

---

## Appeal Decisions

Hearing Held on 20 November 2018

Site visit made on 20 November 2018

**by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 January 2019**

---

### **Appeal A Ref: APP/H2733/W/18/3195079**

#### **Land adjacent to 38 Limestone Road, Burniston, Scarborough YO13 0DG**

- 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 Gascoines Group Ltd against the decision of Scarborough Borough Council.
  - The application Ref 15/01435/OL, dated 7 July 2015, was refused by notice dated 10 August 2017.
  - The development proposed is residential development, provision of highway access and associated works following demolition of existing structures (matters of access to be considered).
- 

### **Appeal B Ref: APP/H2733/W/18/3205993**

#### **Land adjacent to 38 Limestone Road, Burniston, Scarborough YO13 0DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Gascoines Group Ltd against Scarborough Borough Council.
  - The application Ref 18/00505/OL, is dated 16 February 2018.
  - The development proposed is residential development (access and drainage to be considered).
- 

## **Decisions**

1. Appeal A is dismissed.
2. Appeal B is allowed and outline planning permission is granted for residential development (access and drainage to be considered) at land adjacent to 38 Limestone Road, Burniston, Scarborough YO13 0DG in accordance with the terms of the application, Ref 18/00505/OL, dated 16 February 2018, subject to the conditions set out in the schedule attached to this decision letter.

## **Applications for costs**

3. Applications for costs have been made by Gascoines Group Ltd against Scarborough Borough Council. These applications are the subject of separate Decisions.

## **Preliminary Matters**

4. I have dealt with each appeal on its own individual merits although to avoid duplication I have dealt with some aspects together in my reasoning where appropriate.

### *Appeal A*

5. The application was made in outline including the consideration of access with matters of appearance, layout, landscaping and scale reserved for future consideration. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans as being illustrative.

### *Appeal B*

6. The application was also made in outline including the consideration of access with matters of appearance, layout, landscaping and scale reserved for future consideration although the application also included some details of foul and surface water drainage. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans as being illustrative.
7. The Council's Planning & Development Committee resolved to refuse the application albeit that the appeal was lodged before a decision notice was issued. The reason given in the Committee minutes is essentially that it had not been demonstrated that the site can be satisfactorily drained of surface water and/or that the development will not put land and property elsewhere at risk of surface water flooding.

### **Policy Context**

8. The site subject to Appeal A is allocated for housing under Policy HC2 of the Scarborough Borough Local Plan, 2017 (LP) as is Appeal site B which occupies part of the larger allocated site. The principle of residential development is not a matter of dispute between the main parties in either Appeal.
9. Amongst the requirements of LP Policy HC2 is that housing schemes will be permitted provided they accord with other LP Policies and satisfactorily address any issues or requirements set out in the LP's Housing Allocation Statements (HAS). The relevant HAS, Site HA 34, sets a number of issues and requirements for the residential development of the allocated site. As it lies within an area at risk of surface water flooding these include that "any proposal will have to be accompanied by sufficient evidence to demonstrate how the proposed solution will mitigate against surface water flooding including means of surface water disposal".

### **Main Issues**

10. The main issue raised by both Appeals is therefore whether the development would be at risk of flooding or would increase flood risk elsewhere, with particular reference to whether it has been demonstrated that the proposals would mitigate against surface water flooding including means of surface water disposal.

### **Reasons**

11. Appeal site A is an 'L' shaped area of generally steeply undulating fields stretching back from Limestone Road. A north east limb slopes down to a depression adjacent to the end of the adjoining cul-de-sac of houses at The Limes. That limb is excluded from the rectangular Appeal site B. Both schemes would be served by an access from Limestone Road.
12. The Environment Agency's (EA) surface water flood risk map shows a considerable area of the north east limb of Appeal site A being at high risk of

flooding. The extent of this area broadly reflects the topography of the site A limb which forms a depression in which water collects, the extent, incidence and duration of which fluctuates. The EA map does not indicate the flood risk area extending into the west part of site A and therefore any part of site B.

13. The appellants initially considered that the area of ponding in the depression was in part fed by way of an outlet in a headwall on the site boundary with The Limes. However, it is clear from the appellants' Flood Risk Assessment<sup>1</sup> and Rebuttal Statement<sup>2</sup> that their earlier understanding of sources of flooding and drainage of (or at times lack of it) the ponding area was not complete. Having reviewed evidence provided by interested parties, they consider it very likely that a drainage pipe in poor condition and prone to blockage beyond the headwall and running under The Limes enables water to intermittently drain from the site, as well as into it under some conditions.
14. A plan provided by an interested party which informed this position also appears to show land drainage routes running from land outside the site to the north west into the site. That land contains a pond and the topography of the surrounding area means that there is the potential that such land drainage running into the site, and therefore potentially contributing to ponding, may draw on a different local watershed to that which the site itself is located in. This supports the Council's view that the area of ponding is poorly understood and unpredictable, albeit that the interested parties' evidence has improved and informed that understanding.

#### *Flood risk - Appeal A*

15. In response to their change in understanding of issues associated with ponding on the site the appellants no longer intend to link the headwall outlet into their drainage approach and have pointed to an illustrative layout (Option 2 in their Flood Risk Assessment) in which the north eastern most part of the limb could provide public open space and be undeveloped by dwellings and roads. The ponding would effectively be left to continue. However even with an undeveloped area the illustrative layout shows housing areas in the same location as part of the area of flood risk on the EA map.
16. The extent to which the existing pipework beyond the headwall drainage point on the site boundary would perform to drain the site would remain unpredictable and unreliable as well as being outside the appellants' control. Surface water from buildings and roads would enter a drainage system that would lead to a sewer. Developing other parts of the site to the west of the depression would reduce the risk that surface water from that part of the site, and any overland or surface water flooding from land outside the site to the west in the same watershed, would pose to proposed dwellings, existing dwellings on Ashdown Rise and The Limes as well as the degree to which water from that direction might contribute to the ponding in the depression.
17. However, this would have no effect on any water originating from the north east outside the site. On the basis of the available evidence, the extent to which this may contribute to ponding would remain unpredictable. Combined with the uncertainty of the performance of drainage under The Limes, this

---

<sup>1</sup> Ref: NW/AD/JD/35267-Rp001 Rev E, January 2017.

<sup>2</sup> Rebuttal Statement for a Residential Development at Burniston (Site A & B), Alan Wood & partners, October 2018.

means that it cannot be certain that any development within the area at risk from surface water flooding would not remain so, nor that by taking up land within that area that this might not increase the risk of flooding elsewhere. Whilst the appellants have presented indications of how a layout and floor levels of dwellings might address the risk of flooding, these were based on earlier assumptions of behaviour of water entering the depression area.

18. The appellants point out that the problems associated with the ponding and outlet are existing. Nevertheless it remains necessary for any new development to demonstrate how it would avoid being adversely affected by such existing circumstances and avoid any adverse knock on effects to existing properties.
19. Whilst it may well be possible to devise an extent of development, layout and drainage approach in which new dwellings on the limb would not be at risk of flooding this has not been demonstrated in the proposed outline scheme and matters considered. In the absence of details of layout, levels and arrangements for the undeveloped area prepared in light of the current understanding of the drainage behaviour on the site and its vicinity it cannot be certain that adverse effects from flooding of the depression area of the site would not arise.
20. I am conscious that Yorkshire Water and North Yorkshire County Council (acting as Lead Local Flood Authority) have not objected to the scheme and this weighs in favour of the development. Nevertheless, this unresolved aspect of the proposal means that those potential adverse effects would outweigh these considerations.
21. Therefore, without greater certainty about the disposition of building and open space on the site and the drainage arrangements serving dwellings and roads, it is not certain on the basis of the evidence presented that an acceptable scheme is capable of being advanced at the reserved matters stage in this particular regard.
22. I have considered whether these shortcomings could be dealt with by conditions, including those agreed by the main parties (without prejudice) in their Statement of Common Ground (SoCG). It is not certain that the drainage strategies and approaches in the Flood Risk and Drainage Impact Assessments would necessarily be appropriate for that part of the site given the circumstances. Also, in light of the limited detail in the outline application the requirements of such conditions might need link the location, finished floor levels of dwellings and the layout of roads with a defined area of flood risk which has not been set out in this context. Given how important layout would be to ensuring that risks of flooding are avoided and mitigated against it would not be reasonable to rely on such matters to be left to conditions to resolve and I am not convinced that the scope of any conditions attempting to do so would be reasonable nor would be possible to precisely define on the basis of the information available.
23. The development would be contrary to LP Policy HC2 as it would not satisfactorily address the issues or requirements as set out in HAS Site HA 34. That is not to suggest that the flood risk on the site means that its development would be inappropriate in principle as it has been allocated in the LP with a site specific approach to flooding. Whilst it has not been demonstrated that the development would not be at risk of flooding, bearing in

mind the Planning Practice Guidance (PPG) regarding applying the sequential test and that the risk from surface water flooding relates to a discrete part of the site, the development would not be contrary to the criteria of LP Policy ENV3.

24. The appellants' Flood Risk and Drainage Impact Assessments, to which the Council have not presented any technical evidence to challenge, indicate that overall the development is likely to lead to a reduction in flood risk to existing properties and mitigate the risk to proposed dwellings on the western part of the site at least. However, such an overall net benefit would not outweigh the risk that would arise as a result of a lack of certainty of the effects of, and on, a specific part of the site.

*Planning Obligations – Appeal A*

25. A bilateral Planning Agreement has been entered into which would secure 30% on site affordable housing, a contribution towards education facilities at a local school, provision of on-site green space with options for its long term management and maintenance, and contributions towards play, sports and parks and gardens facilities within Burniston.

*Balance and other considerations – Appeal A*

26. The development would result in considerable benefits, some secured by Planning Obligations, by way of delivering new housing on an allocated site, including affordable housing, along with publically accessible open space and some improvements in terms of flood risk, and the direct and indirect economic and social benefits this would bring. Together these carry considerable weight. As an allocated site, which the appellants confirm is deliverable within five years, the development would contribute to meeting the objectives and visions of the LP, particularly in respect of housing delivery. However, as the deficiencies of the proposed development relate to details rather than the principle of development I am not persuaded that such benefits could only be achieved by the particular development proposed. The harm would outweigh the benefits in this case.
27. I am conscious that the refusal reason includes the Council's contention that it had not been demonstrated that ground water sources are not contributing to ponding on that site or that development would not put new and existing properties at risk of flooding from ground water. The appellants' evidence based on site investigation, including additional trial pits carried out in the area affected by ponding shows that it is unlikely that ground water (as distinct to surface water) contributes to flooding. The Council have not advanced any technical evidence to demonstrate that any source of flooding is likely to come from a ground water source or consequently that any risk of flooding would be likely to arise from ground water. Their reason for refusal is therefore ill founded in that respect.
28. Nevertheless, I have considered the appeal in light of the development plan which identifies a specific surface water issue. The PPG includes all sources of flooding including directly from rainfall on the ground surface and overwhelmed sewers and drainage systems for the purposes of applying the National Planning Policy Framework (the Framework) whose principle is to direct development away from areas at highest risk of flooding.

29. The appellants point to the Inspector's Report on the LP examination<sup>3</sup>. This acknowledged the flood risk on part of the site which was clearly a consideration at the time. A range of parties were satisfied that a solution could be found to develop the site and address existing surface water problems in the area. However, this approach is reflected in the criteria of HAS Site HA 34 but as set out above the scheme presented does not satisfactorily demonstrate such a solution.

*Flood risk - Appeal B*

30. Unlike the development proposed in Appeal A, that proposed on Appeal site B would be situated outside the EA's surface water flood risk area and beyond that part of site A which it has been indicated is subject to ponding. Furthermore, the proposals include details of a foul and surface water drainage scheme, albeit based on an indicative layout. This shows that the development would be positively drained over a significant part of the site and would therefore be very likely to reduce the risk of existing dwellings being affected by any surface water flowing across the site. It would also reduce run off from the developed part of the site into the adjacent ponding area and in that respect reduce the risk of flooding.
31. According to the appellants' figures, levels on the lowest part of site B would be such that should the ponding reach a height that it overtopped onto The Limes this would be at a level below that of the site. The appellants consider that in such an event water would drain into offsite road gullies connected to sewers on The Limes. Even considering the unpredictability about its extent, incidence and duration, this would indicate that any ponding on the adjoining site would be unlikely to directly affect development on site B.
32. There is the potential for water running off or over the site to contribute to the ponding or directly running into properties on Ashdown Rise, including should there be extreme events such as those reported by interested parties. However, the appellants' drainage strategy would mean that runoff from higher adjoining sites and from within the development should be captured by the proposed surface water sewers or intercepted and channelled along the new spine road into them. Even if this did not entirely eliminate the risk from surface and over land flooding, it would be likely to considerably reduce the risk compared to the present situation.
33. This would also reduce the likelihood and amount of water from those sources contributing to the ponding on the adjacent site. Furthermore, the appellants' package of measures includes the future maintenance of the headwall adjacent to the area of ponding on the adjoining site with the aim to prevent detritus from entering the pipe beyond. For reasons set out above this would not resolve flooding on the adjoining site but along with the positively drained appeal site would contribute towards an improvement over the present situation.
34. Interested parties pointed to what they considered to be a spring on the site from which water flows after periods of sustained rainfall. Although the appellants' drainage advisers found no evidence of such a feature they opined that the geological make-up of the site and adjoining land may result in surface water appearing in some circumstances. Nevertheless, as confirmed in the

---

<sup>3</sup> Report on the Examination into the Scarborough Borough Local Plan, February 2017.



appellants' oral evidence at the hearing, given its location and in the event that there is water from such a source, this need not necessarily contribute to flooding in light of the overall improvement to the present situation by way of the considerable proportion of the site which would be positively drained.

35. The Council have not provided any technical evidence that throws the appellants' drainage evidence into doubt in these respects. In this case there is sufficient evidence to demonstrate how the proposed development and surface water disposal strategy would mitigate against surface water flooding. There have been no objections to the scheme from any statutory consultees regarding drainage or flood risk issues and the appellants have confirmed that the drainage scheme can achieve the lower discharge rates into public surface water sewers required by Yorkshire Water. The development would accord with LP HAS Site HA 34 in this regard and consequently LP Policy HC2. It would not conflict with LP Policy ENV3's expectation that proposals mitigate against the implications of environmental risk including flood risk and would accord with the Framework's policies of steering new development to areas with the lowest risk of flooding.

#### *Other Matters – Appeal B*

36. In addition to concerns about flooding, interested parties responding to the planning application and appeal have raised objections and concerns in respect of other aspects of the development. The appellants' Ecology evidence identifies parts of the site as being suitable terrestrial habitats for Great Crested Newts (GCN) with nearby water bodies off site, including the area of ponding on the adjacent site, as potentially being suitable for breeding. Although the appellants advise that the latest field survey was undertaken when GCN are largely inactive, this had not resulted in assumptions that GCN are not likely to be present including from the adjacent area of ponding. There is a reasonable likelihood of protected species being present and affected by the development.
37. Although the development would not affect a breeding habitat, without any mitigation the development of the site would be likely to have an adverse effect on GCN as it would lose an area of, and fragment, terrestrial habitat. However, a comprehensive mitigation strategy has been put forward including exclusion from the development site, trapping and release on a designated receptor site, the retention of some terrestrial habitat and the creation of new pond habitat and their maintenance which the appellants' ecology evidence considers would have a positive effect.
38. There is no technical evidence to suggest that the appellants' assessment and mitigation approach would fail to adequately mitigate against the effects of the development on GCN. It also shows that overall it would enhance terrestrial, and create new potential breeding, habitats. This would be further complemented by the proposed management of the adjoining site to enhance terrestrial GCN habitat mentioned below. I note that the main parties consider that the development would result in an overall improvement in biodiversity.
39. I can appreciate nearby residents' concerns about the elevated situation of the proposed pond habitat relative to existing dwellings. However, ensuring that the details of proposed habitat creation and drainage exceedance routes are approved via conditions would enable the Council to ensure that the design minimises risk of any potential flooding from new water bodies on the site. I

have not been presented with any substantive evidence that the construction of the development would necessarily lead to land stability issues.

40. Much of the site is notably higher than nearby houses and there is the potential for new dwellings on the site to overlook existing ones. However, the site is of a size that would enable a layout to be advanced at reserved matters stage that would avoid a harmful loss of privacy to existing occupiers. Conditions could ensure that levels of new dwellings are approved and storeys limited to enable the Council to exercise control over the details of development to minimise potentially harmful effects on neighbours' living conditions.
41. Indicative layouts show public open space at both ends of the site. There is potential that a layout could ensure that they benefit from good natural surveillance and therefore that the potential for anti-social behaviour taking place is minimised.
42. The built up area of the development is likely to extend farther north west than The Limes but this would not have a harmful effect on the character and appearance of the area given the site's topography and relationship to other existing development including that which extends along Stone Quarry Road to the north east. The proposed access to Limestone Road would provide acceptable visibility even though that road is on an incline. Bearing in mind the conclusions of the Transport Statement the level of additional traffic likely to be generated by the development would not result in any unacceptable impact on highway safety or result in any severe impacts on the road network.
43. Other matters do not therefore, either individually or together, lead me to consider that the development would not be acceptable subject to appropriate conditions and obligations. I note that the SoCG confirms that the main parties have reached a similar conclusion in these regards.

#### *Planning Obligations – Appeal B*

44. A bilateral Planning Agreement would secure 30% on site affordable housing, a contribution towards education facilities at a local school, provision of on-site green space, with options for its long term management and maintenance, and contributions towards play, sports and parks and gardens facilities within Burniston.
45. Bearing in mind the Council's Statement of Compliance with the Community Infrastructure Levy Regulations 2010 (the Regulations) and enquiries I made at the Hearing, the various obligations would ensure compliance with the Council's policies and supplementary planning documents<sup>4</sup> as well as mitigating the effects of the development in respect of future occupiers' demands on local education, open space and recreation facilities. As such the elements of the Planning Obligation are all necessary to make the scheme acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the proposal. In the light of the evidence, all the elements of the Agreement meet the policy in paragraph 56 of the Framework and the tests in Regulation 122 of the Regulations. I have therefore taken the Agreement into account in reaching my decision.

---

<sup>4</sup> LP Policies HC3, HC10 and HC14 and Affordable Housing Supplementary Planning Document 2018, Education Payments Supplementary Planning Document 2012 and Green Space Supplementary Planning Document, 2014.



46. In addition the appellants have made obligations in the form of a Unilateral Undertaking which would provide for ecological enhancement of the adjoining site for the purposes of terrestrial habitat for GCN and the maintenance of the headwall drainage outlet to manage the risk of blockages as well as long term options for management. These would deliver benefits as part of the overall package of measures put forward in relation to reducing flood risk and habitat mitigation and enhancement.
47. The Council have raised concerns about the plan in the Undertaking which shows the adjoining land as this differs from that which accompanied the application where adjoining land in the appellants' ownership was not identified. However, the Council were aware from the Appeal A application that the land in question was in the appellants' control and no parties would be prejudiced by considering the plan. I therefore see no reason why an Undertaking which is subject to that plan would not be capable of implementation even if it differs from information provided at application stage.

### **Overall Balance – Appeals A and B**

48. The Appeal B scheme would result in the benefits of delivering new homes including affordable housing as well as a package which would reduce flood risk on and off site and enhance GCN habitats, along with publically accessible open space and the direct and indirect economic, social and environmental benefits these would bring. Together these carry considerable weight. Conditions and Obligations would ensure that there is mitigation, or avoidance, of adverse effects and that the scheme's benefits would be realised. It would lead to housing delivery on an allocated site and accord with the development plan. Other considerations do not indicate that the plan should not be followed and therefore that planning permission should be granted.
49. The benefits which would arise from the development subject to Appeal A and other considerations in support also carry considerable weight. However, this would not outweigh the harm arising from the conflict with an up to date development plan and other considerations do not indicate otherwise. As the level of information and site characteristics are materially different to those in Appeal A, my conclusions on Appeal B do not lead me to a different conclusion on the former.

### **Conditions – Appeal B**

50. I have considered the list of conditions in the SoCG, suggested without prejudice, and made additions and adjustments in light of the discussion at the Hearing and the PPG in the interests of clarity and precision. It is necessary to specify the approved plans as this gives certainty. For the reasons set out above it is not necessary to specify a different location plan showing adjoining land in the appellants' control.
51. In order to ensure that the living conditions of existing neighbouring occupiers are not harmed, particularly by overlooking, it is necessary to specify that reserved matters submissions include detailed levels and that storey numbers are limited. Detailed access specifications need to be approved to ensure that access for all users is acceptable, safe, convenient and drains appropriately, including that new dwellings are served by made up accesses before occupation. Ensuring that the existing access is closed up and that detailed sightline specifications are adhered to will avoid harm to highway safety.

52. It is necessary to specify separate foul and surface drainage systems and that the details of the latter are approved based on the Flood Risk and Drainage Impact Assessments as these provided the basis for ensuring that the site can be positively drained to reduce the risk of flooding on and off site. In order to avoid adverse effects on GCN it is necessary to specify that reserved matters provide for the mitigation and enhancement proposed. Given the contribution trees on the site make to the area's character and appearance it is necessary to retain and protect certain trees as set out in the Tree Survey.

### **Conclusions**

53. For the above reasons, and having had regard to all other matters raised, it has not been satisfactorily demonstrated that the development which is the subject of Appeal A would not be at risk of flooding nor that it would not increase flood risk elsewhere, contrary to the development plan and the Framework. Appeal A is therefore dismissed.
54. For the above reasons, and having had regard to all other matters raised, the development which is the subject of Appeal B would not be at unacceptable risk of flooding nor would it increase flood risk elsewhere, and would accord with the development plan and the Framework. Appeal B is therefore allowed and planning permission is granted.

*Geoff Underwood*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANTS:**

Alison Ogley, LLB Hons, PG Dip, MA  
Chris Calvert, MA, MRTPI  
Toby Fisher, CEnv, MCIEEM  
James Gibson, MEng, CEng, MCIWEM

Walker Morris LLP  
Pegasus Group  
Quants Environmental  
Alan Wood & Partners

### **FOR THE LOCAL PLANNING AUTHORITY:**

Daniel Metcalfe

Scarborough Borough Council

### **INTERESTED PERSONS:**

Kasha Button  
Michele Squires  
Jennie Vause  
Alan Readman  
Barry Skelton  
Councillor Andrew Backhouse

Local Resident  
Local Resident  
Local Resident  
Local Resident  
Local Resident  
Borough and County Councillor

## **PLANS AND DOCUMENTS SUBMITTED AT THE HEARING**

1. Signed copy of Statement of Common Ground.
2. Copy of email from Chris Calvert to Planning Inspectorate, 19 November 2018.
3. Copy of Chris Calvert opening statement.
4. Copy of slide/video presentation given by Kasha Button.

## **Appeal B - Schedule of Conditions**

- 1) 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 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 three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Except where they may be modified by the conditions of this permission, the development shall be carried out in accordance with the following plans and drawings: site location plan, Ref: YOR\_2157.001B and Proposed Access Arrangements and Visibility Long Section, Ref: 13072/GA/01(A).
- 5) The details submitted in pursuance of condition 1) 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. 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.
- 6) The details submitted in pursuance of condition 1) shall make provision for residential development of no greater than two storeys with rooms in the roof permissible.
- 7) 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, and;
    - 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, and;
    - 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, and;
- 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.

- 8) No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway or footpath from which it gains access is constructed to base course macadam level and/or blocked paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works shall be carried out in accordance with the programme approved under condition 7).
- 9) No dwelling to which this planning permission relates shall be occupied 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.
- 10) 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.
- 11) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 12) No development shall take place until precise details (including drawings) for a system for the disposal of 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 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;
- Specify a maintenance regime for the lifetime of the surface water drainage system;
- Include a phasing plan for the implementation of the system, and;
- 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 system details and the system shall be retained for the lifetime of the development.

- 13) The details submitted in pursuance of condition 1) shall provide for the implementation of the Great Crested Newt Mitigations 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.
- 14) All the trees on the site, and any trees whose canopies overhang the site, which are shown on the Tree Survey Ref: P552/1113-01 (as updated by the review dated 22 June 2015) as being recommended to be retained shall be protected by strong fencing, the location and type to be submitted to and approved in writing beforehand by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

\*\*\* End of Schedule of Conditions \*\*\*