
Appeal Decision

Inquiry held on 4-7 and 11, 12 October 2016

Site visit made on 12 October 2016

by Richard McCoy BSc MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 December 2016

Appeal Ref: APP/E2734/W/16/3153512 Land off Ripon Road, Killinghall

- 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 Gladman Developments Ltd against the decision of Harrogate Borough Council.
 - The application Ref 16/00582/OUTMAJ, dated 12 February 2016, was refused by notice dated 7 June 2016.
 - The development proposed is the erection of up to 75 residential dwellings (including up to 40% affordable housing), demolition of existing farm outbuildings, introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, vehicular access point from Crofters Green and associated ancillary works (all matters to be reserved with the exception of the main site access).
-

Procedural matters

1. It was agreed at the Inquiry that the address for the proposal is land off Ripon Road, Killinghall, Harrogate, North Yorkshire HG3 2DF.
2. The application was made in outline, with all matters reserved except for access though an indicative layout was supplied and a number of illustrative details given in the Design and Access Statement¹.
3. A signed and dated Planning Obligation² by deed of undertaking under Section 106 of the Town and Country Planning Act 1990 (S106) was submitted by the appellant. This ensures the provision of public open space including the formation of a Management Company and provides a cycle link contribution, an education contribution, a highways contribution, a public rights of way (PROW) contribution and a Travel Plan contribution. I return to these matters below.
4. The appellant's witness, George Venning MA, Director, Bailey Venning Associates Ltd., who was going to give evidence on affordable housing need, was not called.
5. Following the close of the Inquiry, the Council submitted an updated assessment³ of its 5 year housing land supply and the appellant was afforded the opportunity to comment by way of a rebuttal⁴. I have taken these documents into account in considering this appeal.

¹ Core Document CD1.5

² Inquiry Document 36

³ Post Inquiry Document 1

⁴ Post Inquiry Document 2

Decision

6. The appeal is allowed and outline planning permission is granted for the erection of up to 75 residential dwellings (including up to 40% affordable housing), demolition of existing farm outbuildings, introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, vehicular access point from Crofters Green and associated ancillary works (all matters to be reserved with the exception of the main site access), at land off Ripon Road, Killinghall, Harrogate, North Yorkshire HG3 2DF, in accordance with the terms of the application Ref 16/00582/OUTMAJ, dated 12 February 2016, subject to the conditions in the attached Annex.

Background and Main Issues

7. The parties agreed⁵ that there is no objection in principle to the development of green-field sites adjacent to existing built form in Group B settlements under Policy SG2 of the adopted Harrogate District Local Development Framework Core Strategy (CS). This includes Killinghall, a settlement recognised within the CS as a sustainable location for additional housing development. It was further agreed that the appeal site is accessible to local services, would provide affordable housing at a rate that is in accordance with saved Policy H5 of the adopted Harrogate District Local Plan (2001, as altered 2004) (LP) and would provide public open space in accordance with CS Policy C1, the provision and management of which could be secured by means of the submitted S106 and a condition that could be attached to any grant of outline planning permission.
8. In addition, it was agreed that the adopted development plan does not plan to meet the full objectively assessed housing need (OAN) for the Borough and that the CS does not set settlement boundaries instead deferring to a future Sites and Policies Development Plan Document (DPD). However, this DPD was withdrawn and did not progress to adoption. It was also confirmed that the emerging Local Plan is at an early stage of preparation and is of limited weight.
9. Against this background, I consider the main issues to be;
 - (i) whether or not the Council can demonstrate a 5-year supply of deliverable housing land (plus appropriate buffer), and
 - (ii) whether this would be a suitable location for the proposed development having regard to national and development plan policies in respect of sustainable development and the delivery of new housing, and the effect of the proposal on the character and appearance of the area.

Reasons

Site description

10. The appeal site extends to around 4ha and comprises of a range of buildings in mixed agricultural/employment use, areas of hardstanding, a ménage and 2 agricultural fields in equine use as grazing paddocks. It stands to the south east of the urban area of Killinghall with access being taken from Crofters Green, a small development of modern houses. It occupies an edge of

⁵ Statement of Common Ground

settlement location within the designated Nidd Gorge Special Landscape Area (SLA).

11. A public right of way (PROW) runs in a south east direction through the site from Crofters Green, while the south west boundary adjoins properties on Crofters Green, Ripon Road and Addison Villas. Proposed is the erection of up to 75 no. dwellings of which 40% would be affordable units that could be secured by way of a condition attached to any grant of outline planning permission. The proposed dwellings would cover around 2.39ha of the appeal site with the rest being public open space, including woodland and an attenuation pond.

Planning Policy

12. The development plan for Harrogate Borough includes the adopted CS, the saved policies of the adopted LP and the related supplementary planning documents. The parties agreed⁶ that CS Policy SG1 sets out a housing requirement that is based on the now revoked Yorkshire and Humber Regional Spatial Strategy (RSS) and CS Policies SG2 and SG3 relate to settlement boundaries that were never established, for the reasons explained in paragraph 8 above.
13. In addition, it is common ground that CS Policy SG4 (which seeks inter alia that the scale, density, layout and design should make the most efficient use of land; be well integrated with, and complementary to, the spatial qualities of the local area; be appropriate to the form and character of the settlement and/or landscape character, and there should be no loss of greenfield land unless justified by national planning policy, the RSS, the CS or a policy or proposal within the Local Development Framework), and CS Policy EQ2 (which seeks to protect and enhance the built and natural environment, including biodiversity and landscape character, giving special protection towards those areas and buildings of recognised importance) are relevant to the supply of housing and would be considered out-of-date were I to find that the Council cannot demonstrate a 5 year supply of housing land.
14. Furthermore, saved LP Policy C2 seeks to protect existing landscape character and saved LP Policy C9 seeks to protect the Special Landscape Areas. The parties disagreed as to whether or not the former precludes greenfield development and the latter precludes development within the SLA, and by extension whether or not they are consistent with the NPPF. It was agreed that were I to find against the Council in respect of housing land supply that these policies, being relevant to the supply of housing land, would also be out-of-date. A conclusion that Policies SG4, EQ2, C2 and C9 are out-of-date would engage NPPF paragraph 14. I return to these matters below.
15. Saved LP Policy R11 seeks to retain rights of way and the informal recreation opportunity they provide when affected by development proposals, and resist developments that would harm the character or amenity value of existing rights of way and would not involve the satisfactory diversion of the route. In addition, saved LP Policy HD20 sets out the design principles new development should take into account. The appellant disputed the relevance of this policy to an application for outline planning permission where design matters are

⁶ Statement of Common Ground

reserved for future consideration. This again is a matter to which I return below.

16. Finally, my attention was also drawn to a suite of adopted supplementary planning documents⁷ which I deal with below.

Housing land supply

17. The parties agreed that the housing requirement of CS Policy SG1 no longer represents the current objective assessment of need. I heard that both the figure it was based on, and that of the Structure Plan before it, emerged during a period of housing restraint that included diverting housing provision from the Borough to other parts of the Yorkshire and Humber RSS area. That being the case, the Council commissioned GL Hearn to undertake a Strategic Housing Market Assessment⁸ (SHMA) to identify the OAN. The SHMA concluded that the OAN is 557 dwellings per annum (dpa) over the period 2014-2035, whereas the appellant's estimate of the OAN is 826 over the same period.
18. In this regard, the Government's on-line National Planning Practice Guidance (PPG) makes it clear that the Department for Communities and Local Government (DCLG) household projections are a "starting point" for identifying housing need. Both parties referred to this starting point but I heard that the reason for the marked difference in their respective OAN figure arises from the actual demographic starting point (both use the DCLG figure but the appellant's projections are based on a period stretching back to 2001) and the application of different uplifts to the starting point figure in respect of economic adjustments (jobs growth and economic activity rates for persons aged 67+) and adjustments for market signals. I deal further with the OAN below.
19. Turning firstly however to deal with the deliverable 5 year supply of housing land, the NPPF at paragraph 47 states that local authorities should boost significantly the supply of housing and should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against their housing requirements with an additional buffer of either 5% or 20% depending on previous delivery.
20. NPPF paragraph 49 makes clear that applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
21. At the Inquiry, the parties were in dispute regarding the Council's housing land supply. Excepting the differences between the parties regarding the estimated OAN for the Borough, the dispute on 5 year housing land supply is fairly tightly focussed. It centres on whether or not the agreed 20% buffer should be applied to the shortfall, and the delivery time and quantum of housing on particular sites as set out in the 5 year housing land supply Statement of Common Ground⁹ and the disputed sites pro-forma¹⁰. The Council, in a document submitted after the close of the Inquiry¹¹, argued that as of 30

⁷ Core Document CD10

⁸ Core Document CD 9.17

⁹ Inquiry Document 18

¹⁰ Inquiry Document 22

¹¹ Housing Land Supply Update October 2016, Post Inquiry Document 1

- September 2016 the deliverable supply of housing land in 5 years was 4,035 dwellings. The Council, taking the housing need requirement as 777dpa (based on its estimated OAN figure of 557 adjusted to include the appropriate portion of the 20% buffer and the shortfall of 429 that was not subject to the buffer) estimated the supply at around 5.2 years.
22. This is similar to the Council's estimate of supply in Table 3.3 of the joint position statement submitted at the Inquiry¹². By contrast, the appellant's estimate of deliverable supply was 3,563 dwellings with a requirement of 826dpa (the appellant's estimated OAN) and a 20% buffer applied to both the requirement and a shortfall of 967, giving a supply of around 2.91 years¹³. In the rebuttal to the Council's update document, the appellant stands by the figure of 2.91 arguing that it reflects a properly assessed OAN and the agreed 5 year period from 1 April 2016 to 31 March 2021¹⁴.
23. In respect of the shortfall, while I note the Council's argument that there is no policy requirement to apply the 20% buffer to it, I nevertheless consider that the under-supply against the annual housing requirement since the start of the plan period should be added to the 5 year target figure before the 20% buffer is applied. In this regard, I concur with the conclusion in appeal ref APP/G2713/A/14/2217056¹⁵ that was drawn to my attention, wherein the Inspector opined that, "*the OAN is a 'starting point' and not the actual requirement against which the five-year supply of land is to be judged*". In which case, I agree with the appellant that the buffer should be applied to the housing requirement and the shortfall. I note that when the appellant applied the 20% buffer to the Council's requirement (557) and shortfall (429) but reduced the supply to 3563, the 5 year supply is around 4.62 years¹⁶.
24. The appellant reduced the supply figure on the basis of disputing the numbers of dwellings that would come forward at Penny Pot Lane, Harrogate; Skipton Road, Harrogate (Phase 1); Pannal Business Park; Land at Milby, Boroughbridge; Bellman Walk, Ripon and the Highways Depot, Station View, Starbeck, which the Council identified as contributing to the 5 year supply. Taking these sites in turn, from the evidence I consider, notwithstanding the Council's position regarding its recent correspondence with a developer in respect of Penny Pot Lane, that an estimate of 100 units coming forward in the 5 year period (as per the Council's position on 30 September 2016 rather than the 180 put forward at the Inquiry), is reasonable. As of August 2016 the application to discharge the conditions for the development had not been determined and I heard that there were ongoing discussions regarding the overall market housing mix for the site. This in my judgement would delay the rate at which housing is delivered on the site. In terms of Skipton Road, the 1st phase is estimated by the Council to deliver 120 dwellings. While a developer has purchased the site, given a reserved matters application is not expected before early 2017 and the agreed average time of around 8 months for the Council's consideration of such applications¹⁷, I consider the appellant's estimate of 80 dwellings coming forward within the 5 year period to be more robust.

¹² 5 Year Housing Land Supply Statement of Common Ground, Inquiry Document 18

¹³ Table 3.4 Inquiry Document 18

¹⁴ Rebuttal to the Housing Land Supply Update October 2016, Post Inquiry Document 2

¹⁵ Richard Mowat Proof of Evidence

¹⁶ Inquiry Document 19

¹⁷ Inquiry Document 33

25. With regard to Pannal Business Park, the Council estimates 90 dwellings over the 5 year period. The appellant was concerned that this is a mixed use site where the commercial element is likely to be built out before the residential and presently there is no developer identified. In addition, demolition works need to be completed and the site made good regarding possible contamination before construction can commence. While I heard that the care home and spine road are likely to be completed soon, contamination on site is likely to be minimal and the demolition of the existing factory on the site can take place during the consideration of the expected reserved matters application, it was agreed that no developer has yet come forward and the Council on average takes around 8 months to decide major reserved matters applications. Consequently, I consider the appellant's figure of 45 dwellings over the 5 year period to be more realistic.
26. Turning to land at Milby, from the evidence I have no reason to conclude that as matters regarding the housing mix and highways have been resolved and an approval of reserved matters is likely in early 2017, the Council's estimate of 160 dwellings within the 5 year period is unreasonable. Similarly, in respect of Bellman Walk, I consider from the evidence that the Council's estimate of a start date of summer 2017 with 135 dwellings being delivered is reasonable.
27. Finally, the parties disputed if the 55 units to be provided at Highways Depot at Starbeck would be C3 units. I heard that a Care Home was to be built to replace an existing Care Home that is to be demolished. It would appear that the 55 units would be provided as part of an elderly care unit programme that would see residents of other sites being decanted to the new care home at Starbeck. Based on the description¹⁸ given of the care provided at the existing sites and the floor-plan arrangement for the 10 ground floor units at Starbeck which shows that no kitchen facilities would be provided, I consider that the accommodation would be more akin to a C2 than a C3 use. In which case, the dwellings should be reduced by 10 to 45.
28. Applying the above revisions would reduce the Council's supply by around 175 dwellings. Taking the Council's estimate of the housing need requirement as stated at the Inquiry of 2785¹⁹, adding the shortfall of 429 and applying the 20% buffer, a figure of around 3857 is obtained. In terms of supply, the figure given by the Council at the Inquiry was 3936²⁰. The Council's update²¹ estimates the supply at 4035. However, this takes the 5 year period as October 2016 – September 2021 whereas the agreed period at the Inquiry was 1 April 2016 – 31 March 2021. In addition, the Council's update removes certain housing sites and introduces new ones which were not considered at the round table session on housing land supply at the Inquiry. As such I do not have the evidence before me to enable me to conclude that these sites would be likely to be deliverable within the 5 year period.
29. Against this background, I am inclined to use the supply figures put forward by the parties at the Inquiry as the evidence for these was tested during the round table discussion. In my judgement, given the reduction of 175 dwellings from the Council's estimated 5 year supply and the requirement of around 3857, the likely supply is around 4.87 years. This figure would be reduced further if the

¹⁸ Inquiry Document 32

¹⁹ 5 Year Housing Land Supply Statement of Common Ground, Inquiry Document 18

²⁰ 5 Year Housing Land Supply Statement of Common Ground, Inquiry Document 18

²¹ Housing Land Supply Update October 2016, Post Inquiry Document 1

appellant's estimate of the housing requirement (that is an OAN of 826dpa) is applied. As such, irrespective of whether the Council's or the appellant's OAN estimate is used, in respect of this appeal, the Council is unable to demonstrate a 5 year supply of deliverable housing land and it is not necessary for me to determine which OAN estimate applies in this instance.

Character and appearance

30. From the evidence and what I observed, the appeal site, as an area comprised of a range of agricultural buildings, a manege and 2 pasture fields with hedges containing some trees, is an ordinary and everyday landscape which, I have no doubt, is valued by the local community. At around 4 hectares the appeal site is also of a modest scale. I heard that it was included as part of a detailed review of the SLA in 2011²² intended to form part of the evidence base for the then emerging DPD. Recommended changes were suggested to the SLA boundary based on a formal and robust assessment of the qualities of the landscape. The review concluded that the part of the SLA comprising the appeal site was of low sensitivity and while reasonably attractive countryside, was not of exceptional quality.
31. The review went on to describe the 2 pasture fields of the appeal site (identified as fields 10 and 11) as, *"generally sparse hedgerows with gaps supplemented by timber fencing. Some scattered hedgerow trees on north boundary that are attractive trees that add interest to the character of an otherwise featureless field"* in the case of field 10, and *"views are dominated by the small post-war housing estate that adjoins the site to the west. There are also direct views towards Nidd House Farm and the adjacent modern housing development at the edge of the village"* in relation to field 11.
32. A further document, *Sites and Policies Selection of Preferred Site Options (May 2013)*, prepared by the Council, went on to identify the appeal site as part of a larger site known as RL551 and concluded that the only part of RL551 that could not be considered as a significant encroachment into the open countryside was the appeal site. Although prepared as part of the evidence base for development plan documents that did not progress, I have no reason to disagree with the findings of these documents.
33. Nevertheless, in terms of the acceptability or otherwise of this proposal, that is a measure of its landscape and visual impacts. The parties agree that the appeal site remains within a designated SLA and that the proposal would be harmful in landscape terms. In this regard, the Council, local residents and the local MP argued that the appeal site was important to the legibility of Killinghall, to the settings of both Harrogate and Killinghall, and in terms of its contribution to the experience of those travelling along nearby rights of way.
34. In terms of legibility, while it may be the case that Killinghall historically was of a linear form, development in depth since the latter half of the 20th century has changed its character to that of a modern, nucleated settlement. This proposal would integrate into the settlement's more recent nucleated form without harmfully obscuring its historic, linear character which is to be found on the main road through the village.

²² Core Document CD 9.9

35. However, in my judgement, when seen from Ripon Road (viewpoint 12) and PROW 15.65/6/1 (viewpoints 4 and 6)²³, and Nidd Gorge Viaduct PROW 15.54/90/1 (viewpoint A) and Nidderdale Way (viewpoint C)²⁴ along with the footpath at Knox Hill, the appeal site makes a minor contribution to the settings of both Harrogate and Killinghall. From these vantage points there would be a minor degradation of the contribution the appeal site makes to their settings as the proposal would introduce further built form into these views. This would also harm its contribution to the character and appearance of the wider SLA. Furthermore, from these footpaths, it would be apparent that the proposal would be a minor incursion into the countryside, while the character of the footpath that traverses the proposed development would be harmfully changed from rural to suburban. Overall, this would equate to a moderate harmful change and while it is likely that it could be mitigated to some degree by the detailed design proposals that could be submitted at the reserved matters stage, were outline planning permission to be granted, it is likely that a minor residual level of harm would remain when the development is viewed from the vantage points identified above.
36. While I agree with the appellant that as an application for outline planning permission with all matters reserved apart from access, the proposal would not conflict with saved LP Policy HD20 as this deals with detailed design matters, the proposal would be contrary to CS Policy EQ2 and saved LP Policies C2 and C9 as a development that adversely affects local landscape character and the Nidd Gorge SLA. Furthermore, it would conflict with CS Policy SG4 as it would not be appropriate to the form and character of the landscape, and saved LP Policy R11 as it would adversely affect the amenity of nearby public rights of way.

Other matters

37. With regard to the effect on the living conditions of nearby residents, given the orientation of the existing dwellings on Addison Villas and the intervening distance with other surroundings dwellings, and subject to the detailed appearance, layout, scale and landscaping proposals that are matters that would be reserved for future determination, I consider that the proposal would be unlikely to harmfully change the living conditions of the occupiers of nearby dwellings in respect of outlook, overlooking, overshadowing, and light and noise disturbance.
38. Furthermore, I note that in terms of biodiversity/nature conservation, highway safety, drainage/flood risk and heritage/archaeology, matters that were of concern to local residents and the local MP, the Council, as advised by its own Principal Ecologist, North Yorkshire County Council, Yorkshire Water, Swale and Ure Drainage Board and the Environment Agency, and having regard to the submitted, Ecological Appraisal, Transport Assessment, Flood Risk Assessment, Foul Drainage Report and Heritage and Archaeological Assessment²⁵, raised no objections, subject to suitably worded conditions being attached to any grant of outline planning permission. From my assessment, I have no reason to disagree.

²³ Cary Holiday Proof of Evidence Appendix 1

²⁴ Jan Falkingham Proof of Evidence Appendix 10

²⁵ Core Document CD1

39. With regard to the employment use within the buildings on the northern part of the appeal site, I note from the Officer Report²⁶ that it was considered that *the existing employment units arose through a length of time of unauthorised use rather than through any planning permission, indeed permission was actually refused and dismissed on appeal; the units do not feature in the June 2015 Employment Land Review and their loss is not considered to outweigh the benefits that would otherwise accrue from the proposed development.* From my assessment of the proposal, I have no reason to disagree.

Planning balance

40. Although I have concluded that the proposal would conflict with CS Policies EQ2 and SG4, and saved LP Policies C2 and C9, I have found that the Council cannot demonstrate a deliverable 5 year supply of housing land and as these policies are relevant to the supply of such land they cannot be considered to be up-to-date. They are nevertheless capable of attracting moderate weight in this instance as they have a wider purpose in seeking to protect the Borough's landscapes although in the case of Policy C2, I concur with the view of a colleague who at appeal ref. APP/E2734/A/13/2207338 considered that this policy was of limited weight as its effect was to preclude development. Furthermore, given the effect on the local PROW network the proposal would conflict with saved LP Policy R11 which is a policy that is consistent with the NPPF and attracts considerable weight.
41. NPPF paragraph 14 states that the purpose of the planning system is to contribute to the achievement of sustainable development. In circumstances where relevant policies are out of date, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
42. While the shortfall in the 5 year housing land supply that I have identified is not significant, this proposal would nevertheless help to meet the shortfall in housing land supply within the Borough in line with the NPPF which aims to boost significantly the supply of housing. This is a material consideration to which I attribute substantial weight. In addition, the proposal would contribute to tenure choice by providing market and affordable housing, in an area with a significant need for affordable housing, and would make provision for public open space. The proposal would also attract the New Homes Bonus and increase Council Tax revenues. These matters also weigh substantially in favour of the proposal.
43. In my judgement, the adverse effects of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. There are no specific policies in the NPPF that indicate that this development should be restricted. In such circumstances, and where relevant development plan policies are out-of-date, the NPPF indicates that permission should be granted unless material considerations indicate otherwise. From the evidence, I consider the proposal would be sustainable development and this is a material consideration that warrants a decision other than in accordance with the development plan.

²⁶ Core Document CD 5.1

Conditions and the Section 106 Agreement

44. The parties suggested several conditions that were discussed at the Inquiry. I have considered all of the conditions and where necessary amended the wording in the interests of clarity and in the light of the tests and advice within the NPPF and the Planning Practice Guidance. It is necessary to impose conditions setting out time limits regarding the submission of reserved matters and to relate development to the submitted plans as this provides certainty, along with a condition requiring the submission of a detailed ecological mitigation strategy, in the interests of protecting biodiversity.
45. It is also necessary to attach conditions in respect of replacement trees and shrubs, tree root protection and a survey of the bat roost potential of trees T5, T11, T16 and T17, in the interests of visual amenity, tree protection and ecology. In addition, an affordable housing provision condition is necessary to ensure such housing is provided on site along with a condition requiring the submission of a Demolition and Construction Method Statement in the interests of highway safety.
46. Conditions are also necessary regarding drainage, foul water discharge and a detailed design of the surface water drainage strategy, in the interests of sustainable drainage. In this regard, I consider that the sentence within parenthesis of criterion a) of condition 10 is necessary as it provides greater clarity as to what is required along with a requirement for a programme for the implementation of the required strategy.
47. I shall also attach conditions requiring the submission of detailed highways drawings, access provision, highways works including Stage 1 and 2 Safety Audits, provision of a highway condition survey, submission of a road works completion programme and provision of footpaths and parking facilities, in the interests of highway safety. Furthermore, conditions preventing windows and doors opening onto the highway and requiring the provision of electric vehicle charging points are necessary in the interests of highway safety and reducing pollution.
48. Further conditions are also necessary in respect of requiring a contamination assessment of the site, details of proposed public open space, the implementation of the Travel Plan and the submission of a Landscape and Ecological Management Plan, in the interests of minimising risk to future users of the land, ensuring adequate provision of public open space, encouraging non-car modes of transport and protecting the natural environment.
49. However, I consider that a condition requiring a detailed mix of open market housing (that takes account of the recommended housing mix within the latest version of the Council's Strategic Housing Market Assessment or any relevant development plan policy at the time of submission) to be submitted for the approval of the Council prior to the submission of the first reserved matters application, to be unnecessary. This is a matter that can be dealt with through a reserved matters application, and as suggested by the appellant, I have amended condition 2 to require details of the open market housing mix to be submitted at the reserved matters stage. Given the outline application is for 75 dwellings which includes a 40% affordable housing provision, the layout and scale reserved matters will detail the overall proposed housing mix, including the mix of open market house types.

50. In addition, I shall not attach a condition specifying an either or scenario for foul water discharge as this is unnecessary as a developer has a statutory right to connect to a foul sewer and it would be unreasonable to impose a connection point. Finally, I consider that a condition in respect of Secure by Design principles and BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to be unnecessary as these details would be covered by any reserved matters applications and the building regulations.
51. The submitted S106 Agreement sets out provisions for the transfer of the public open space proposed as part of the development to a management Company. It also makes provision for the payment of contributions in respect of cycling, education, highways, PROW provision and a Travel Plan. I am satisfied that these contributions are necessary to make the development acceptable and accord with the development plan and supplementary planning documents; *Provision of Open Space in connection with New Housing Development (revised 2015)*²⁷ and *Guidance on Developer Contributions to Education Facilities (July 2016)*²⁸. They are directly related to the development and reasonably related in scale and kind. As such the Agreement passes the tests set out in the NPPF and satisfies the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010. I can therefore attach considerable weight to the Agreement.

Conclusion

52. On balance I conclude that the appeal should be allowed.

Richard McCoy

INSPECTOR

²⁷ Core Document CD 10.5

²⁸ Statement of Common Ground

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Robert Walton, of Counsel	Instructed by The Council Solicitor
He called	
Paul McColgan	Principal Associate Director, GL Hearn
Jan Falkingham	
BSc(Hons), MLD, CMLI	Principal Landscape Architect, Harrogate Borough Council
AIEMA	
David Skyes DipTP, MRTPI	David Sykes Planning Consultancy

FOR THE APPELLANT:

John Barrett, of Counsel	Instructed by Megan Farmer, MPlan, MRTPI, Planner, Gladman Developments Limited
He called	
Darren Wisher BA, MA Econ	Managing Director, Regeneris Consulting
Gary Holliday BA (Hons), MPhil, CMLI	Director, FPCR Environment and Design Ltd
Richard Mowat MA, MRTPI	Director, Johnson Mowat LLP
Mark Johnson MRTPI, MRICS	Managing Director, Johnson Mowat LLP

INTERESTED PERSONS:

Mr N Sefton	Local resident
Mrs L Potter	Ex Chair, Harrogate CPRE
Mr G Turner	Local resident on behalf residents' group

INQUIRY DOCUMENTS

- 1 Council's letters of notification of the Inquiry
- 2 Council's list of appearances
- 3 Appellant's list of appearances
- 4 Inquiry timetable
- 5 Draft unsigned Unilateral Undertaking
- 6 Rebuttle Proof of Evidence of David Sykes
- 7 Rebuttle Proof of Evidence of Paul McColgan
- 8 Replacement Core Document 9.21
- 9 Council's suggested conditions
- 10 Appellant's suggested conditions

- 11 List of agreed conditions
- 12 Committee Report Ref 15/00798/EIAMAJ
- 13 Darren Fisher Additional Data Sheet
- 14 Emerging Local Plan Email - updated position
- 15 Email from Persimmon Homes re Penny Pot Lane dwelling completions
- 16 Committee Report Ref 07/05275/FULMAJ
- 17 Appellant's assessment of 5 Year Housing Land Supply dated 4 October 2016
- 18 5 Year Housing Land Supply Statement of Common Ground
- 19 Supplementary 5 Year Housing Land Supply Statement of Common Ground tables
- 20 Appeal decision APP/W1525/W/15/3121603
- 21 Appeal decision APP/W1525/W/15/3129306
- 22 5 Year Housing Land Supply Disputed Sites Pro-formas
- 23 Appellant's assessment of 5 Year Housing Land Supply dated 5 October 2016
- 24 Council's update (5.10.2016) on Penny Pot Lane delivery
- 25 Press Article (July 2016) on Skipton Road housing development
- 26 Decisions timeframe on major applications
- 27 Evidence of Mr Sefton
- 28 Evidence of Mrs Potter
- 29 Evidence of Mr Turner
- 30 Press article on Harrogate Relief Road options
- 31 Mr Mowat Email correspondence – Schedule of determination periods
- 32 Station View, Starbeck - Planning Application (C2/C3 Units)
- 33 Email correspondence – Council planning application determination periods with appended agreed schedule
- 34 Megan Farmer professional qualifications
- 35 Revised list of suggested conditions
- 36 Signed and dated Planning Obligation
- 37 Suggested site visit itinerary

Documents submitted after the close of the Inquiry

- 1 Updated assessment of 5 year housing land supply October 2016
- 2 Appellant's rebuttal to the housing land supply update

PLANS

- A Plan of Killinghall
- B Plan showing appeal site boundary
- C Plans showing Pannal site development

CORE DOCUMENTS

CD1 Application Documents

- 1.1 Application Covering Letter, Application Form and Certificates
- 1.2 Location Plan
- 1.3 Development Framework Plan
- 1.4 Planning Statement
- 1.5 Design and Access Statement

- 1.6 Landscape and Visual Assessment and Photomontages
- 1.7 Transport Assessment
- 1.8 Travel Plan
- 1.9 Ecological Appraisal
- 1.10 Arboricultural Assessment
- 1.11 Ground Conditions Desk Study
- 1.12 Flood Risk Assessment
- 1.13 Noise Assessment
- 1.14 Air Quality Screening Report
- 1.15 Heritage and Archaeological Assessment
- 1.16 Current and Future Sustainability Assessment
- 1.17 Foul Drainage Report
- 1.18 Socio-Economic Impact Sustainability Statement
- 1.19 Statement of Community Involvement

CD2 Additional Reports Submitted after Validation

- 2.1 Junction Sensitivity Test
- 2.2 Lead Local Flood Authority Rebuttal
- 2.3 Supplementary Foul Drainage Report
- 2.4 Revised Transport Assessment

CD3 Correspondence with Local Planning Authority

- 3.1 22/06/2016 GDL to HBC (Intention to Conjoin Appeals)
- 3.2 31/05/2016 HBC to GDL (Landscape Objection)
- 3.3 05/04/2016 HBC to GDL (Employment Units)

CD4 Consultation Responses

- 4.1 Consultation Response from Affordable Housing
- 4.2 Consultation Response from Arboriculture
- 4.3 Consultation Response from Conservation and Design
- 4.4 Consultation Response from Campaign to Protect Rural England
- 4.5 Consultation Response from Drainage (LLFA/HBC Engineer)
- 4.6 Consultation Response from Ecology
- 4.7 Consultation Response from Economic Development
- 4.8 Consultation Response from Education
- 4.9 Consultation Response from Environment Agency
- 4.10 Consultation Response from Environmental Health
- 4.11 Consultation Response from Estates Manager
- 4.12 Consultation Response from Heritage
- 4.13 Consultation Response from Highways
- 4.14 Consultation Response from Historic England
- 4.15 Consultation Response from Landscape
- 4.16 Consultation Response from Parish Council
- 4.17 Consultation Response from Police
- 4.18 Consultation Response from PROW
- 4.19 Consultation Response from Swale and Ure
- 4.20 Consultation Response from Yorkshire Water

CD5 Committee Report and Decision Notice

- 5.1 Committee Report
- 5.2 Decision Notice

CD6 Relevant Post Application Correspondence

- 6.1 18/07/2016 HBC to GDL (Co-joined inquiry/ OAN and HLS SoCG)
- 6.2 04/08/2016 PINS to GDL (Confirmation first appeal withdrawn)
- 6.3 09/08/2016 HBC to R.Mowat (Five Year period agreement)

CD7 Local Plan Policies

- 7.1 Harrogate Local Plan (2001) and selective Alteration (2004) [relevant policies]
- 7.2 Harrogate Local Plan: Proposals Map (February 2001)
- 7.3 Harrogate Core Strategy (2009)
- 7.4 SoS Saving Direction for HLP Policies (September 2007)
- 7.5 HLP Selective Alteration Inspector's Report (November 2003)

CD8 Emerging Development Plan/Evidence Base

- 8.1 Harrogate Borough Council Local Development Scheme (February 2016)

CD9 Evidence Base

- 9.1 ACRE Children and Young People Policy Position Paper
- 9.2 ACRE Housing Policy Position Paper
- 9.3 DEFRA Rural Home Working Paper
- 9.4 George Osborne Telegraph Article (20 Aug 2015)
- 9.5 Hereford Local Plan Core Strategy Main Modifications
- 9.6 Rural Productivity Plan 2015
- 9.7 Guidelines for Landscape and Visual Impact Assessment (Edition 3 2013)
- 9.8 Brandon Lewis Letter 27th March 2015
- 9.9 2011 Review of Special Landscape Areas
- 9.10 National Character Area Profile 22 Pennine Dales Fringe
- 9.11 Harrogate Landscape Character Assessment and Appendices (2004)
- 9.12 North Yorkshire Landscape Character Assessment
- 9.13 Landscape Appraisal of Harrogate District Volume 1 [Extracts]
- 9.14 Harrogate and Knaresborough Local Plan Landscape Conservation Background Paper [Extracts]
- 9.15 North Yorkshire Strategic Housing Market Assessment (November 2011) [Extract]
- 9.16 Harrogate Borough Council Strategic Housing Market Assessment (September 2015) [Extract]
- 9.17 Harrogate District Strategic Housing Market Assessment Update Report (June 2016)
- 9.18 Harrogate District Local Plan: Annual Monitoring Report 2015 (December 2015)
- 9.19 Harrogate District Local Plan: Housing Land Supply Update (April 2016)
- 9.20 Harrogate District Local Plan: Housing Land Supply Update (July 2016)
- 9.21 Planning Advisory Service: Objectively Assessed Need and Housing Targets Technical advice note (June 2014)
- 9.22 DEFRA Rural Economy Policy Brief (Dec 2014)
- 9.23 DEFRA Rural Economy Activity (March 2015)
- 9.24 ONS Household Expenditure at a Glance 2011
- 9.25 Harrogate District Local Plan: Windfall Allowance Paper (2016)
- 9.26 Landscape Character Assessment Guidance for England and Scotland Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity.
- 9.27 An Approach to Landscape Character Assessment, October 2014.
- 9.28 2012 based subnational population projections for England, January 2014

- 9.29 Local Plans report to Government
- 9.30 Household Projections 2012 based Methodological Report
- 9.31 Landscape Character Assessment Character Area 24 Lower Nidderdale Valley
- 9.32 Strategic Housing and Economic Land Availability Assessment 2016

CD10 Supplementary Planning Documents

- 10.1 Green Infrastructure SPD (2014)
- 10.2 Landscape Design Guide (2002)
- 10.3 Harrogate District Heritage Management Guidance SPD (Nov 2014) (extracts)
- 10.5 Provision of Open Space in connection with New Housing Development (revised September 2015)
- 10.7 Renewable Energy and Low Carbon SPD Feb 2015
- 10.8 Developer contributions to Village Halls June 2006 (Revised Sep 2015)
- 10.9 Residential Design Guide (1999)
- 10.10 Negotiating Affordable Housing Contributions
- 10.11 Policy on Developer Contributions towards Education

CD11 Relevant Appeal Decisions

- 11.1 Land at Gaydon Road, Bishop's Itchington (APP/J720/A/13/2202961)
- 11.2 Holmes Chapel Road, Brereton Heath (APP/R0660/A/13/2192192)
- 11.3 Land off Bath Road, Leonard Stanley (APP/C1625/A/13/2207324)
- 11.4 Land off Banady Lane, Stoke Orchard (APP/G1630/A/14/2223858)
- 11.5 Land off Nantwich Road, Tarporley (APP/A0665/A/11/2167430)
- 11.6 Cody Road, Waterbeach (APP/W0530/A/13/2207961)
- 11.7 Langton Road, Norton (APP/Y2736/W/15/3136233)
(APP/Y2736/W/15/3136237)
- 11.8 Land off Boroughbridge Road, Knaresborough (APP/E2734/A/13/2207338)
- 11.9 Land at Goch Way, Andover (APP/C1760/A/14/2222867)
- 11.10 Money Hill, Land North of Wood Street, Ashby-De-La-Zouch
(APP/G2435/A/14/2228806)
- 11.11 Little Tarnbrick Farm, Fylde - APP/M2325/A/13/2196027 [Extract]
- 11.12 Barford Road Bloxham - APP/C3105/A/13/2189896 [Extract]
- 11.13 Land North of Durham Road, Spennymoor, County Durham
(APP/X1355/W/15/3005376)
- 11.14 Land off A49 and Broomfield Road, Ludlow, Shropshire
(APP/L3245/W/14/3001117)
- 11.15 Land East of Knightcote Road, Bishops Itchington, Warwickshire
(APP/J3720/W/15/3133319)
- 11.16 Land to the North of Hedge Place Road, Stone, Dartford
(APP/T2215/A/13/2195591)
- 11.17 Land South of Tilden Gill Road, Tenterden, Kent (APP/E2205/W/15/3032575)
- 11.18 Land off Tanton Road, Stokesley (APP/G2713/A/14/2223624)
- 11.19 Land to the North of Stillington Road, Easingwold
(APP/G2713/A/14/2217056)
- 11.20 Land off Maldon Road, Great Totham, Essex (APP/X1515/W/15/3032632)
- 11.21 Land at Grove Road, Boston Spa (APP/N4720/A/13/2208551)
- 11.22 Land at Well Meadow, Well Street, Malpas (APP/A0665/A/2214400)
- 11.23 Land bounded by Gresty Lane, Rope Lane, Crewe Road and A500, Crewe
(APP/R0660/A/13/2209335)
- 11.24 Land at Cottage Farm, Glen Road, Oadby (APP/L2440/W/14/2216085)
- 11.25 Cauldwell Road, Linton, Derbyshire (APP/F1040/W/15/3132831)

11.26 Glenholme, Kellington Lane, Eggborough, Selby (APP/N2739/W/16/3149401)

CD12 Relevant Judgements

- 12.1 Stroud District Council v SoS [2015] EWHC 488 (Admin)
- 12.2 Wainhomes (South West) v Secretary of State for Communities and Local Government and Wiltshire Council [2013] EWHC 597
- 12.3 Bloor Homes East Midlands Limited v SoS [2014] EWHC 754 (Admin)
- 12.4 Secretary of State for Communities and Local Government and Harborough District Council v Ivan Crane (Neutral Citation Number: [2015] EWHC 425 (Admin))
- 12.5 Woodcock Holdings v SoS & Mid-Sussex District Council [2015] EWHC 1173 (Admin)
- 12.6 Phides Estates(Overseas) Limited v SoS & Shepway District Council & David Plumstead [2015] EWHC 827 (Admin)
- 12.7 Zurich Assurance Limited V Winchester City Council and South Downs National Park [2014] EWHC 758 (Admin)

CD13 Additional Documents

- 13.1 Andrew Jones MP Letter
- 13.2 Equity Loan Calculator Guidance, Jan 2016
- 13.3 West Oxfordshire Inspector's preliminary findings
- 13.4 Simpson and McDonald, Making Sense of the New English Household Projections, TPC, April 2015
- 13.5 Third Party Responses

CD14 Other relevant correspondence with LPA

- 14.1 1st October 2014 (email chain) from Housing Officer
- 14.2 21st October 2014 Email and letter to HBC (Pre-application Enquiry)
- 14.3 21st October 2014 Letter to HBC (EIA Screening Request)
- 14.4 28th October 2014 Letter from HBC (EIA Request Acknowledgement)
- 14.5 29th October 2014 (email chain) to HBC (Public Open Space)
- 14.6 30th October (email chain) from HBC (Public Open Space)
- 14.7 2nd December 2014 (email chain) from Case Officer (Pre-application Meeting Request)
- 14.8 4th December 2014 letter from HBC (EIA Required)
- 14.9 15th December 2014 GDL letter to NPCU (EIA Screening Direction)
- 14.10 15th December 2014 (email chain) to NPCU (EIA Screening Direction)
- 14.11 16th December 2014 Letter to HBC (EIA Screening)
- 14.12 17th December 2014 (email chain) from NYCC (Education)
- 14.13 13th January 2015 Letter from NPCU (EIA not required)
- 14.14 17th February 2015 Letter to HBC (Application progression)
- 14.15 18th March 2015 Letter to HBC (Consultation Responses)
- 14.16 2nd April (email chain) from HBC (Extension of Time)
- 14.17 22nd April 2015 (email chain) from HBC (Committee Dates)
- 14.18 17th July 2015 Email and letter to HBC (Revised scheme)
- 14.19 29th July 2015 (email chain) to HBC (Planning Update)
- 14.20 6th August 2015 (email chain) from HBC (Consultation Responses)
- 14.21 12th August 2015 (email chain) to HBC (Environmental Health Comments)
- 14.22 14th September 2015 (email chain) from HBC (Special Landscape Area)
- 14.23 16th September 2015 (email chain) from HBC (Special Landscape Area)

14.24 18th September 2015 (email chain) from Hydrock (Highways Condition)
14.25 11/03/2016 HBC to GDL (OAN and HLS meeting)

Annex

Conditions

- 1) 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. The development hereby permitted shall begin either before the expiration of two years from the date of approval of the last of the reserved matters for the first phase, or before the expiration of five years from the date of this permission, whichever is the later.
- 2) This permission in terms of access relates solely to the point of vehicular access with Crofters Green as shown on the Development Framework FPCR drawing number 6132-L-01-A dated 12 February 2016 and does not imply any approval of any other details shown on that drawing. Further, no development shall take place without the prior written approval of the Local Planning Authority of the remaining access details and those of the other reserved matters:-
 - a) Appearance
 - b) Landscaping - including 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
 - c) Layout
 - d) Scale - of which the total number of dwellings shall not exceed 75

Any reserved matters application for appearance, layout or scale shall include details of existing and proposed ground levels, finished floor levels and the proposed open market housing mix to be provided by the development. Such details shall provide for the retention of the existing ground levels unless it is clearly demonstrated that a need exists for change. Thereafter the development shall be carried out in accordance with the approved details.

- 3) Any application submitted in respect of condition 2 shall be accompanied by a detailed ecological mitigation and enhancement scheme for the site that should include provision for its on-going future management. Development shall be carried out in accordance with the approved ecological mitigation and enhancement details.
- 4) Any trees or shrubs, planted in accordance with the approved scheme under condition 2 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.
- 5) No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of

motorised vehicles or construction machinery) nor any materials be brought onto the site, until root protection area fencing in accordance with Appendix B of the Arboricultural Assessment (FPCR January 2016) and the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, has been located around the around the trees or shrubs or planting to be retained, as indicated on the approved plans (FPCR drawing numbers 6132-A-03 and 6132-A-04 dated January 2016). The developer shall maintain such fences until all development the subject of this permission is completed and:-

- a) no excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved root protection area scheme
 - b) the level of the land within the fenced areas shall not be altered.
- 6) Before any works are undertaken to the trees numbered T5, T11, T16 & T17 on FPCR drawing number 6132-A-03 a survey of their bat roost potential shall be undertaken and the details of the findings along with details of the proposed works shall have been submitted to and approved in writing by the Local Planning Authority. Any works to the trees and any related provision for bat shall be carried out in strict accordance with the approved details.
- 7) The development shall not be begun until a detailed assessment of the requirement for the provision of affordable housing as part of the development with regard to the "Planning obligations" section of the Planning Practice Guidance (or any guidance or legislation revoking and re-enacting that Guidance with or without modification), has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include where appropriate a scheme of provision of affordable housing which shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and the affordable housing shall be provided in accordance with the scheme as approved by the Local Planning Authority. The scheme shall include:
- a) The numbers, type, tenure and location on the site of the affordable housing provision to be made. This shall be based on a contribution of not less than 40% of housing units/bed spaces where no reduction in the contribution is allowed for in the Planning Practice Guidance.
 - b) The timing of construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if no such provider is involved);
 - d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development shall not be occupied until the approved scheme has been carried out and it shall thereafter be retained.

- 8) No development for any phase of the development shall take place until a Demolition and Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide but not be limited to the following in respect of the:
- a) location of construction access,
 - b) how the existing public right of way on the site is to be protected and kept clear of any obstruction,
 - c) erection and maintenance of security hoarding,
 - d) security arrangements for construction equipment and materials,
 - e) how the site will be cleared, the site developed and dwellings constructed, ensuring there is no encroachment on to the Root Protection Areas of the retained trees,
 - f) hours of work during the demolition and construction phases restricted to 08:00 to 18:00 Mondays to Fridays 08:00 to 13:00 Saturdays with no work on Sundays or Bank Holidays,
 - g) the parking of vehicles of site operatives and visitors,
 - h) loading and unloading of plant and materials,
 - i) storage of plant and materials used in constructing the development,
 - j) wheel washing facilities,
 - k) measures to control the emission of dust and dirt during construction and demolition, and
 - l) heavy goods vehicle routing
- 9) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 10) Prior to the commencement of any phase of the development on site:
- a) a detailed design of the surface water drainage strategy for the site (to be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, including a section through the attenuation basin to show existing ground levels, proposed levels and invert of any outlet; the strategy shall include measures to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation),
 - b) detailed drawings showing how surface water will be managed during the construction phase,
 - c) drawings showing surface water assets to be vested with the undertaker & subsequently maintained at its expense (Section 104 Water Industries Act 1991), and
 - d) detailed documentation (a "management/maintenance manual") showing how the surface water drainage systems will be managed and maintained for the lifetime of the development,
- shall have been submitted to, and approved in writing by the Local Planning Authority. Any proposed discharge of surface water from the development

site shall be restricted to a maximum of 2.5 l/s/ha. The overall strategy should show that there is sufficient on site attenuation to accommodate all storm scenarios up to & including a 1 in 100 year event + up to a 40% allowance for climate change. The design shall also include a site plan showing the exceedence flow routes during extreme storm conditions over the 1 in 100 year event. Development shall be undertaken in strict accordance with the approved details.

The management/maintenance manual shall include the following:

- (i) organisation responsible for future maintenance of SuDS including copies of any legal agreement to be established with future home owners,
- (ii) funding arrangements for on-going maintenance,
- (iii) physical access arrangements,
- (iv) establishment of legal rights of access in perpetuity ,
- (v) health & safety risk assessment for construction/operation & maintenance,
- (vi) maintenance requirements and frequency, and
- (vii) procedures to ensure the on-going maintenance if the appointed management consultant ceases to exist.

11) 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 in consultation with the Highway Authority (it is advisable to provide a draft layout for discussion between the developer, the Local Planning Authority and the Highway Authority in order to avoid abortive work):

a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (i) the proposed highway layout including the highway boundary
- (ii) dimensions of any carriageway, cycleway, footway, and verges
- (iii) visibility splays
- (iv) the proposed buildings and site layout, including levels
- (v) accesses and driveways
- (vi) drainage and sewerage system
- (vii) lining and signing
- (viii) traffic calming measures
- (ix) all types of surfacing (including tactiles), kerbing and edging

b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- (i) the existing ground level
- (ii) the proposed road channel and centre line levels
- (iii) full details of surface water drainage proposals.

c) Full highway construction details including:

- (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- (iii) kerb and edging construction details
- (iv) typical drainage construction details

d) Details of the method and means of surface water disposal.

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 full compliance with the approved drawings and details.

12) There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 20 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and the published Specification of the Highway Authority. All works shall accord with the approved details. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

13) There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

a) Details of improvements to the markings of the existing right turn lane from the A61 to Crofters Green have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

b) An independent Stage 1&2 Safety Audit has been carried out in accordance with HD19/03 -Road Safety Audit or any superseding regulations.

c) A programme for the completion of the proposed works has been submitted.

The development shall not be brought into use until these highway works have been carried out.

14) No heavy commercial vehicles shall be brought onto the site until a survey recording the condition of Crofters Green between the site entrance and the junction with the A61 Ripon Road has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- 15) A phasing programme for all road works associated with the development hereby allowed shall be submitted to and approved in writing with the Local Planning Authority in consultation with the Local Highway Authority. The development shall be carried out in strict accordance with the approved phasing programme and no dwelling in each phase shall be occupied prior to the completion of the road works in that phase.
- 16) No dwelling shall be occupied until;
 - a) the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and connected to the existing highway network with street lighting, and
 - b) related parking facilities have been constructed in accordance with the approved drawing for that dwelling. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 17) All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
- 18) No dwelling shall be occupied on any phase 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.
- 19) Development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections I to IV, below, have been complied with.

If unexpected contamination is found after development has begun, development must be halted on the affected part of the site, to the extent specified in writing by the Local Planning Authority, until the requirements under section IV have been complied with.

Section I Site characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land or equivalent British Standard and Model Procedures if replaced) and a written report of the findings must be produced. The written report is subject to the

approval in writing of the Local Planning Authority. The report of the findings must include:

a) a survey of the extent, scale and nature of contamination;

b) an assessment of the potential risks to:

- (i) human health,
- (ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- (iii) adjoining land,
- (iv) groundwaters and surface waters,
- (v) ecological systems, and
- (vi) archaeological sites and ancient monuments;

c) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR₁₁'.

Section II Submission of remediation scheme

A detailed 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 scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Section III Implementation of approved remediation scheme

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. 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.

Section IV Reporting of unexpected contamination

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 in accordance with the requirement of section I, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section II, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section III.

- 20) Prior to the first occupation of any of the dwellings hereby allowed, full details of public open space to serve the development in accordance with Policy C1 of the Harrogate District Core Strategy have been submitted to and approved by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the timing of the provision and the subsequent management and maintenance of public open space.
- 21) The Travel Plan (Hydrock Ref R/C14185/T002 dated January 2016) shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. That Travel Plan shall be monitored and reviewed in accordance with the targets set out therein.
- 22) A landscape and Ecological 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 ecological mitigation measures and how these risks will be managed.