up a general short fall in housing delivery set out in the Sedgfield methodology. If this were the case, then in terms of the SHMA, 88 dpa would be required and in the case of the HEDNA 127 dpa would be required over the 5-year period. The more recent data in the HEDNA demonstrates that this is more than that required if the shortfall were to be met over the whole period of the plan and is greater than the current average rate of delivery since 2016.
21. Additional evidence has been presented in the form of the numbers on the housing waiting list. This appears to be consistently around 1000 households and does not appear to be falling. Whilst the waiting list covers the District as a whole, I heard evidence at the hearing that in terms of preferences, around 500 of those on the waiting list were asking for the Thirsk area. Whilst the housing waiting list is not a definitive indicator of housing need it does show a level of demand in the District and that demand does not appear to be reducing over time.
22. Moreover, evidence has been provided that shows that in terms of the ratio of income to house prices this is at 9 which demonstrates that access to housing for sale in the District would be difficult for anyone unless they were earning significantly more than the average income.
23. I also heard evidence that the target of 55 dpa was a 'floor' not a 'ceiling' and that more affordable dwellings could be delivered and still comply with the

policies of the development plan. In terms of local delivery, it appeared to me that the Council are relying to a significant extent on the site at Sowerby Gateway to deliver houses and affordable housing in the Thirsk/Sowerby area. I accept that this site will undergo further viability assessments and that the amount of affordable housing it will deliver could go up. However, at present it is predicted to deliver around 11% affordable housing against a requirement of 40% set out in Policy CP9 of the CS.

24. It seems to me that local need for affordable housing has been demonstrated through the numbers on the housing waiting list, the local ratio of house prices to income, the numbers expressing a preference for Thirsk/Sowerby and the current low delivery of affordable housing on the Sowerby Gateway site. Moreover, whilst I can see that the total need for affordable housing might well be capable of being met over the period 2016 to 2035, it is evident that there are people in housing need at the present time and the current need for people in affordable housing need should be addressed as soon as possible.
25. I accept that there are other sites which have recently been approved within the area that will deliver 100% affordable housing, although they do not yet appear to be at the delivery stage. However, given the current need that has been demonstrated and the acceptance by the parties that the requirements for affordable housing set out in the policies are floors not ceilings I find that the appeal proposal would contribute to meeting the local need for affordable housing. Moreover, this need, given the level of demand in Thirsk and Sowerby and the current level of delivery of affordable housing on the Sowerby Gateway site, does not appear to be capable of being met within the settlements in the hierarchy. It therefore could be considered as an exception to development outside the development limits of a settlement set out in Policy CP4.
26. As a result, I find that the proposal would comply with Policy CP4 and DP9 of the development plan in that it would be a suitable location for affordable housing as it would contribute to the need for affordable housing in the local area. Moreover, the proposal is also consistent with paragraph 78 of the Framework which expects local planning authorities to support opportunities to bring forward rural exception sites that will provide for affordable housing to meet identified local needs.

Ecology and biodiversity

27. As part of the appeal proposal the appellant is proposing to plant 69 new trees, 481m of native species of hedgerow and wildlife friendly shrub planting. It is estimated that the internal hedgerow and trees that will be lost to the development consist of 160m of hedge and 7 trees. In terms of the hedgerow along Back Lane there are already two accesses into the appeal site. The appeal proposal would lead to the widening of these accesses and the creation of a further three pedestrian and vehicular accesses along this frontage. This would inevitably lead to the loss of some of the hedgerow in this location.
28. The site has no formal nature conservation designation and part of it is proposed to be allocated for housing development in the emerging Hambleton Local Plan (eLP). It is therefore reasonable to assume that at some point in the future part of the site, at least, would be developed for housing and that would consequently lead to the loss of the rough grassland and some of the hedgerow along Back Lane to create a vehicular access and vision splays.

29. Policy CP1 of the CS is an overarching policy which seeks amongst other things to support proposals which promote and encourage or protect and enhance the quality of natural resources including biodiversity. The intention of this policy is reflected in CP16 which supports developments where they preserve or enhance the Districts natural assets. The policy also expects mitigating or compensatory measures to be provided to address potential harmful implications of development. Policy DP31 of the DP also follows this approach.
30. Some natural resources such as hedgerows, rough grassland, and trees, would be lost due to the development. However, the developer is proposing to plant significantly more trees and lengths of hedgerow than would be lost. Furthermore, there would be an opportunity within the new development to create pathways for hedgehogs and install bird and bat boxes. This would, if handled effectively, and its implementation was monitored, more than make up for the loss of the internal hedgerow and trees as well as parts of the hedgerow along Back Lane.
31. I therefore find that the natural assets that would be lost by the development are not significant in themselves and are not locally or nationally designated. Nonetheless rough grassland, trees and hedgerows would be lost to the development. However, the developer is proposing to plant significantly more trees and hedgerows than those that would be lost. In view of this I find that there would be a net gain in biodiversity brought about by the development and therefore would not result in harm to the ecology and biodiversity in the area. In this respect it would comply with Policies CP1, CP16 and DP31 of the development plan and the approach of the Framework.

Character and appearance of the area and the effect of the development on the setting of the Conservation Area

32. The built area of the site lies outside, but adjacent to the Thirsk and Sowerby CA. From the CA plan supplied with the appeal documents it appears to me that the western edge of Back Lane also forms the boundary of the CA in this location. Therefore, only a very minor part of the development, namely parts of the accesses, fall within the CA. I will therefore deal with the effect of the parts of the accesses which fall within the CA, before I move on to the effect of the development on the setting of the CA and the effect of the development on the character and appearance of the area more generally.
33. The Thirsk and Sowerby CA is significant because it demonstrates a medieval street layout, coupled with surviving examples of medieval buildings and 18th and 19th century buildings grouped around a series of greens along the main street (Front Street). This medieval layout is continued to the rear of Front Street in the form of the long rear plots which appear to be known locally as tofts. These tofts are/were accessed from Back Lane. The boundaries of these tofts appear to continue to be reflected in the property boundaries between the rear of Front Street and the eastern side of Back Lane. There was no evidence presented for these tofts continuing to the west of Back Lane and their existence, if they ever existed in this location, appears not to be reflected in the current layout of the fields.
34. The impact on the CA by the creation of the accesses would be minimal. In terms of the impact on the significance of the CA this would be neutral as none of the features, such as the medieval layout, the significant historic buildings, or the boundaries between the tofts, which are key to its significance would be

harmed by the creation of the accesses through the hedge. I therefore find that the appeal proposal would not cause harm to the significance of the CA.

35. In terms of the effect of the development on the setting of the CA, development in the immediate vicinity of the appeal site and within the CA appears to be of varied character. It is comprised mainly of late 20th century and early 21st century development which varies in height from bungalows to 3-storey buildings all with pitched roofs. The predominant building material is brick. Whilst the majority of buildings face on to the road, sometimes with small front gardens and parking areas, there is evidence of courtyard style developments which are accessed from private drives. The appeal proposal would continue this style and character of development on the western side of Back Lane. As a result, it would not impact upon those features which contribute to the significance of the CA. Therefore, the appeal proposal as a whole would not harm the setting of the CA.
36. The appeal proposal would, in terms of its layout, materials, size of gardens and relationship with Back Lane, reflect the character of the immediate area. Whilst there would be taller buildings within the proposed development these would not be significantly higher, being 2.5-stories rather than 2-stories, than either other houses within the appeal site or the two storey houses on Back Lane. Moreover, the relatively small number of 2.5- storey houses, their positioning within the body of the proposed development and the presence of a high building on Back Lane (de Mowbray Court gate house) would result in them not appearing as either incongruous or intrusive in the local area, either when viewed from Back Lane or Donkey Lane to the rear.
37. Reference has been made by the Council to the presence of frontage parking within the appeal proposal and how this would detract from the quality of the development as it would appear to be 'car dominated'. However, whilst there is a predominance of frontage parking in the proposed development this is balanced by side or off-plot parking in some instances. Moreover, significant concentrations of frontage parking have been broken up by the use of landscaping. Furthermore, it appeared to me from my site visit that it is not uncommon for houses in the vicinity of the appeal site to either have frontage parking or for cars to be parked in the street. I therefore consider that the amount of frontage parking present within the proposed development does not detract from the overall quality of the development, nor would it appear car dominated.
38. Overall, I find that the appeal proposal would not be harmful to the significance of the CA. In terms of its effect on the setting of the CA and the character and appearance of the area, I find that due to its proposed design and layout and its relationship with the development in the area, it is not incongruous, nor would it harm character or appearance or the setting of the CA for the reasons given above.
39. Policies CP16, CP17, DP28 and DP32 seek, amongst other things, to protect man made assets, ensure high quality design, conserve historic heritage, and ensure that proposals respect local character and distinctiveness. I have set out above how the appeal proposal respects the character and appearance of the CA through its layout and design. I have also set out how the proposed development respects the character and appearance of Back Lane. Furthermore, the mix of house types would add interest and variety to the

area. Therefore, I find that the appeal proposal is consistent with these policies of the development plan.

Other Considerations

40. The eLP was referred to at the hearing and in appeal documents. This plan is currently at 'main modifications' stage, however no main modifications are proposed with regard to Policy TIS2 which allocates part of the appeal site for housing. Whilst I have had regard to the eLP in this appeal, given the stage which it has reached towards adoption, I can afford it no more than moderate weight as it is at main modifications stage. In any case I have found that the current appeal proposal is consistent with the existing development plan.
41. Reference was also made to a recent appeal decision in Hambleton District. This decision concerned development on land at Saxty Way Sowerby¹ for a proposal for 100% affordable housing. Whilst I accept that there are similarities between the appeal before me and the Saxty Way decision I have decided this appeal on the basis of the evidence which I have seen and heard with regard to the proposal before me.

Other Matters

Suitability of the play space

42. As well as the reasons for refusal the Council also raised the issue of the quality of the open space proposed in the development. It appears to me from discussions at the hearing that the open space to be provided complies with the size required by the Council for this type of development. The appeal proposal identifies two areas of open space, one at the centre of the development and the other to the south. Both these areas are of a significant size and would allow for children's' play as well as casual recreation such as walking or sitting. The two areas are overlooked by adjacent dwellings which would assist in making them safe for children. I do not therefore consider that the open spaces identified within the development are unacceptable.

Impact on road safety

43. Whilst the development would inevitably introduce more traffic on to Back Lane the provision within the proposal for a footpath on the western side of the Lane would represent an improvement for pedestrians. Additionally, the relatively restricted width of the lane would act to slow traffic and maintain the current levels of road safety. I therefore find that there are no grounds to dismiss the appeal in terms of road safety, provided suitable conditions are attached to any permission to adequately control the traffic impacts of the development.

Adequacy of medical and other facilities

44. I have no evidence before me which demonstrates issues of capacity in medical or other facilities (schools or dentists). I therefore find there is no reason for me to dismiss the appeal on these grounds.

Adequacy of the drainage

45. I have no evidence before me which shows that the development would be inadequately drained. Indeed, there appears to have been no response from

¹ APP/G2713/W/20/3262591

the bodies responsible for drainage. In any event the drainage from the site is capable of being controlled by condition should I be minded to allow the appeal. I therefore see no reason to dismiss the appeal on these grounds.

The Planning Obligation

46. A planning obligation has been completed which seeks to ensure that the site is retained for affordable housing and that the occupancy of the proposed dwellings is controlled for those in housing need in the area. I have found that the appeal proposal is consistent with the development plan as it provides affordable housing in terms of the exceptions set out in Policy CP4. Therefore, the obligation is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related to the development in scale and kind. I therefore conclude that the obligation complies with the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and those set out at paragraph 57 of the Framework.

Conclusion on the development plan

47. Overall, the proposal accords with the development plan so in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 it should be allowed unless material considerations indicate otherwise. I have had regard to all the matters raised in the appeal and find that none of the material considerations are sufficient to indicate that the appeal should be decided other than in accordance with the development plan.

Conditions

48. In addition to the standard time limit condition and a condition referencing the approved plans, necessary in the interests of certainty, I find that other conditions are necessary to make the development acceptable.
49. A condition is necessary in order to control the materials from which the development will be constructed so that it is finished in materials sympathetic to the area, given its location next to the Conservation Area.
50. In order to ensure that the site is adequately drained a condition is necessary requiring all drainage details to be submitted to and approved by the Council, and that the approved scheme is satisfactorily implemented, together with a requirement that all hard surfaces are finished with water permeable materials.
51. Given the loss of trees and the proximity of the site to the countryside surrounding the village a condition is necessary in order to ensure that the landscaping scheme shown on drawing No R/2292/1G is implemented in full within a defined timescale.
52. In view of the significance of the trees and hedgerows which are due to be retained on the boundaries of the site a condition is necessary to ensure that they are protected during the implementation of the development. Given the importance of the retention of some of the trees and hedgerows these protection measures need to be implemented prior to the construction of the proposed dwellings.
53. A condition is necessary to ensure that the protected trees and hedgerows are retained following the completion of the development and protected during the

construction period. In order to assist in protecting the character and appearance of the area.

54. The Council's contaminated land officer has indicated the possibility of contamination affecting some of the site. Therefore, a condition is necessary in order to deal with any contamination that might be found during the course of construction.
55. Given the proximity to the open countryside surrounding the village a condition is necessary to mitigate and enhance the impact of the development on biodiversity in the area. This shall include such things as details of all external lighting, the provision of bat and bird boxes and access runs for hedgehogs through rear gardens.
56. In order to ensure that the development is sympathetic to the local area a condition is necessary to ensure that the details of all boundaries to the plots (walls and fences) are approved by the Council and that these are implemented within a reasonable timescale.
57. Given the proximity of the site to the Conservation Area it is necessary that the finished floor levels of the proposed dwellings are controlled through conditions in order that the heights shown on the approved plans are achieved in practice.
58. In order to ensure that the site can be safely accessed it is necessary for conditions to ensure that the access to the site is properly controlled and implemented.
59. Given the parking pressures in the area conditions are necessary to ensure that the parking spaces shown on the approved plans are brought into use prior to the occupation of the approved dwellings and that they are retained for this purpose.
60. The site lies adjacent to other housing and it is necessary to ensure through the use of conditions that the impact of the construction of the dwellings on the existing residents is, as far as possible mitigated.
61. I have altered the wording of some of the suggested conditions in the interests of precision and clarity, however this has not changed their overall purpose.

Conclusion

62. For the reasons given above, I conclude that the appeal should be allowed.

Peter Mark Sturgess

INSPECTOR

Appearances

Appellant

David Hardy	Counsel
Steven Longstaff	ELG Planning
Jamie Roberts	Tetlow King
Clare Booth	ELG Heritage
Dr Martin Brammah	Associate Ecologist – Delta Simons
Nicky Voase	Architect – QAD Architects
Chris Devitt	Ward Hadaway – Solicitors
Julia Histon	Karbon Homes/York Housing Association
Steve Jackson	Karbon Homes

Council

Jon Berry	Chief Planning Officer – Hambleton DC
Tim Woods	Planning Officer – Hambleton DC
Tony Whittaker	Housing Officer – Hambleton DC
Mr Craddock	Team Leader Planning Policy Capita

Documents submitted at the hearing

1. Plan showing suggested site visit locations (agreed by the parties)
2. Appellant's suggested conditions.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development shall be carried out in accordance with the following approved plans: site layout plan, PL02 Rev E; street scene PL03 Rev A; boundary treatment plan, PL04 Rev B; tenure layout, PL05 Rev B; landscape master plan, R/2292/1G; floorplans and elevations, type B1, PL06; floorplans and elevations, type C1, PL07 Rev A; floorplans and elevations type T1, PL08 Rev A; floorplans and elevations, type T3, PL09 Rev A; floorplans and elevations, type T4, PL10; floorplans and elevations, type T5, PL11; floorplans and elevations, type T7, PL12 and floorplans and elevations, type T10, PL14 Rev A.
- 3) No ground works on the site shall be commenced until the trees and hedgerows have been protected in accordance with a scheme that shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the commencement of

development and retained in position for the duration of the construction period.

- 4) Prior to the commencement of any above ground works on the site, no part of the existing hedges along the boundaries of the site shall be reduced in height or removed other than in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority.
- 5) No above ground construction work shall be undertaken until the details of the materials to be used in the construction of the external surfaces of the development have been submitted to the local planning authority for approval and samples have been made available on site for inspection and the materials have been approved in writing by the local planning authority. The development shall be constructed of the approved materials in accordance with the approved method.
- 6) No part of the development shall be occupied after the end of the first planting season following completion of the development unless the landscaping scheme shown on the landscape masterplan R/2292/1G has been implemented in full. Any trees or plants which within a period of 5-years of planting dies, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
- 7) No above ground construction shall be commenced until the details of the boundary treatments, including all walls fences and other means of enclosure shown on plan PL04 Rev B, have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be occupied unless the boundary walls, fences or other means of enclosure have been fully implemented in accordance with the approved details. The site boundaries once implemented shall be retained for the lifetime of the development.
- 8) All new, repaired or replaced areas of hard surfacing shall be formed using water permeable materials or provision shall be made to direct water run-off from hard surface area to an area that allows the water to soak away within the curtilage of the dwelling in accordance with the drainage details approved in accordance with condition 9 below.
- 9) No above ground works shall be undertaken until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved drainage scheme (foul and surface water) has been fully implemented in accordance with the approved details.
- 10) If any contamination be suspected or encountered during development all works shall cease and the local planning authority shall be notified in writing. No further works shall be undertaken, or the development occupied unless or until a remediation strategy report has been submitted to and approved in writing by the local planning authority and the approved remediation measures have been implemented in accordance with the approved strategy. Work shall not recommence, or the development occupied until a validation report has been submitted to and approved in writing by the local planning authority. The remediation strategy and validation report shall be prepared in accordance with Contaminated Land Research Publication 11 (Defra/Environment Agency, 2004. CLR11 Model

Procedures for the Management Land Contamination) and the Council's guidance note 'Contaminated Land- A Guide for Developers'.

- 11) No external lighting shall be installed on any dwelling whose curtilage is adjacent to the boundary of the site or whose front elevation face on to the boundary of the site, unless it is part of an external lighting scheme which has been submitted to and approved in writing by the local planning authority.
- 12) No above ground construction work shall be undertaken until a biodiversity mitigation and enhancement plan has been submitted and approved in writing by the local planning authority. The plan shall include details of all external lighting, the provision of bat/bird boxes and access across rear gardens for hedgehogs. The development shall be completed in accordance with the approved plan and the features thereafter retained for the lifetime of the development.
- 13) Prior to the construction of any building or regrading of the land, detailed cross sections shall be submitted to and approved in writing by the local planning authority, showing the existing ground levels in relation to the proposed ground and finished floor levels of the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details.
- 14) No above ground works shall commence on site until the following details have been submitted to and approved in writing by the local planning authority. These details shall include:
 1. Road, cycleway, and footpath construction;
 2. Lighting;
 3. Surfacing;
 4. Materials to be used;
 5. Drainage (foul and surface water);
 6. Access, turning and parking;
 7. Traffic calming measures; and a programme for the implementation of the works

The development shall be carried out in accordance with the approved details.

- 15) No dwelling shall be occupied until the carriageway and any footway from which it gains access is constructed to basecourse macadam level or block paved and kerb and connected to the existing highway with street lighting installed and in operation.
- 16) No heavy construction vehicles (HCVs) shall be brought on to 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.
- 17) There shall be no access or egress by any vehicle between the highway and the application site (except for the purposes of constructing the

initial site access) until splays are provided giving a clear visibility of 43m measured along both channel lines of Back Lane from a point measured 2.4m down the centre line of each access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created these visibility areas shall be maintained clear of any obstruction and retained for the lifetime of the development.

- 18) An independent stage 2 safety audit shall be carried out in accordance with HD19/15 – Road Safety Audits or any superseding regulations and the design proposals amended in accordance with the recommendations of the road safety audit. The works shall be completed in accordance with the recommendations of the road safety audit.
- 19) The development shall not be occupied until the following highway works have been constructed in accordance with the approved details:
 1. provision of paved tactile crossing points
 2. provision of a continuous pedestrian route on Back Lane from the site in a northerly direction to the junction with Gravel Holes lane
 3. provision of a priority road narrowing feature to accommodate the footway
- 20) No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved plan PL02 Rev F. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purposes at all times.
- 21) There shall be no access or egress by any vehicle between the highway and the site until details of the precautions to be taken to prevent the deposit of mud, grit, or dirt on the public highway by vehicles travelling to and from the site have been submitted to and approved in writing by the local planning authority. The details set out in the details approved by the local planning authority shall be fully implemented prior to the commencement of any excavation associated with the development and retained for the duration of the construction period.
- 22) No groundworks of the development shall commence until a Construction Method Statement has been submitted to and approved in writing on the local planning authority. The statement shall provide for:
 1. the parking of vehicles of site operatives and visitors;
 2. loading and unloading of plant and materials;
 3. storage of plant and materials;
 4. erection and maintenance of security hoarding;
 5. measure to control the emission of dust and dirt during construction;
 6. a scheme for the recycling/disposal of waste resulting from the development of the site;
 7. access arrangements for emergency vehicles during the implementation of the development;

8. hours of working.

The development shall be implemented in accordance with the details set out in the approved Construction Method Statement.

End