REPORT OF THE PLANNING SERVICES MANAGER – PSM/18/116

SUBJECT: Outline planning application for residential development (access to be considered) for Gascoines Group Ltd
Land Adjacent To 38 Limestone Road Burniston Scarborough
North Yorkshire

1.0 THE PROPOSAL

1.1 This application seeks outline consent for residential development on a 1.21 hectare site to the north-west of Limestone Road and to the south-west of Ashdown Rise, Burniston. Full details of the proposed highway access to site have been submitted at this stage, but all other matters (appearance, landscaping, layout and scale) are for later consideration at the reserved matters stage. With the exception of the drawings relating to the access and the site plan (which defines the area of land to which any consent would relate) all of the submitted drawings are indicative only. Part 17 of the application form suggests that the site could accommodate 36 units, but Officers consider this to be an indicative figure.

1.2 At present the site comprises a rectangular shaped area of land. Accessed from Limestone Road, it is formed of grassed fields and a now derelict residential property (no. 38) which fronts Limestone Road together with its curtilage and outbuildings which are used to shelter livestock. Most of the site is on a steep slope descending to the east. With respect to the site's context, the land is bounded by residential development on all sides bar the northern end of its western boundary. Trees and shrubs mark all of the boundaries, although the eastern boundaries are relatively sparsely planted.

1.3 In terms of the site's physical constraints, all of the land is located in the Environment Agency Flood Zone 1, which is considered in Government guidance to be land at the least risk of river flooding (all land in England outside of the higher risk zones 2 and 3 is designated Flood Zone 1). Natural England defines the land in question as being 'good to moderate' agricultural land.

1.4 The application site is part of the 1.87 hectare 'L' shaped site allocated for housing development in the Council's Local Plan (HA34). Commentary on the allocation suggests that the site as a whole could accommodate a sustainable development of around 40 residential units. This is an indicative not a prescriptive figure.
1.5 Access to the site is proposed to be taken from Limestone Road, which is an unclassified road.

1.6 With respect to the host settlement, Burniston, the Local Plan defines it as a 'service village'. In brief terms, service villages are settlements which offer a range of facilities to meet the essential needs of residents, feature good levels of local amenities and good communications.

1.7 In addition to the plans and the draft Section 106 Agreement, the application is accompanied by several supporting documents (available to view on the Council's website) including:

- Flood Risk and Drainage Assessment
- Geo-Environmental Report
- Tree Survey
- Ecological Report
- Transport Statement
- Consultation Report
- Archaeological Assessment

1.8 The submitted draft Section 106 Agreement proposes:

- Affordable housing at a rate of 30%, in accordance with the Affordable Housing SPD and the policies of the Local Plan;
- In accordance with the green space SPD, the following: A) parks and gardens contribution; B) sports facilities contribution; C) Children's play facilities provision/ off-site financial contribution; and, D) amenity open space provision/ off-site financial contribution, all to be ring fenced for Burniston;
- An education payment in accordance with the Council's Education Payment's SPD.

1.9 The applicant has agreed to an extension of time for the decision to be issued of 7 days post the completion of the above agreement to allow for the necessary work on this element to be undertaken by the respective legal representatives.

1.10 Members may recall that in August 2017 the Council refused to grant outline consent for residential development on the whole 1.87 hectares of allocated HA34 for the following reason:

Part of the application site is identified by the Environment Agency as being at high risk of surface water flooding, and this area regularly suffers significant ponding. Policy ENV3 of the Scarborough Borough Local Plan states that proposals will be expected to mitigate against the implications of environmental risk. The applicant's submission fails to demonstrate to the satisfaction of the Local Planning Authority that ground water sources are not contributing to this ponding, or that development of the site would not put new and existing properties at risk of flooding from groundwater sources. With this in mind, the proposal is contrary to policy ENV3 of the Local Plan and is unacceptable on its planning merits.

1.11 This application differs from the previously submitted proposal in the following ways:
- The lowest part of the wider allocated site (an area of approximately 0.66 hectares) is excluded from the proposal. The excluded area includes an area (of approximately 0.3 hectares) identified by the Environment Agency as being at high risk of surface water flooding (however, the site is not identified by the Environment Agency as being in a ‘critical drainage area’);

- In addition to specifying the drainage principles for the development (at a level consistent for an application for outline consent), the applicant has submitted a more detailed ‘drainage option’ for the site (specified by drawing LRBU-AWP-ZZ-XX-DR-C-0100) to show how the drainage system could work.

2.0 SCREENING OPINION REQUIRED?

2.1 Development of the nature proposed here on this land has been screened against the 2011 Environmental Impact Assessment Regulations, and it was found that an Environmental Statement was not required. The Environmental Impact Assessment Regulations have since changed. However, insofar as they apply to this development the Regulations are virtually unchanged in practical terms, and as such a different view (on the need for an Environmental Statement) would not be reached; the environmental impacts of the development have not changed materially, and they are not considered to be significant in terms of the EIA Regulations.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 The applicant's submission states that a programme of community consultation was carried out before the application was submitted, including a public exhibition.

4.0 CONSULTATIONS AND COMMENTS

4.1 The following is a summary of the key and relevant final comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council’s website.

4.2 Burniston Parish Council:

- Strongly objects to the application;
- The application is similar to the previously refused application 15/01435/OL;
- The land in question forms part of a historical natural drainage flow taking water from surrounding hills and farmland. It is slowed on the site and eventually discharges into the beck, thereby reducing the risk of downstream flooding;
- Adding development to the site will increase the speed of run off;
- It is suggested surface water will be directed to sewers, but these are near or over capacity;
- Who will manage/ be responsible for the pumping stations?
- The flooded area of the site has previously been drained by tanker;
- The site has recently been drained again recently, and this resulted in sudden flooding of properties 450 yards away via Burniston Beck;
- It is suspected that drainage of site is connected with attempts to remove native amphibians including Great Crested Newts;
- The drainage proposals are not compliant with the Council's policies and will likely have an impact on local drainage and land stability;
- Additional traffic associated with the development will exacerbate problems around the school;
- Burniston Parish Council is not in favour of this land being developed for housing.

4.3 Cloughton Parish Council:

- The application site is within Burniston Parish, but properties within Cloughton Parish will be affected;
- The land in question forms part of a historical natural drainage flow taking water from surrounding hills and farmland;
- Twice recently has the natural flood water been removed from the land which is adjacent to the application site, and this appears to raise the level of Burniston Beck.

4.4 Highway Authority:

- The development will gain access from Limestone Road;
- Adequate visibility can be achieved;
- The junctions of Limestone Road with Stone Quarry Road and with High Street can accommodate the additional traffic created by this development;
- No objections, subject to conditions requiring highway design details, the construction of highway infrastructure prior to first occupation, the provision and retention of visibility splays and precautions to prevent mud on the road.

4.5 NYCC Education: Awaited.

4.6 Lead Local Flood Authority:

- Conditions should be applied to any consent the Council may grant requiring precise drainage details (for a system to handle a 1 in 100 year event plus 30% for climate change and 10% for urban creep) and exceedance routes.

4.7 Yorkshire Water:

- Unrestricted discharge of surface water into the public sewer will not be accepted;
- The submitted geo-environmental report states that site conditions do not support the use of soakaways;
- Yorkshire Water promotes the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal to watercourse is not reasonably practical before considering disposal to public sewer;
- If it can be satisfactorily demonstrated that surface water cannot be discharged to watercourse, curtilage surface water may discharge to the public surface water sewer recorded crossing/ within the site at an attenuated maximum rate of 3 litres per second;
- Foul water domestic waste should discharge to the public sewer recorded in The Limes. It may be that a pumping station is required, and if this is the case pumped discharge should be limited to an agreed rate;
- On the Statutory Sewer Map, there is a public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. The submitted indicative layout is not acceptable as it appears to show tree planting directly over the sewer;
- The public sewer network is for domestic sewage purposes. The developer should contact the Highway Authority with regard to the acceptability of highway drainage proposals. Highway drainage into Yorkshire Water infrastructure may be accepted under certain circumstances.

4.8 SBC Coastal and Drainage Engineers: Awaited.

4.9 SBC Ecologist: Awaited.

4.10 SBC Tree Officer: Awaited.

4.11 North Yorkshire Moors National Park: No objections.

4.12 Natural England: No objections on landscape grounds, refer to standing advice with respect to Protected Species (note: Officer's assessment of this is presented in paras 7.23 to 7.26 of this report).

4.13 County Archaeologist: The applicant has prepared an archaeological desk-based assessment. This concludes that the development area has a low archaeological potential. The desk-based assessment is well researched and I agree with its conclusions.


4.15 SBC Housing Services: Awaited.

4.16 Publicity - public consultation period expired 10 April 2017

4.17 88 letters of objection have been received by the Council. These are from local residents and make the following points;

- Adding development to this site would disrupt natural drainage patterns, would increase the rate of surface water runoff and would put neighbouring property at risk of flooding;
- As is clear from the Environment Agency 'surface water flood risk maps' and photographs submitted to the Council, land adjacent to the application site is at high risk from surface water flooding;
- The site is habitat for legally protected and other species (Great Crested Newts have been identified here);
- The development would unacceptably destroy habitat;
- The submitted Flood Risk Assessment is flawed;
- There is insufficient local sewerage capacity to cope with the development;
- The development would lead to unacceptable overbearing, overshadowing and overlooking of neighbouring property;
- A highway access on to Limestone Road will be a safety risk;
- The local road network cannot cope with the new development, which will be a risk to the safety of highway users;
- The development will harm the character of Burniston;
- Local services (including the local school) are at capacity already;
- There is no room to expand the local primary school;
- There is no need for additional new houses in the area.
5.0 RELEVANT SITE HISTORY

5.1 2017: Outline consent for the construction of dwellings on allocation HA34 - permission refused (the reason for refusal is set out in section 1 of this report).

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

**Scarborough Borough Local Plan 2017**

**ENV 5** - The Natural Environment  
**SD 1** - Presumption in Favour of Sustainable Development  
**HC 1** - Supporting Housing Development  
**HC 2** - New Housing Delivery  
**HC 3** - Affordable Housing  
**HC 10** - Health Care and Education Facilities  
**HC 14** - Open Space and Sports Facilities  
**ENV 3** - Environmental Risk  
**ENV 7** - Landscape Protection and Sensitivity  
**DEC 1** - Principles of Good Design  
**DEC 3** - The Efficient Use of Land and Buildings  
**DEC 4** - Protection of Amenity  
**DEC 5** - The Historic and Built Environment  
**DEC 6** - Archaeology

**National Planning Policy Framework**

**NPPF1** - Building a strong, competitive economy  
**NPPF4** - Promoting sustainable transport  
**NPPF6** - Delivering a wide choice of high quality homes  
**NPPF7** - Requiring good design  
**NPPF8** - Promoting healthy communities  
**NPPF10** - Meeting the challenge of climate change, flooding and coastal change  
**NPPF11** - Conserving and enhancing the natural environment

**Scarborough Borough Supplementary Planning Documents**

Affordable Housing  
Education Payments  
Green Space (Adopted November 2014)

**Local Planning Policy and Guidance**

None relevant
7.0 ASSESSMENT

7.1 Taking into account the relevant planning policies, representations, consultation responses and all other material planning considerations, your Officers consider the key issues in the determination of this application to be:

a) The principle of developing this site for housing  
b) Landscape impact  
c) Access and highways  
d) The reserved matters: appearance, landscaping, layout and scale.  
e) Drainage and flood risk  
f) Ecology  
g) Education  
h) Green space  
i) Affordable housing  
j) Trees and hedges

7.2 This site is allocated for housing in the Scarborough Borough Local Plan and the applicant states that it is deliverable within 5 years. Further, local and national planning policy sets out a 'presumption in favour of sustainable development'. With this in mind, residential development on this site is acceptable in principle subject to the favourable consideration of the other material planning considerations.

7.3 On the point of the '5 year supply issue', this is relatively complicated but in brief terms (in accordance with national planning policy) the Council is required to be able to demonstrate that it has sufficient deliverable land to accommodate the new housing demand (plus a contingency) for the Borough over the next five years. Allocation HA34 is an important part of the housing delivery trajectory. This is a material consideration which weighs in favour of the proposal.

7.4 Full consideration of the landscape impact of the proposed allocation (HA34) is presented in the discussion within the Local Plan and the allied documents. Ultimately, visual impact is a key consideration in the process of allocating sites, and this site has been judged to have been acceptable in that regard by the examining Inspector (paragraph 113 of the Inspector's report).

7.5 Access to the site is a matter for full consideration at this point in the process, and the applicants are proposing a new access to the site from Limestone Road. Officers note the concerns expressed by members of the public and the Parish Council on the points of safety and sustainability from a highways/transport perspective. The Local
Highway Authority is a statutory consultee in the process and they provide expert advice on highways and transport related issues.

7.6 The Highway Authority has assessed the application from a highway safety perspective and has not objected to the proposals subject to conditions requiring the provision of highway design details, the construction of highway infrastructure prior to first occupation and the permanent retention of visibility splays.

7.7 With this in mind, your Officers advise that the application is acceptable from a highway safety perspective and is unlikely to pose undue risk to the safety and convenience of users of the public highway.

d) The reserved matters: appearance, landscaping, layout and scale.

7.8 Section 7 of the Framework makes it clear that design is a fundamentally important planning consideration, stating that new development should be of a high design standard. Policy DEC1 of the emerging Local Plan echoes these requirements.

7.9 Policy DEC4 of the Local Plan precludes new development which would unacceptably harm the amenity of neighbouring residents. Paragraphs 17 and 123 of the Framework advise that impacts on neighbours should be reduced to a minimum.

7.10 Issues relating to appearance, landscaping, layout and scale are all issues for consideration at the (later) Reserved Matters stage. However, it is the view of your Officers that, with careful consideration, a design could achieved for consideration at the Reserved Matters stage (the plans submitted at this point are indicative only) which would prevent the unacceptable impacts to neighbouring dwellings and would preserve the character of the area. In short, there is the potential to add dwellings to the site whilst complying with the terms of the above mentioned policies.

7.11 Whilst this is the case, the Council has the opportunity to set some parameters for the development of this land where it is considered necessary.

7.12 Given the character of the neighbouring development (predominantly two storey residential development), should Members be minded to approve the application, your Officers would advise that a condition be added to the consent restricting the scale of development to two storey (with rooms in the roof permitted). Taller development would be unduly conspicuous in the landscape.

7.13 Owing to the topography of the site, Officers would consider it appropriate to require the submission of detailed levels drawings with the reserved matters submission in order to ensure relative positions of new and existing dwellings are properly understood in the interests of affording due protection to the amenity of neighbouring dwellings.

7.14 Officers do not consider that it would be appropriate to add other conditions relating to appearance, landscape or layout at this point. There is due opportunity to consider these issues at the Reserved Matters stage.

e) Drainage and flood risk
7.15 Policy ENV3 of the Local Plan states that development will only be permitted where adequate provision for foul and surface water disposal exists or can be provided. Section 10 of the NPPF (paragraph 103) requires that Local Planning Authorities ensure flood risk is not increased elsewhere as a result of new development.

7.16 In December 2014 a Ministerial Statement brought about a major change in terms the Council's responsibilities with respect to surface water considerations. In consultation with the Lead Local Flood Authority (North Yorkshire County Council), the Council is now obligated to ensure:

1) That there are proposals in place for the handling of surface water on and from any development site;
2) That these proposals are the most sustainable option for the site (Sustainable Urban Drainage, or 'SUDs systems', should be provided where possible);
3) That there are plans in place for the ongoing maintenance of the surface water drainage system.

7.17 This means that the surface water drainage is now a core material planning consideration which must be dealt with up front; the Council must be sure that the site can be drained at the point of decision.

7.18 Whilst it is the role of the Council as Planning Authority to ensure that the drainage plan is the most sustainable option for the site and that there are plans in place for its future maintenance, the County Council as the Lead Local Flood Authority is the statutory consultee on this matter in the planning process and Yorkshire Water are the statutory undertaker. The Council is reliant on the technical advice of these expert agencies.

7.19 The applicant's proposal (including calculations) for the surface water drainage system is explained in detail in the latest Flood Risk Assessment, but in simple terms the proposal is to provide a system with the capacity to handle a 1 in 100 year rainfall event, plus 30% for climate change and a further 10% for urban creep (the term given to process of the gradual increase of hard surfaces within a development over time), with on-site attenuation to moderate discharge to the public sewer to a maximum (pumped) rate of 5 litres per second (the finalised design would need to provide for a reduced rate of 3 litres per second in line with Yorkshire Water's requirements). In terms of ongoing maintenance, the applicants propose to construct the system for adoption by Yorkshire Water.

7.20 Neither Yorkshire Water nor the Lead Local Flood Authority have objected to this proposal in principle, and the system capacity is considered (at 1 in 100 years + 30% climate change + urban creep) by Officers to accord with the requirements of the NPPF. Yorkshire Water confirm that they will accept discharge of surface water from the site to their existing sewerage network at an attenuated rate, but caveat this with a requirement that it be demonstrated to them that discharge to existing watercourse is not possible (that being the sequentially more sustainable option). It is stated by the applicant that there is bona fide ransom situation which would prevent discharge to watercourse (even if requisition powers are taken into account). Evidence of this would normally satisfy Yorkshire Water's evidential test.
7.21 To summarise on the point of surface water drainage, Officers consider that it has been demonstrated that surface water can be dealt with, that the applicant has assessed the feasibility of the more sustainable options and has discounted these for bona fide reasons. In accordance with policy ENV3 of the Local Plan (in accordance with the evidence the Council has in hand) the proposed development is very unlikely to increase flood risk for existing residents. Ponding issues on adjacent land are unlikely to be made worse, and are most likely to be improved by the installation of a positive drainage system on the application site.

7.22 No objection has been raised by Yorkshire Water in respect of the proposal to discharge foul water to the existing sewerage infrastructure.

f) Ecology

7.23 Issues relating to ecology, and particularly Great Crested Newts (GCN) and their habitat, are a key area of concern for local residents. GCN are species protected by law (EPS).

7.24 The applicant's submitted ecology report identifies the pond to the north of the site (in third party ownership) as being GCN habitat. Whilst GCN have not been identified on the site itself and have been excluded from the small retained pond on the adjacent site (by way of the latterly submitted GCN surveys), in line with the latest Natural England policies/ licensing regime on EPS the applicant's latest position appears to be that there is sufficient evidence in hand to confidently predict the impact of the development; there is judged to be a likely impact on GCN which will need to be mitigated against.

7.25 With this in mind, the applicant proposes to apply to Natural England for a mitigation license (EPSM) and to provide mitigation scheme comprising on-site habitat (see appendix 3 of the submitted ecology report).

7.26 In considering whether or not to grant an EPSM, Natural England will look to see that the Council has considered the following factors in making its planning decision:

a) That there is overriding public interest in approving the application, including those of a social or economic nature;

b) That there is no satisfactory alternative;

c) That the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

7.27 With respect to points a) and b), the site is allocated in the Local Plan for housing development (alternatives have been fully considered and subject to Sustainability Appraisal) and is part of the Council's 5 year supply of housing land; the delivery of sustainable housing is fundamental priority as set out in the NPPF.

7.28 In terms of point c), taking into account the findings of the submitted GCN Survey and Mitigation Strategy and having compared these to the Natural England Standing Advice, provided the mitigation solution as specified by sections 8, 9, 10, 11, 12, 13 and (where appropriate) 14 of the ecology report are adhered to, Officers consider the GCN proposals to be a pragmatic strategy for mitigating against potential impacts to the local
GCN population, and it is unlikely that the favourable conservation status of GCN within their natural range would be harmed.

g) Education

7.29 Education capacity is a key concern of those who have objected to the proposals. At the time of writing the Education Authority has not provided its response. However, in line with the Council’s Education Payments Supplementary Planning Document, it is likely that the Education Authority will be requiring a sum to offset the cost of providing local school accommodation for the children living in the new development.

7.30 As set out in the Council's Education Payments SPD, the sum required will depend on the nature of the final scheme (numbers and size of the proposed units). The applicant has submitted a draft legal agreement that would obligate them to provide an education payment in line with the Council's Education Payments SPD. This will allow the sum required to reflect the housing mix as it is eventually proposed (rather than collecting an estimated sum at this point).

7.31 Officers will update Members on the views of the Education Authority at the Committee meeting.

h) Green space

7.32 Policy R2 of the Local Plan requires that development proposals make provision for open space, and the Council's Green Space Supplementary Planning Document (2014) and the associated Scarborough Borough Playing Pitch Strategy (2013) provide further detail on what is expected. In accordance with Section 8 (delivering healthy communities) of the NPPF, these documents provide an evidence based assessment of what open space, sport and recreation (including play) provision is required in any given locality.

7.33 The applicants are proposing (by way of the submitted draft Section 106 agreement) to provide on-site open space and off-site contributions in line with the Council's adopted Green Space SPD. Officers would advise that this is an acceptable approach.

i) Affordable housing

7.34 Policy HC3 of the Local Plan requires that 30% of the dwellings on the proposed development are affordable units. It makes it clear that planning permission should be refused where it has not been demonstrated (with evidence) that this level of contribution would render the scheme unviable. The policy is consistent with the requirements of the NPPF.

7.35 The amount of affordable units will depend on the number of units on the site, which is a reserved matter. The draft Section 106 agreement seeks to obligate the applicant to provide affordable housing in accordance with policy HC3 (i.e. 30% of the units).
7.36 Issues relating to the tenure mix and 'spread' of the affordable units are issues to be dealt with at the reserved matters stage.

7.37 With these factors in mind, Officers consider the scheme to be acceptable from an affordable housing perspective; the proposal is in full compliance with adopted policy on affordable housing.

j) Trees and hedges

7.38 None of the trees on the site are subject to any form of statutory protection, and as it stands the applicants would be free to fell these. With this in mind, and as it is considered that the trees do not have significant amenity value, in the view of Officers requiring retention of these trees by condition at this point would be an unreasonable burden on the eventual layout of the scheme. Importantly, the Council's Tree Officer has been involved in the site allocation process for the Local Plan and has not required that any of the trees on the site be retained (there are no policy requirements for the retention of the trees on the site).

7.39 Whilst this is the case, Officers would expect the landscaping of the site (a reserved matter for later consideration) to include a level of tree planting in the interests of amenity.

k) Additional considerations

7.40 It appears from representations and consultation responses that residents together with Burniston and Cloughton Parish Councils believe that Yorkshire Water has in recent weeks pumped water out from land adjacent to the site into public sewers. Officers have contacted Yorkshire Water to check whether this is the case and they have stated that they have no record of work taking place on the site. The applicant has stated to Officers that the tenant farmer has recently unblocked a culvert at the low point on the adjacent land allowing it to drain as it should and has historically.

POSITIVE AND PROACTIVE STATEMENT

The proposal was found to be acceptable as submitted so there has been no need for positive and proactive intervention by the Council.

RECOMMENDATION

Grant consent, subject to the conditions set out below and the completion of a Section 106 Agreement which secures the following:

- Affordable housing at a rate of 30%, in accordance with the Affordable Housing SPD and the policies of the emerging Local Plan;
- In accordance with the green space SPD, the following: A) parks and gardens contribution; B) sports facilities contribution; C) Children’s play facilities provision/ off-site financial contribution; and, D) amenity open space provision/ off-site financial contribution, all to be ring fenced for Burniston;
- An education payment in accordance with the Council's Education Payment's SPD.

1. Except where may be modified by the conditions of this consent, the development shall be carried out in accordance with the following plans and drawings:

   - Plan entitled: site location plan, ref: YOR_2157.001 Rev B
   - Plan entitled: proposed access arrangements and visibility long section, ref: 13072/GA/01(A)

   Reason: To avoid doubt.

2. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before and development begins and the development shall be carried out as approved.

   Reason: To allow the Local Planning Authority to exercise its rights to approve the Reserved Matters in accordance with the relevant policies of the Development Plan.

3. The details submitted in pursuance of condition 2 shall include section drawings which precisely show the proposed ground levels, finished floor levels and finished eaves and ridge heights of the proposed dwellings on the site’s western boundary. These levels shall be shown in relation to a fixed and known datum point, existing land levels and the eaves and ridge heights of the dwellings immediately to the north-east of the application site.

   Reason: To enable proper consideration of the reserved matters, and to ensure the amenity of neighbouring property is protected in accordance with policy DEC4 of the Local Plan.

4. The details submitted in pursuance of condition 2 shall make provision for residential development of no greater than two storeys with rooms in the roof permissible.

   Reason: To ensure the character of the locality is preserved in accordance with policy DEC1 of the Local Plan.

5. 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 on an accurate survey showing:

      - The proposed highway layout including the highway boundary
      - Dimensions of any carriageway, cycleway, footway, and verges
      - Visibility splays
      - Accesses and driveways
      - The highway drainage system and its relationship with the site-wide drainage system
      - Any lining and signing
- Any traffic calming measures
- All types of surfacing (including any tactile surfacing), 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:

- The existing ground level
- The proposed road channel and centre line levels
- The highway drainage system proposals and its relationship with the site-wide drainage system.

c) Full highway construction details including:

- Typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- Cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- Kerb and edging construction details
- Typical drainage construction details
- The highway drainage system

e) Details of all proposed street lighting.

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.

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

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

6 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 basecourse macadam level and/or blocked paved and kerbed and connect to the existing highway network with street lighting installed and in operation. The completion of all road works, including 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.

Reason: In the interests of highway safety and the amenity and convenience of highway users.
7 No part of the development shall be brought into use until the existing access on to Limestone Road has been permanently closed off and the highway restored. These works shall include replacing the kerbs, footway verge to the proper line and level.

Reason: In the interests of highway safety.

8 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 splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road Limestone Road from a point measured 2.5 metres down the centre line of the access road. The eye height will be 1.05 metres 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.

Reason: In the interests of highway safety.

9 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of providing sustainable drainage for the site in accordance with policy ENV3 of the Local Plan.

10 No development shall take place until precise details (including drawings) for a system for the disposal surface water from the development have been submitted to and approved in writing by the Local Planning Authority. The details of the proposed system shall:

- Be based on an assessment of the hydrological and hydrogeological context of the development in accordance with the submitted Flood Risk Assessment reference Flood Risk Assessment Ref: JG/AD/JF/35267-Rp005 Rev A and Drainage Impact Assessment Ref: JG/AD/JF/35267-Rp004 Rev A
- Specify a design in which surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change (allowing for an additional 30% capacity) and urban creep (allowing for an additional 10% capacity), will not exceed run-off from the undeveloped site following the corresponding rainfall event, and in accordance with Flood Risk Assessment Ref: JG/AD/JF/35267-Rp005 Rev A and Drainage Impact Assessment Ref: JG/AD/JF/35267-Rp004 Rev A
- Specify discharge to watercourse via a requisitioned sewer, or if evidence is provided which demonstrates that discharge via requisitioned sewer is not reasonably practicable, discharge (surface water from all sources) to the public sewer at an attenuated rate of a maximum of 3 litres per second, unless otherwise agreed in writing with the Local Planning Authority;
- Specify a maintenance regime for the lifetime of the surface water drainage system.
- Include a phasing plan for the implementation of the system;
- Identify exceedance routes which avoid risk to people and property both on and off site.

The system, and the development as a whole, shall be carried out in accordance with the approved details.
Reason: To manage the risk of flooding, to ensure the drainage system is sustainable and to ensure the future maintenance of the system in accordance with policy ENV3 of the Local Plan.

11 The details submitted in pursuance of condition 2 shall provide for the implementation of the Great Crested Newt Mitigation Solution specified by sections 8, 9, 10, 11, 12, 13 and 14 (unless appropriately updated by a suitably qualified expert, as may be necessary) of the submitted Great Crested Newt Survey and Mitigation Strategy dated 23 February 2018.

Reason: To ensure appropriate GCN mitigation is provided in accordance with policy ENV5 of the Local Plan.

David Walker

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR DANIEL METCALFE ON 01723 383538 email daniel.metcalfe@scarborough.gov.uk