Appeal Decision
Site visit made on 5 June 2018
by Graeme Robbie  BA(Hons) BPI MRTPI
an Inspector appointed by the Secretary of State
Decision date: 28 September 2018

Appeal Ref: APP/E2734/W/17/3177793
land at Rossett Green Lane, Harrogate HG2 9LH

- 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 Berkeley DeVeer against Harrogate Borough Council.
- The application Ref 17/00213/OUTMAJ, is dated 12 January 2017.
- The development proposed was initially described as outline application for residential development of up to 14no. dwellings (all matters reserved).

Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 14no dwellings (all matters reserved) at land at Rossett Green Lane, HG2 9LH in accordance with the terms of the application, Ref 17/00213/OUTMAJ, dated 12 January 2017, subject to the conditions set out in the attached Schedule of Conditions.

Procedural Matters

2. The application was submitted as an outline planning application with all matters reserved for future consideration. The application was accompanied by a site location plan, an indicative site layout (and later iterations within subsequent appeal submissions) and an indicative site layout with tree constraint overlay. It is clear that the site layout (and overlays) were intended to be considered as indicative drawings and that the Council considered the proposal on this basis.

3. I have also adopted a slightly revised development description in the banner heading above to remove superfluous wording and have added ‘Harrogate’ to the development address, the latter having been omitted from the address set out on the initial planning application form. Having done so, I am satisfied that this would not cause prejudice to any party and I have determined the appeal accordingly.

4. The Council failed to give notice within the prescribed period of a decision on an application for outline planning permission, the terms of which are set out in the banner heading and description above. The Council have however set out a putative reason for refusal in their Statement of Case (SofC) that I have, for completeness, set out below:

   "The proposed development of this site will have an adverse impact on the existing landscape character of this Special Landscape Area and lead to an..."
erosion of the rural character of this part of the southern edge of Harrogate, and in visual impact terms result in substantial adverse effects which could not be effectively mitigated. The proposal would also have an adverse impact on the character and recreational value of the existing Public Right of Way that crosses the site. It has also not been proven that the site could be developed efficiently without harm being caused to existing trees and hedgerows on the site which would result in harm to the existing landscape character. As such the proposal would not represent sustainable development. The proposal would be contrary to the requirements of Policies HD13, R11, C2 and C9 of the Harrogate Local Plan 2001 (as altered, 2004), Policy EQ2 of the Harrogate Core Strategy 2009 and Policies and Guidance with the National Planning Policy Framework.

5. A revised and updated version of the National Planning Policy Framework (the Framework) was published on 24 July 2018 replacing the version previously published in 2012. The main parties have been invited for their comments on whether they consider the content of the revised Framework has any implications for their respective cases. Both parties have confirmed that they do not consider the revised Framework to have any material effect on the issues raised in this appeal. I have considered the appeal accordingly.

6. Both parties draw heavily on a previous appeal proposal\(^1\) for residential development on a larger site but which included the current appeal site. That proposal was subsequently dismissed at appeal. As with the proposal currently before me, that application was made in outline form with all matters reserved for future consideration, albeit that the current site formed only part of that site. I have noted that at that time it was accepted that the Council were unable to demonstrate a five year housing land supply. Despite the Council demonstrating an improving position with regard to its five year housing land supply it is acknowledged that it is still unable to demonstrate a five year housing land supply.

7. A signed and completed planning obligation under the provisions of section 106 (s.106) of the Town and Country Planning Act 1990 (as amended) (the Act) has been submitted. It would secure the provision of affordable housing within the proposed development and contributions towards open space provision and, in rural areas, village hall provision where such facilities in the local area do not meet the Council’s quality standards. I shall return to this matter later.

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the area, having regard to the Crimple Valley Special Landscape Area (SLA), public rights of way and trees and hedgerows on the site.

Reasons

Policy context

9. The development plan is comprised of the Harrogate District Core Strategy Development Plan Document (CS) and the Harrogate District Local Plan (HDLP). Although reference is made to a new emerging Local Plan, although I have not been directed to any policies therein or that it should be afforded

\(^1\) APP/H0738/W/18/3197970
anything other than very limited weight given the early stages of its preparation. Thus, the putative reason for refusal refers to CS policy EQ2 and HDLP policies HD13, R11, C2 and C9.

10. CS policy EQ2 sets out the Council’s approach to the natural and built environment, and seeks to protect and enhance the landscape character of the District as a whole and, through local landscape designations, the high quality of the landscape that is important to the setting of, amongst other towns, Harrogate. Of the HDLP policies referred to, HDLP policies C2 and C9 also seek to protect landscape quality in general terms and with specific reference, amongst other areas, to the Crimple Valley, whilst HDLP policy R11 recognises the significance of public rights of way for the opportunities they provide for informal recreation and the amenity value that they provide. HDLP policy HD13 states that proposals that would involve the loss of trees or woodland which contribute to the character or setting of a settlement will not be permitted.

11. My attention has been drawn to a recent appeal decision\(^2\) in which the Inspector considered the weight to be attached to HDLP policies C2 and C9, and also the appellant’s assessment of CS policy EQ2 and HDLP policies HD13 and R11. I note that the Council do not dispute this assessment of the development plan and that the Council are not currently able to demonstrate a 5 year housing land supply, albeit that it is stated that they have made progress towards achieving a five year housing land supply. The Framework states that decisions should apply a presumption in favour of sustainable development\(^3\) and goes on to state\(^4\) that where the policies most important for determining the application are out of date planning permission should be granted unless the provisions of sub-sections (i) or (ii) apply. Even if the Council were able to demonstrate a deliverable 5 year housing supply I am satisfied that the policies important to the determination of this proposal achieve consistency with the Framework in terms of seeking to protect and enhance landscape character and appearance and seeking to secure high quality development and I give them weight accordingly.

**Character and appearance**

12. The appeal site is comprised of three fields, and part of a fourth, to the east of Rossett Green Lane on the southern edge of Harrogate. The site is bounded to the north, east and southwest by newly built and existing dwellings and, on the opposite side of Rossett Green Lane, by further housing. Much of the boundary to the north of the site is relatively open, thereby leaving the newer properties there more exposed in longer views across the site, whilst the existing dwellings to the east and southwest are set within well screened and heavily landscaped garden plots.

13. The Rossett Green Lane site frontage is comprised of a pleasant mix of stone walls, hedges and trees, which come together to create the verdant, sylvan character and setting of Rossett Green Lane. However, the appeal site and its roadside frontage marks something of a transition from the distinctly urban character to the north of the site, to a more rural one beyond. Thus, to the north of the site, large residential properties prevail, set within spacious and

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\(^2\) APP/E2734/W/16/3160792

\(^3\) Paragraph 11

\(^4\) Paragraph 11(d)

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well-landscaped plots. To the southwest, along Rossett Green Lane, housing is more limited on the southern side of the road, with increasingly expansive views across the countryside which provides a pleasingly pastoral counterpoint to the housing on the northern / western side of Rossett Green Lane.

14. The appeal site, although largely level, has a slight fall across it from north to south. The fields that comprise the appeal site are divided by a mix of field hedges interspersed with mature trees and a mix of wooden and metal post-and-rail fences. Beyond the appeal site, the southern boundary of which is a largely notional line running broadly east – west along a ridge in the valley side, the ground slopes down to the south, gradually at first, then more steeply.

15. Views across the site from Rossett Green Lane are glimpsed through the roadside hedge and trees and from a larger gap roughly halfway along the site’s road frontage. Throughout, views across the Crimple Valley are possible. Although the majority of the site extends to the south and east of the site frontage, dog-legging around existing residential development that forms the site’s northern boundary, the interior of the site can nonetheless be clearly appreciated from here through the intervening internal field boundaries. Within this pastoral vista, the large number of trees, both individual and as part of groups, field boundaries and hedgerows, contribute significantly to the setting of the urban / rural edge to Harrogate along this part of Rossett Green Lane.

16. The transitional nature and location of the site is also evident from the public footpath that runs through it, heading southwards from Rossett Green Lane through the site, beyond which it splits into two and descends towards the valley floor. The presence of the footpath, and particularly the users’ experience of the landscape through which it proceeds was a key factor in the previous Inspector’s conclusions regarding the impact of the proposal on the character and appearance of the area. However, since that decision, the appeal site has been reduced in size, with the southern-most elements of the site removed from the proposal. As a result, the site’s southern boundary now broadly draws a line between the southern extent of the residential property to the east of the site, and the residential curtilage of the property to the west. Significantly, the length of the footpath that passes through the appeal site would also be reduced as a consequence.

17. The appeal site lies within the Crimple Valley Special Landscape Area (SLA), where LP policy C9 states that new development which would have an adverse impact on the character of the landscape or the landscape setting of Harrogate will not be permitted. It goes on to state that where development is permitted, high standards of design, including landscape design, and where appropriate measures to mitigate the impact of the development, will be required.

18. In addition to SLA designation, the appeal site lies within ‘Area 60: Upper Crimple Valley’ (UCV) character area, as defined by the Council’s Landscape Character Assessment (LCA). There is no disagreement between the two main parties that the broad description of the landscape character and features of the Upper Crimple Valley, as set out in the LCA, are applicable to the appeal site. Nor is it disputed that the methodology adopted by the appellant in their Landscape and Visual Impact Assessment (LVIA) is robust.

19. Of particular note in the key characteristics of the UCV is that the eastern extent of the UCV is at its narrowest and is influenced by the urban edge of
Harrogate and Pannal. Within that context, the area is criss-crossed by a network of public footpaths and bridleways, and it notes that these are well-used and sensitive to erosion and degradation. It goes on to identify ‘sensitivities and pressures’ within the UCV, noting that it is important in both preventing the coalescence of Harrogate and Pannal and to the rural setting of Harrogate. Crucially, it also notes the sensitivity of the rural, pastoral landscape to changes arising from new development extending the urban edge. To this end, it is stated that two of the aims of the UCV are to protect the character of the area by maintaining its role in separating Harrogate and Pannal and by maintaining a rural setting to the urban edge.

20. In dismissing the previous appeal proposal, the Inspector was concerned that that proposal, for up to 22 dwellings, would ‘inevitably result in built form infilling the existing open pastoral gap’ between the existing dwellings on the eastern side of Rossett Green Lane. Based upon the conclusions of the LVIA, and drawing on the thoughts of the previous Inspector, it is suggested that by utilising the existing gap in the Rossett Green Lane frontage vegetation as a possible location for site access views through the site towards, and over, the Upper Crimple Valley could be retained.

21. Thus, I have carefully considered the view-line overlay on the indicative site layout plan in the context of a reduced quantum of development. This identifies a broad vista through the existing gap in the frontage vegetation, through which views towards the surrounding countryside could be maintained. In practice however, for receptors on Rossett Green Lane (vehicle-borne and pedestrian alike) the view-line corridor splay would, in my judgement, be significantly wider than that indicated. The vista would not therefore be framed in the manner that the indicative layout plan and overlay suggests. Rather, the gap would instead afford wider views across a greater swathe of the site within which housing in the immediate part of the site would be prominent. Moreover, within that swathe road access to the site would be created, eroding potential benefits arising from a landscaped view-corridor through the site.

22. Thus, I consider it inevitable that the scheme would alter the character and appearance of the site, and the contribution that the site makes to the setting of Rossett Green Lane and the southern fringe of Harrogate. However, in longer views in both directions along Rossett Green Lane the existing frontage vegetation, which the indicative layout and iterative parameters plan suggest could remain largely untouched by utilising the existing gap in the vegetation, the proposed development would be unlikely to be particularly prominent.

23. Further, whilst the view-line corridor may not be framed in the manner suggested, the likely visual impact of the proposal experienced from Rossett Green Lane would be mitigated by existing landscape and vegetation features. Other than the gap in the frontage vegetation, views through the site from Rossett Green Lane are, and would be likely to continue to be, glimpsed through the frontage trees, shrubs and hedges. When viewed from the gap however, I am reassured that the proposal could be delivered in such a manner that would avoid the level of removal of trees and hedges initially feared by the Council whilst also adopting a robust landscaping scheme to bolster retained features.
24. The indicated scheme also suggests that the development could be laid out in such a manner as to reduce the intensity of development immediately adjacent to Rossett Green Lane whilst delivering the development as a whole at a low density not dissimilar to the nature and character of surrounding residential areas. Although the Council are critical of this low density as an inefficient use of land, I consider that in doing so it would respond positively to and reflect the character and density of surrounding development.

25. The part of the site most directly visible from the Rossett Green Lane frontage could accommodate dwellings behind, and set amongst, the existing trees and hedges in a manner similar to existing dwellings along Rossett Green Lane. As additional landscaping matures the immediate visual impact of the proposal would continue to be reduced. It has been adequately demonstrated that the impacts, whilst greatest in the short term, could be ameliorated to an extent that the proposal would not cause significant or longer term harm to the transitional character or appearance of Harrogate’s fringe along Rossett Green Lane.

26. Furthermore, the indicative layout and parameters plans demonstrate how proposals in the ‘interior’ of the site, away from the Rossett Green Lane frontage, could be accommodated within the framework of existing trees and hedges. Significantly, they also suggest how appropriate landscaped buffer strips could be incorporated into the scheme to provide medium to longer term mitigation and to allow effective absorption into the wider pastoral landscape. Moreover, it satisfactorily demonstrates that development could be distributed around the site so as to reflect the character and setting of properties that front on to Rossett Green Lane.

27. The proposal in its revised form would significantly reduce the length of the public footpath that passes through the site from the south towards Rossett Green Lane. In the previous appeal scheme, the Inspector was particularly concerned about the urbanising effect of the proposal on the experience of users of the footpath. Despite the changes to the appeal site and the removal of the southern spur, the Council remain concerned about the urbanising effect of the proposal on the remaining 83 metre stretch of path through the site.

28. At present, once the ridge is crested, views across the site are already experienced in the context of the site’s relatively open northern boundary and somewhat exposed residential development just beyond it. Thus, whilst walking through a pastoral landscape and pasture at this point, the transitional nature of the site is clearly evident with the significant residential backdrop behind. Furthermore, although screened by mature vegetation within and around its curtilage, the existing dwellings to the west and east of the site are also evident and contribute to the transitional nature and setting of the footpath at this point.

29. I agree that the character and nature of the path and its immediate surroundings would change as a consequence of the proposed development, albeit that the exact degree of change would be subject to the detailed design and layout of the proposed at the reserved matters stage. Thus, users of the footpath would undoubtedly encounter an urbanised setting earlier than is currently the case. However, whilst that may be the case, I do not consider this to be harmful. The appeal site, now minus the southern spur that was included within the previous appeal scheme, would remain largely screened...
from view on approach from the south due to the rising ground level and ridge just to the south of the site’s southern boundary.

30. The first (or last, depending on the direction of travel) 83 metre stretch of the footpath from Rossett Green Lane through the site would traverse a more urban setting than is currently the case. However, I am not persuaded that the degree of urbanisation that would result would necessarily be harmful in the context outlined above. Rather, taken together, the indicative site layout view-line corridor and parameters plans suggest that how the alignment of the footpath could be maintained within an already transitional fringe area between urban and countryside settings. Given the limited wider visual impact of the proposal on the footpath network beyond the 83 metre stretch through the site, I am not persuaded that the degree of change would cause significant harm to the users’ experience of the path or to the setting of Rossett Green Lane and Harrogate as a whole.

31. I am also reassured that the extent of tree and hedge removal would not need to be as great as that feared by the Council. The appellant has demonstrated, as far as can be given the current outline nature of the proposal, that development of the nature and quantum proposed could be accommodated with the removal of one tree and two sections of hedgerow. Despite the numbers of trees within the site and the location of hedgerows, I am satisfied that the appellant has adequately demonstrated how these features could be protected, retained and supplemented within a residential development with the security of appropriate planning conditions and through matters reserved for future consideration. I am not persuaded therefore that the existing trees and hedgerows within the site present an insurmountable constraint to residential development; rather, the appellant has demonstrated that a residential proposal could be accommodated within the site with minimal tree and hedgerow loss and in a manner that would retain and incorporate key landscape features into the scheme allowing it to respond positively to the character and appearance of Rossett Green Lane and the site’s location on the fringes of Harrogate.

32. Thus, for the reasons I have set out, the proposal, whilst likely to bring about changes to the character and appearance of the landscape in this transitional area between the urban areas of Harrogate and its pastoral rural fringes, I am not persuaded that this would be materially harmful. The indicative site layout plan, view-line corridor overlay and parameter plan demonstrate how a residential development of the scale proposed could be accommodated within the site without causing material harm to the pastoral character of Harrogate’s fringe, or to the character or appearance of Rossett Green Lane. Nor am I persuaded that the proposal would result in the extent of tree loss feared by the Council.

33. The public footpath that passes through the site would be susceptible to the greatest effects of the proposal. However, for the reasons I have set out above, I am satisfied that with further consideration of the reserved matters of layout, appearance and landscaping within the broad context suggested within the view-line corridor and the parameters plan, the proposal would maintain countryside views through the site from Rossett Green Lane and across the Upper Crimple Valley. On approach from the south, the character of the final stretch of the footpath, notwithstanding the pastoral nature of the field that it passes through, is already clearly defined by the residential properties to the
north and west. Whilst the stretch of the path through the site would become more urbanised as a consequence of the proposal, in the context of an already evident urban form in a developed fringe location, this would not cause material harm to the footpath user’s experience of the footpath network as a whole, and direct impacts would be limited to this short stretch of path. Thus, I do not find conflict with CS policy EQ2 or HDLP policies HD13, R11, C2 or C9.

Section 106 planning obligation

34. The appellant has submitted a signed and dated planning obligation (s106) made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) (the Act). This obligation would secure a proportion of the total number of dwellings as affordable housing, and financial contributions towards open space provision and village hall provision in rural areas. I have considered the s106 and its provisions against the provisions of the Framework and Planning Practice Guidance (the Guidance).

35. The s106 would secure 40% of the total number of dwellings as affordable units. I note that the Council do not object to the proposal on this basis and I am therefore satisfied that the proposal would meet the requirements of HDLP policy H5 regarding the provision of an appropriate amount of affordable housing. In securing such provision, the proposal would align with the aims of the Framework in seeking to meet the needs of groups with specific housing requirements. The provision of contributions towards open space provision and village hall provision would offset the additional impact arising from the use of such community infrastructure by the residents of up to 14 dwellings proposed in this instance.

36. Thus, I am satisfied that the submitted, signed and dated planning obligation satisfies the statutory tests set out in regulations 122 and 123 of the Community Infrastructure Regulations and paragraph 56 of the Framework. I have therefore taken the provisions of this planning obligation into account in reaching my decision.

Other Matters

37. With regard to comments and submissions from local residents, I have noted concerns regarding potential for traffic generation, impact on the local highway network and upon highway and pedestrian safety more generally. Such matters were not raised as an objection by the Council, nor did they feature within the Council’s putative refusal reason, however. I do not have any objection to the proposal before me from the Highway Authority and, whilst it is inevitable that the proposal will result in the generation of additional traffic, I have no substantive evidence before me to suggest that either Rossett Green Lane or the surrounding area is, or would become, prone to levels of traffic that would be prejudicial to the free flow of vehicles or highway and pedestrian safety, or otherwise incapable of accommodating the level of development proposed.

38. Local residents object to the proposal on a wider basis, including in respect of loss of outlook and loss of privacy. The appeal proposal reserves for further future consideration, amongst others, matters relating to appearance, layout, landscaping and scale. The plans submitted thus far are indicative and are a means of demonstrate how development might be accommodated within the site. I observed the relationship between the appeal site and the existing

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houses that adjoin it beyond its northern, eastern and western boundaries and am satisfied that sufficient scope exists within the site to accommodate a form of development that would avoid harmful overlooking or loss of privacy to existing properties, and to bolster existing landscape features to provide a verdant, sylvan outlook and soft buffer zones to the proposal.

Conditions

39. I have considered the Council’s suggested conditions in light of the Framework and Planning Practice Guidance (Guidance). Where necessary, I have altered or amended them in the interests of necessity, precision, conciseness and enforceability.

40. Although not aligning with the standard wording of the timing and reserved matters application conditions, I agree that the site and proposal specific wording of the suggested conditions 1 and 2 are appropriate and pass the necessary tests of conditions. With regard to condition 3, I have adopted the wording set out in the appellant’s final comments as this provides a more precise and detailed approach to the proposal’s main parameters. I have done so in the interests of precision and character and appearance.

41. Conditions regarding commencement of groundworks, internal access roads and paths, surface water drainage, site access and site management are necessary in the interests of highway safety and to ensure adequate provision for drainage, respectively. A condition regarding response to any possible ground contamination is considered reasonable in the interest of the living conditions of future residents.

42. Conditions regarding appropriate measures regarding trees throughout the construction period, and thereafter, and ecological mitigation and enhancement are necessary in the interests of the character and appearance of the proposal and biodiversity. A condition regarding the incorporation of electric vehicle charging points would be consistent with the Framework’s aims regarding sustainable development, climate change and reducing emissions. Finally, a condition regarding hours of construction and deliveries is necessary in the interests of the living conditions of occupants of neighbouring and nearby dwellings.

43. I have not attached suggested conditions 4 (affordable housing) or 5 (details of public open space / village hall contributions) as they fail the tests of conditions set out in the Framework and Guidance. Moreover, I am satisfied that these matters have been adequately resolved in the signed and dated section 106 planning obligation.

44. The Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Council’s suggested condition 12 seeks to restrict permitted development rights for the conversion of any garages to domestic accommodation. However, I have not been provided with any justification for such a restriction to be imposed, nor do there appear to be any objections to the proposal from the Highway Authority on highway safety grounds. I have not therefore imposed a condition to this effect.
Conclusion

45. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie
INSPECTOR
Schedule of Conditions

1) Details of the:
   - Access;
   - Appearance;
   - Landscaping – including a detailed landscaping plan showing the reinforcement, where required, of existing boundaries and new planting to help mitigate the impact of the development on the landscape. Details shall also include the planting of trees and / or shrubs, specifying types and species, a programme of planting, the width and surface materials of any footpaths and the timing of implementation of the scheme including any earthworks required;
   - Layout; and
   - Scale – of which the total number of dwellings shall not exceed 14.

   (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

3) Any application for approval of reserved matters under this outline permission shall follow the principles and parameters set out in the indicative site layout plan (BDV.07.02 (Jan 17)), parameters plan (P18:5199:0) and illustrative layout (P18:5199:0) and should include the following:
   - No dwelling or building or structure ancillary to a dwelling within the visual corridor (yellow on the layout plan);
   - Minimum 15m rear gardens along the southern boundary of the site to allow for compensatory planting and landscape buffer strip;
   - Vehicular access and road layout as shown in the location plan;
   - Building heights at no more than 2 storeys with accommodation in the roofspace; and
   - No development within the root protection zones as identified on the Tree Constraints Plan (ARB/CP/1147/TCP).

4) Unless otherwise approved in writing by the local planning authority, 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:

   (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
(a) the proposed highway layout including the highway boundary
(b) dimensions of any carriageway, cycleway, footway, and verges
(c) visibility splays
(d) the proposed buildings and site layout, including levels
(e) accesses and driveways
(f) drainage and sewerage system
(g) lining and signing
(h) traffic calming measures
(i) all types of surfacing (including tactiles), kerbing and edging.

(2) 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:

(a) the existing ground level
(b) the proposed road channel and centre line levels
(c) full details of surface water drainage proposals.

(3) Full highway construction details including:

(a) 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
(b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
(c) kerb and edging construction details
(d) typical drainage construction details.

(4) Details of the method and means of surface water disposal.

(5) Details of all proposed street lighting.

(6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

(7) Full working drawings for any structures which affect or form part of the highway network.

(8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the local planning authority.

5) No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base course macadam level and/or block paved and kerbed
and connected to the existing highway network with street lighting installed (as required and approved) and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the local planning authority before the first dwelling of the development is occupied.

6) There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and programme.

7) 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 2.4 metres x 43 metres measured along both channel lines of the major road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8) Unless otherwise approved in writing by the local planning authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the local planning authority:

   (i) tactile paving
   (ii) vehicular, cycle, and pedestrian accesses
   (iii) vehicular and cycle parking
   (iv) vehicular turning arrangements
   (v) manoeuvring arrangements
   (vi) loading and unloading arrangements

No part of the development shall be brought into use until the vehicle access, parking, manoeuvring and turning areas required under Condition numbers 1, 4 and 5 of this consent:

   (i) have been constructed in accordance with the approved drawings.
   (ii) are available for use unless otherwise approved in writing by the local planning authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9) There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the local planning authority. These facilities shall include the
provision of wheel washing facilities where considered necessary by the local planning authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the local planning authority agrees in writing to their withdrawal.

10) Unless approved otherwise in writing by the local planning authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the local planning authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

11) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the local planning authority (reference Flood Risk Assessment, prepared by BDN - Report dated 26/11/2015).

12) No development shall take place until a detailed design and associated management and maintenance plan, including details of its implementation, of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the local planning authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design and timetable prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and approved in writing by the local planning authority.
Where remediation is necessary a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

14) No dwelling shall be occupied until a scheme for the provision of electric vehicle charging points for that phase, either provided individually or communally, including timescales for implementation, has been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be provided in accordance with the agreed timetable and shall be retained for the lifetime of the development.

15) Construction activity shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank Holidays.

16) Prior to the submission of the reserved application, the developer shall submit for approval of the local planning authority the following:

(a) A plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site or on land adjacent to the site (including any street or highway tree(s)) that could influence or be affected by the development, indicating which trees are to be removed.

(b) In relation to every tree identified on the plan, a schedule listing:

(i) The information specified in paragraph 4.4.2.5 of BS 5837:2012 (Trees in Relation to Construction - Recommendations)

(ii) Any proposed pruning, felling or other tree related operation

(c) In relation to every existing tree identified on the plans as to be retained, details of:

(i) Any proposed alterations to existing ground levels, and of the position of any proposed excavation that might affect the root protection area (RPA) (in accordance with clause 4.6 of BS5837)

(ii) All appropriate tree protection measures required before and during the course of development (in accordance with clause 7 of BS5837)

(d) Areas of existing landscape, and/or areas of proposed new tree planting or woodlands, to be protected from construction operations and the method of protection (clause 6.2.2 figure 2 and 3).
(e) A detailed Arboricultural Impact Assessment (AIA) (clause 5.4) shall be submitted for approval and consider the following (the list is not exhaustive):

- Tree root protection (distances, engineering specifications)
- Changes in levels
- Changes in surfaces
- Installation and layout of services
- Demolition of existing buildings, surfaces
- Exposure due to tree removal
- Sunlight and shading
- Construction site access
- Construction site layout (offices, parking)
- Construction site materials storage
- Planting (species selection e.g. thorns near footpaths)

(f) A detailed Arboricultural Method Statement (AMS) (clause 6.1) shall be submitted for approval. The AMS will outline how the retained trees can be afforded additional protection using alternative methods of construction or market available alternative techniques.

(g) A detailed landscape scheme to include highway tree planting and the incorporation of underground systems to encourage successful tree growth while protecting services and footpaths/highways.

17) No operations shall commence on site in connection with the approved phase of development (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until such a time as the AIA and AMS has been formally agreed by the local planning authority and any root protection area (RPA) works required by the approved tree protection scheme are in place.

18) A detailed ecological mitigation and enhancement scheme for the site, to include the construction phase as well as provision for its ongoing future management, shall be submitted for the written approval of the local planning authority prior to the submission of a reserved matters application and must be approved in writing by the local planning authority prior to any approval of a reserved matters planning application. The approved scheme shall subsequently be implemented according to agreed timescales.

19) Prior to commencement of development details shall be submitted to and approved in writing by the local planning authority, in consultation with Yorkshire Water, of the proposed means of drainage for surface water from the site. Once agreed the means of surface water disposal shall be implemented prior to occupation of the dwelling and retained as approved.
20) The site shall be developed with separate systems of drainage for foul and surface water.

21) Any trees or shrubs, planted in accordance with the approved scheme under Condition 1 above, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

22) A Landscape Management Plan that includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is sooner, for its permitted use. The Plan must also include a programme for monitoring and review, and an assessment of risks to the landscape scheme and how these risks will be managed.

23) Prior to the development commencing details of how Secured by Design principles have been incorporated into the scheme shall be submitted for the written approval of the local planning authority and once approved thereafter implemented prior to occupation of any of the units hereby approved.