



Appeal Decision

Inquiry held on 28, 29 and 30 March 2017

Site visit made on 30 March 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/E2734/W/16/3155389

Land south of Bar Lane, Knaresborough, North Yorkshire

- 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 planning permission.
 - The appeal is made by Gleeson Developments against Harrogate Borough Council.
 - The application Ref 15/01691/FULMAJ is dated 17 April 2015.
 - The development proposed is the demolition/removal of existing buildings, followed by the development of 78 No. dwellings and access and landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition/removal of existing buildings, followed by the development of 78 No. dwellings and access and landscaping works on land south of Bar Lane, Knaresborough, North Yorkshire in accordance with the terms of the application, Ref 15/01691/FULMAJ, dated 17 April 2015, subject to the conditions in the attached schedule.

Application for costs

2. At the Inquiry an application for costs was made by Gleeson Developments against Harrogate Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal was made because of the Council's failure to determine the planning application within the prescribed period. The Council have advised that if they had determined the application they would have refused it on the grounds that the proposed development does not provide for a mix of open market housing based on current and future demographic trends, market trends and the current and future needs of different groups in the community. Therefore the application has not paid sufficient regard to community needs and is contrary to the requirements of Harrogate District Core Strategy Policy C1 and inconsistent with paragraphs 7 and 50 of the National Planning Policy Framework (the Framework). Such deficiency in the social role of sustainable development significantly and demonstrably outweighs the economic benefits of providing new housing in this otherwise acceptable location.
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4. The agreed Statement of Common Ground outlines that the original planning application was for the development of 81 dwellings. However during the course of the application the scheme was revised to 78 dwellings. Drawing No. BB.214514.101 Rev F is the final revision of the scheme formally submitted to the Council. As part of the appeal an updated Landscape Masterplan was submitted to reflect the revised proposal. Whilst this has not been the subject of consultation it contains minor revisions only to reflect the revised layout. I consider the acceptance of this plan would not prejudice any of the parties. I have therefore considered the appeal on this basis and the description of development I have used in the banner heading reflects the revised scheme.
5. A completed legal agreement under Section 106 of the Town and Country Planning Act 1990 (s106) between the appellants, North Yorkshire County Council, Harrogate Borough Council and the landowner was submitted at the Inquiry. The s106 agreement contains obligations relating to education, public open space and ecological mitigation works, off site open space, air quality management, affordable housing, travel plan monitoring and highways.

Main Issues

6. Whilst the Council have indicated that they would have refused the appeal proposal for one reason relating to housing mix a number of other issues have been raised by interested parties. Therefore following all that I have seen, heard and read I consider the main issues are as follows:
 - whether the proposed development provides an appropriate housing mix to meet the future needs of the local community with particular regard to the Strategic Housing Market Assessment (SHMA), the development plan and national planning policy;
 - the effect of the development on the local highway network and highway safety;
 - whether the site is a suitable location for development in terms of its accessibility to local services and facilities;
 - the effect of the development on ecological matters in particular the impact on the nearby Hay-a-Park SSSI, goosander and great crested newt populations;
 - the effect of the development on air quality with particular regard to the nearby Bond End Air Quality Management Area (AQMA) and proposed York Place AQMA.

Reasons

Housing Mix

i) SHMA

7. The Council have prepared a Strategic Housing Market Assessment (SHMA) as part of the evidence base for the emerging local plan looking at the housing needs of the Borough up to 2035. The overall findings of the document, that the provision of market housing should be more explicitly focused on delivering smaller family housing, namely 2 and 3 bed properties, is not in dispute. The disagreement between the parties however relates to whether the SHMA

- should be used to control market housing mix so that development on individual sites is more closely aligned with its findings.
8. It is clear from paragraph 8.31 of the SHMA document itself that although figures for housing mix have been quantified that they should not be included in the plan making process and if they are they should be used as a monitoring tool to ensure that future delivery is not unbalanced. It was accepted by the Council that the SHMA does not suggest it should be used as a freestanding tool to indicate the housing mix in a particular development.¹ Whilst the SHMA forms the only available evidence of housing mix at the district level, I am also mindful that it has not been consulted on or tested through the Examination process. It is therefore likely that there may be objections to it, particularly from the development industry. Accordingly I consider that a degree of caution has to be afforded to its application to a particular housing mix on an individual site. Whilst it remains a material consideration, I consider it can only attract limited weight.
 9. It was agreed by the parties that the SHMA forms a 'starting point' in the consideration of housing mix. Whilst the Council accepted at the inquiry that the recommended SHMA mix should be applied flexibly they require the market housing mix to be more closely aligned to it. However they were unable to advise what parameters they would find acceptable.
 10. The SHMA's conclusion in Table 58 is that the need across Harrogate is for an overall housing mix of 20% one bed, 40% two bed, 35% three bed and 5% four/five bed properties. The document considers the mix for affordable and market housing separately and includes different recommendations for each. The affordable housing mix proposed is not a matter of dispute, even though it does not align with the recommendation in the SHMA, providing fewer one bed properties, significantly more two bed properties and about the same proportion of three bed properties. The lack of dispute with regard to affordable housing suggests that a flexible approach has been taken with regard to this tenure type. It therefore appears to me that a degree of flexibility should equally be applied to the market housing mix.
 11. The appeal scheme would provide more than 68% four and five bed market properties. I accept that this forms a significant variation to the SHMA recommendation. The Council recognises that there is likely to be a need for four and five bed homes in the short term over the next five years. This is to allow older homeowners to downsize and these larger homes to be added to the housing stock. However all parties accept that this is difficult to quantify. Furthermore the Knaresborough Housing Mix Report prepared by the Council suggests that around 40% of sales of larger family homes were to incomers. Therefore there is a local need for larger homes, particularly in the short term and also a continued demand from in migration.
 12. The SHMA in paragraph 8.17 states the expectation that the existing stock will contribute to this demand. Knaresborough has a significant stock of larger housing with a higher percentage of four and five bed dwellings than the district, regional or national average. This does not mean however that some new build larger homes will not be needed. The appeal development would contribute to meeting this demand.

¹ Mr McColgan in Cross Examination

13. There is clearly also a need for 2 and 3 bed properties in the area. The appeal scheme would provide 3 no. 2 bed market homes and 12 no. 3 bed market homes. This provision would be below that suggested in the SHMA. Both parties agree that local people on average or lower earnings would have difficulty in buying a new build 2 or 3 bed property, even with initiatives such as Help to Buy. However some people earning above average income would be able to purchase such properties, though I have no evidence of how many people would be in this position. I also recognise that lower earners may have savings or could be helped by family to put together a deposit to buy a property. A further potential source of demand for two or three bed properties would be from older people looking to sell larger homes and downsize, however as I have stated above I have no evidence of the quantum of this demand.
14. The Knaresborough Housing Mix Report² suggested that on the basis of interviews undertaken with local agents that housing supply in Knaresborough was unbalanced as there were relatively few small homes, particularly two and three bedrooms. I tend to agree with the appellant that as this evidence was obtained through telephone interviews in a conversational style with a limited number of agents, it can only be viewed as anecdotal.
15. I have been provided with no other evidence that there is a shortfall of 2/3 bed dwellings in Knaresborough or that the deficiency is resulting in local people moving outside the area. Land registry sales data for the period Sept-Dec 2016³ demonstrates a significant number of 2/3 bed sales and does not suggest a shortage of such properties in the area. In addition the Council's evidence⁴ demonstrates a good supply of terraced homes on the market which would be suitable for first time buyers and those on low incomes. Consequently I consider that there is no evidence before me to suggest that the appeal scheme should provide more 2/3 bed homes and fewer 4/5 bed properties to meet local need.
16. Overall the appeal scheme would provide around 35% one and two bed properties and 23% three bed properties. These are the size of homes which the SHMA suggests are in the greatest need in the Borough. Comparison of housing mix in schemes approved since June 2015⁵ demonstrates a number of sites where a greater proportion of smaller homes were approved. This assessment also shows a significant variation in housing mix on individual sites with no scheme achieving the SHMA mix. On a Borough wide level this variation could result in the overall delivery being balanced in line with the SHMA recommendations. This is a matter for the Council to monitor.
17. The Council has put forward the argument that there is no land use reason why the appeal site could not deliver a greater number of smaller homes. It was accepted by both parties that such a scheme could be designed and still be in keeping with the character of the area. The appellant has submitted that reducing the size of dwellings on the site could be regarded as an inefficient use of land. However depending on the scheme then put forward, the overall number of dwellings may well be the same or indeed be increased. I do not therefore consider that there would then be a need to release further greenfield

² Paragraphs 4.7 and 4.8

³ Mr Roebuck's Proof pages 9-11

⁴ Figure 18 page 34 Mr McColgan's Proof

⁵ Appendix 7 Mr Eagland's Proof

and to meet the housing supply requirement. I note that no viability argument has been put forward by the appellant.

18. In summary the SHMA does not indicate that it should be used to guide housing mix on individual sites in a development management context. Furthermore having regard to its untested status, I conclude that limited weight should be given to the document, though it clearly remains a material consideration. The appeal scheme provides a significantly higher percentage of properties with 4 bedrooms or more than recommended in the SHMA. However it is clear that there is a local need and wider demand for family homes particularly in the short term over the next five years. I have been presented with no evidence of a shortfall of 2/3 bed market homes or any unmet demand. I have taken account of the fact that overall the scheme would provide 35% one/two bed homes and 23% three bed homes. These are the size of properties that the SHMA identifies as being in greatest need. Furthermore I note the flexible approach the Council has taken with regard to the mix of affordable housing on the site and the variety of housing mix on recently approved developments. Accordingly having regard to the evidence before me, I find no reason to conclude that the appeal scheme would not provide an appropriate mix of market housing to meet local need and wider demand. I therefore consider the proposed scheme would be acceptable in this regard.

ii) Development plan and national planning policy

19. The appellant has argued that it is not possible to control market housing mix unless an appropriate development plan policy is in place. In their suggested reason for refusal the Council relies on Policy C1 of the Harrogate Core Strategy 2009 (CS) and paragraphs 7 and 50 of the Framework.
20. Having regard firstly to national policy, paragraph 50 of the Framework looks to provide a wide choice of quality homes. In order to achieve this the document advises that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. To my mind this suggests that this would be achieved through the plan making process. My attention has been brought to the decision of the Inspector in the Hindhead appeal⁶ who considered whether a development plan policy relating to housing mix was out of date when compared to national planning policy guidance namely paragraph 50. I agree with the appellant that the Inspector in her reasoning confirmed paragraph 50 to be a plan making policy.
21. Turning to paragraphs 7, 9 and 17 of the Framework, these paragraphs relate to the broader objective of widening the choice of high quality homes and addressing housing needs. There is nothing to suggest in these paragraphs that they cannot be applied to the consideration of individual planning applications. I therefore conclude that whilst paragraph 50 of the Framework relates to plan making and is not applicable in this case, paragraphs 7, 9 and 17 are relevant to the consideration of housing mix.
22. CS Policy C1 is a strategic policy aimed at promoting inclusive communities. It falls outside the Housing Chapter of the Core Strategy. The Policy states that the development of land will be assessed having regard to community needs

⁶ APP/R3650/W/15/3070006

- within the District with particular importance placed on the specific needs of elderly people, young people, the rural population and disabled persons.
23. In terms of housing the only reference within the policy is in relation to the housing needs of the above groups, namely affordable housing for young people and the rural population and open market housing for elderly people. Paragraph 8.7 of the supporting text to this policy states that the Council will seek to provide for these needs through relevant Core Strategy policies, in other development plan documents and supplementary planning documents.
24. CS Policy C1 does not provide guidance on market housing mix. It is a general policy, a fact which the Council acknowledges. This does not mean it is not relevant and clearly it forms a material consideration. However the policy does not specify a particular mix or refer to any other document such as the SHMA that would advise on this matter. It appears to me that the Council recognises that Policy C1 is not on its own sufficient to control market housing mix as in July 2015 it prepared an Interim Policy on this matter. This was subsequently challenged in the High Court and quashed. The Council is now proposing a specific policy in the emerging local plan.
25. Two appeal decisions have been brought to my attention by the Council in order to support their position that CS Policy C1 is specific enough to control housing mix on individual sites. Firstly in the Pateley Bridge⁷ appeal the Inspector found that the Council would be able to control housing mix through a condition on an outline approval. However he recognised that it had yet to be established whether the open market housing mix recommended by the SHMA would be translated into policy which might otherwise indicate how it would be applied on individual development sites. In these circumstances he considered that its recommendations should be applied in a flexible manner. To my mind this mirrors the situation in this appeal. I consider that at the current moment in time, in the absence of a specific development plan policy with regard to housing mix, that the SHMA should be applied flexibly.
26. Secondly the Council makes reference to an appeal at Church Lane, Worcester⁸. The Inspector refused permission amongst other things, on the basis of Policy SWDP14, which required a housing mix to be informed by the SHMA and other documents. However I do not consider this decision to be comparable to the appeal as in this case a development plan policy was in place to control market housing mix.
27. In light of the above, I conclude that CS Policy C1, whilst it is material consideration in terms of meeting general community needs it does not provide guidance on market housing mix. It therefore does not form a policy against which the housing mix in individual planning applications can be determined and I attribute limited weight to it in the determination of this appeal.

Overall conclusion on housing mix

28. I have found that the SHMA having regard to its stated purpose and current untested status, should be given limited weight. It does however form a material consideration which I consider should be applied flexibly to individual development proposals. I accept that the appeal scheme provides a high proportion of 4/5 bed market homes, significantly above the recommendation

⁷ APP/E2734/W/16/3157795

⁸ APP/J1860/W/3159764

of the SHMA. However I have no evidence that smaller 2/3 bed homes are in short supply or that there is unmet demand. I have no reason to conclude that the appeal proposal should provide fewer 4/5 bed homes and more 2/3 bed homes. The overall mix would provide a range of house sizes which would contribute to meeting the local community need and the wider demand in the current housing market. Therefore in the absence of a development plan policy controlling market housing mix, I find no reason to conclude that the appeal scheme would not be acceptable or that it would fail to comply with paragraphs 7, 9 and 17 of the Framework.

Impact on the local highway network and highway safety

29. Whilst this issue is not in dispute between the two main parties local residents and Councillors have raised concern that the appeal proposal together with other recently approved developments in the Knaresborough area, would result in unacceptable impacts on the local road network. In particular concern is raised about the A59 corridor and the Bond End junction which has been designated as an AQMA.
30. The submitted Transport Assessment concludes that the appeal proposal would generate 59 two way movements in the am peak and 57 movements in the pm peak, approximately one vehicle per minute. Traffic distribution analysis indicates that all junctions, taking account of both committed schemes and the appeal proposal, would function within capacity. At the Bond End junction it is estimated that there would be around 39 vehicle trips in the morning and evening peak hour periods. I am advised by the appellant that analysis of this junction, taking account of the proposed improvement scheme to accommodate the Manse Farm development, has demonstrated that it would be sufficient to also mitigate the additional trips from the appeal scheme.
31. At the inquiry I heard from a representative of the promoter of the Manse Farm development. This development is required to undertake highway improvements at the Bond End junction. The representative argued that it would be necessary for these works to also be required by a condition on the appeal scheme should it be allowed. This would ensure that should the appeal scheme commence before the Manse Farm development, that the necessary highway improvement works at Bond End are undertaken before the first occupation of houses on the appeal site. I shall discuss this matter further in the section regarding conditions.
32. Notwithstanding this request I am aware that the Highway Authority has requested a financial contribution towards the cost of an improvement scheme at this junction. I understand that 7 options are being considered and further consultation and assessment is required before a scheme is finalised. I am advised that further contributions have and will be sought from other nearby developments.
33. I am satisfied that with the proposed improvements, the traffic impacts of the proposed development would be satisfactorily mitigated. There is no objection to the proposal from the Highway Authority subject to appropriate conditions and the financial contribution to mitigation works at Bond End. The scheme would comply with Policy TRA3 of the Harrogate Core Strategy which aims amongst other things to manage travel and reduce congestion and paragraph 32 of the Framework, which seeks the provision of a safe and suitable access

as well as improvements within the transport network that cost effectively limit the significant impacts of the development.

Accessibility to local services and facilities.

34. The main parties agree that the site is in a sustainable location. However local residents including the Scrivens East Residents Group (SERG) have argued that a high percentage of existing residents use the car due to necessity and the site is not in an accessible location.
35. The submitted Transport Assessment shows that a primary school, doctor's surgery, dentist and a supermarket are located within a reasonable walking distance from the appeal site, meeting the accessibility criteria of Appendix 8 of the Harrogate Core Strategy. The appeal scheme would provide a footway on the southern side of Bar Lane to connect the site to existing footpaths on Boroughbridge Road. A secondary pedestrian /cycle access is also proposed through the open space area linking to Hazelheads Lane. I understand that if the Persimmon development⁹ located on the western boundary of the site is allowed on appeal, then the footpath link would connect to that site. Either way I consider that appropriate pedestrian facilities are provided in the scheme.
36. The site is well served by public transport with a bus stop on Halfpenny Lane approximately 390m from the site and on Hyde Park Road around 540 metres away. Services to Knaresborough and Harrogate are provided every 15 minutes Mon-Sat and half hourly on a Sunday (Service 1C). I am advised that within the David Wilson Homes development opposite the junction of Bar Lane and Boroughbridge Road, it is proposed to provide a further bus stop which would be within 400 metres of the appeal site. This would also be served by bus route 1C but on a half hourly basis. This bus service also serves both Knaresborough and Harrogate railway stations.
37. The Framework in paragraph 29 seeks to promote sustainable transport modes and give people a real choice about how they travel. Whilst I accept that some future residents will use the car, I consider that there would be a choice of non-car travel options available, including walking, cycling and public transport. I also note the proposed Travel Plan which would aim to encourage non car modes of travel. I conclude that the appeal site would be in a sustainable location and would be accessible to local services and facilities in Knaresborough and further afield. The development would therefore comply with the aims of national and local plan policy to promote sustainable transport.

Ecology matters

38. Concern has been expressed by interested parties in particular the Harrogate Trust for Wildlife Protection (HTWP) with regard to the impact of the proposed development on the Hay-a-Park SSSI located approximately 375 metres south west of the appeal site. The SSSI is designated for its breeding birds and wintering wildfowl. The concerns relate to the impact of increased footfall and changes to water quality on the goosander population.
39. Public access to the SSSI is limited to two small sections at the edges of the site which I am advised become muddy in wet weather. Whilst some walkers

⁹ APP/E2734/W/16/3150954

may veer from the designated path into dense vegetation disturbing the goosander such numbers are likely to be low. The appellant also advises that goosanders are not typically sensitive to the form of disturbance likely to be created by increased footfall. The appeal proposal includes an area of open space and should the development of the neighbouring Persimmon site off Orchard Close be approved, the areas of open space are proposed to be connected. I consider that this would provide a good alternative to Hay-a-Park SSSI for dog walkers and other residents. The appellant also proposes further mitigation in the form of public information boards promoting alternative walks and areas of open space.

40. With regard to the impact on water quality, it is proposed that surface water from the appeal site would discharge to drains on Hazelheads Lane and then flow via drains on Water Lane to the lakes within the SSSI. Yorkshire Water have raised no objection to the development and have not required an interceptor as they consider that pollutants from the site would be diluted to a negligible level by the time they enter the water bodies within the SSSI. I have no reason to disagree with this view and therefore conclude that surface water from the appeal site would have no adverse impact on water quality.
41. Ecology surveys confirm the presence of great crested newts (GCN) in the local area. There are however no suitable breeding habitats within the appeal site. Local residents and the HTWP have raised concerns that the development of the appeal site for housing would have an adverse impact on the local GCN population. The appellant advises that there is high quality terrestrial habitat between the local breeding sites and the appeal site. As the appeal site provides poor quality habitat it is not likely that GCN will favour it, though clearly their presence cannot be discounted.
42. The HTWP have raised concern with regard to the potential for GCN to become trapped in surface water drains serving the proposed new housing and also roadside drains. As explained above it is not considered likely that GCN would be attracted to the appeal site due to the lack of quality habitat nonetheless mitigation measures in the form of dropped and wildlife kerbs are proposed to be installed throughout the development to reduce the risk of GCN's becoming trapped.
43. The appeal scheme also includes a number of mitigation measures to safeguard the GCN population during the construction phase including exclusion fencing, trapping and translocation. In addition it is proposed to provide a new pond and wildflower grassland and native trees and shrubs to attract insects over the appeal site. I consider these measures to be necessary and appropriate to safeguard GCN's in the vicinity of the appeal site.
44. Overall, with regard to ecological matters, I consider that with appropriate mitigation works, the proposed development would cause no significant harm to the goosander population, the Hay-a-Park SSSI or GCN in the local area. I therefore find no conflict with Policy ED2 of the Harrogate Core Strategy which aims to safeguard the District's natural environment or with Section 11 of the Framework which seeks to minimise impacts and provide net gains in biodiversity.

Air Quality

45. The Knaresborough Bond End AQMA was declared in 2010 as a result of

exceedance of the UK's targeted annual mean nitrogen dioxide levels. The Council is considering the declaration of an additional AQMA at York Place. Local residents, Councillors and SERG have expressed concern that traffic generated from the appeal proposal would impact further on the air quality at these junctions.

46. The appellant has assessed the air quality impacts of the proposal during construction and when the development is occupied. During construction the potential for dust pollution has been identified and mitigation measures are proposed in terms of a dust management plan which can be secured through a condition should the appeal be allowed. I consider these measures to be necessary and appropriate.
47. In terms of air quality impacts once the development is occupied, the appellant has modelled the cumulative impact of committed developments in the area as well as the appeal scheme in 2018 and 2021. This concluded that the impact on Bond End would be slight adverse and on York Place negligible. Proposed improvements to Bond End junction and other measures including the reduction in emissions from the Council's fleet and improvements achieved through the Clean Bus Technology Fund Project were not considered in the modelling. The above assessment therefore forms a worst case scenario. Once implemented it is likely that these measures would further improve air quality.
48. Many local residents have commented that the Bond End AQMA which has been in place for nearly 8 years has continually failed to meet the limit value of nitrogen dioxide and data shows no improvement. They are of the view that the mitigation measures in the Council's Action Plan are not effective and further built development will make this situation worse. It is not for me as part of this appeal to comment on the failure of this document.
49. The Council's Environmental Health team have raised no objection to the proposal subject to mitigation measures for dust and a financial contribution to carryout measures to improve air quality as detailed in the Council's Action Plan.
50. Based on the appellant's technical evidence together with the proposed mitigation measures, I consider that the proposed development would not result in unacceptable impacts on air quality at the Bond End AQMA or the proposed York Place AQMA. The proposal complies with paragraph 124 of the Framework which seeks to ensure that planning decisions in AQMA's are consistent with the local air quality action plan.

Other matters

51. Many local residents have expressed concern with regard to surface water flooding. I note from the appellant's evidence that infiltration drainage is not suitable on this site due to the presence of clay and that it is proposed to install an underground attenuation tank in the open space area. The tank would discharge into the surface water sewer on Hazelheads Lane at a discharge rate prescribed by Yorkshire Water, no greater than the existing greenfield run off rate. I am satisfied that these measures would prevent surface water flooding. The proposal would therefore comply with paragraph 103 of the Framework which seeks to ensure flood risk is not increased elsewhere.

Planning Balance

52. The Framework confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The appeal site lies outside the settlement of Knaresborough in open countryside. The appeal proposal is therefore contrary to Policies SG1 (Housing Distribution) and SG2 (Hierarchy and Limits) of the adopted Core Strategy. However the Council recognises that these policies are based on a housing need of 390 dwellings per annum, rather than the 557 dwellings per annum in line with the evidence in the Council's SHMA. The Council accepts that in order to deliver this housing requirement, greenfield sites outside the existing development limits will be required. Accordingly Policies SG1 and SG2 are out of date.
53. The parties are in agreement that the Council cannot demonstrate a 5 year supply of deliverable housing land, though the position is only marginally below at 4.95 years. Therefore in line with paragraph 49 of the Framework relevant policies for the supply of housing should not be considered up to date.
54. In relation to CS Policy C1, I have agreed with the appellant that this policy does not provide guidance on market housing mix. Effectively therefore the development plan is silent on this matter. The Council clearly takes a different view and under cross examination conceded that this policy can be considered to be relevant to the supply of housing. This is because housing mix can impact on the density of development, the number of dwellings constructed and therefore the supply. In that case, bearing in mind the five year housing land position, this policy is out of date. In any event, where the development plan is absent, silent or relevant policies are out of date, paragraph 14 of the Framework advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
55. As stated in the Framework there are three dimensions to sustainable development: social, economic and environmental. These roles should not be undertaken in isolation because they are mutually dependent.
56. In terms of the social role, the development would provide 78 new homes. Having regard to the under delivery of housing in the Borough since 2008/09¹⁰, the development would help boost the supply and I attribute significant weight to this benefit. The scheme would also provide 31 affordable homes. The Council's 2016 Annual Monitoring Report indicates a shortfall in the provision of affordable housing in the Borough each monitoring year since 2008/2009. I consider that the schemes contribution to this provision also attracts significant weight.
57. I accept that the appeal proposal would not provide the market housing mix that the Council seeks, closely aligned to the recommendations of the SHMA. However as has been agreed by the parties it is not intended that the SHMA should be used in a development management context, and having regard to the untested nature of its recommendations, I have attached limited weight to this document. Nevertheless it clearly remains a material consideration.

¹⁰ Table 3 page 27 Mr Eaglands Proof

58. Looking at the overall mix proposed, over 60% of the dwellings would be 3 bed or less. These are the type of properties that the SHMA suggests are in the greatest need in the Borough. Whilst there would be a high number of 4/5 bed market dwellings on the site, it has been established that there is a continuing need for larger family homes in the area particularly in the short term. Bearing in mind my conclusion that currently there is no development plan policy providing guidance on market housing mix, I consider that the development would provide an appropriate mix of dwellings which would contribute to local need and meet the demand from incomers to the area. This weighs in favour of the scheme and contributes positively to the social dimension of sustainable development.
59. With regard to the economic role, future residents would make use of local shops and facilities and the construction of the dwellings would create employment and demand for materials from local suppliers. The development would also generate New Homes Bonus and increased Council Tax revenue. This would provide economic benefits. As an alternative scheme on the site with a different mix of dwellings would equally provide these positive impacts, I attach moderate weight to this matter.
60. Turning to environmental aspects, the development would provide public open space within the site. However as this would not be required if the development did not proceed, I consider this to form a neutral factor in the planning balance.
61. In relation to the other main issues raised by the development, namely the impact on the local highway network, the accessibility of the site to local services and facilities, ecology and air quality, I have found that the development would be acceptable with appropriate mitigation measures and conditions in place. These matters weigh neither for nor against the proposal and therefore are neutral in terms of my overall consideration.
62. In conclusion I have identified no adverse impacts that would significantly or demonstrably outweigh the benefits I have identified when considered against the policies in the Framework taken as a whole. The proposal therefore forms sustainable development. Although policies SG1 and SG2 of the Core Strategy are out of date, the proposal would nevertheless conflict with the development plan as a whole. However I consider that the material considerations in this case which weigh in favour of the scheme, including the provisions of the Framework and paragraph 14 in particular, warrant a decision other than in accordance with the development plan. Therefore the appeal should succeed.

Planning Obligation

63. The appellant has submitted a planning obligation dated 23 March 2017 under Section 106 of the Town and Country Planning Act 1990. The obligation is intended to provide for a number of matters. Firstly it makes provision for a financial contribution to enhance and improve educational facilities at Meadowside Community Primary School. This contribution complies with Core Strategy Policy C1 and the Council's Developer Contributions to Education Facilities document 2016. It addresses the impact of increased population and the need for additional primary school places as a result of the development.
64. The planning obligation also makes provision for contributions towards public open space and ecological mitigation measures. These are necessary to offset

any adverse impacts on the nearby Hay-a-Park SSSI and to comply with Policies C1 and EQ2 of the Core Strategy and Saved Policy HD20 of the Harrogate Local Plan. A further contribution is required by the obligation for off-site public open space in order to maintain and enhance certain sites in the local area. This complies with the Council's Supplementary Planning Document 'Provision for Open Space in Connection With New Housing Development'.

65. The obligation also provides for a contribution to air quality management. As discussed earlier in this decision, this is required to implement measures contained within the Bond End AQMA Action Plan and complies with CS Policy C1. In addition the obligation provides for 40% of the total number of dwellings to form affordable homes in compliance with saved Local Plan Policy H5. I am satisfied that there is a clear basis for this requirement.
66. In relation to highway matters the obligation provides for a travel plan monitoring fee. I consider this to be necessary in order to promote sustainable travel means in line with CS Policies TRA1, EQ2 and C1. A highway contribution is also required to secure improvements to the Bond End junction. This is necessary to reduce traffic congestion and improve the flow of traffic through this junction. This complies with Core Strategy Policies TRA3 and C1.
67. In respect of the above obligations I am advised by the Council that they have collected no more than 5 contributions in respect of each of the above matters and therefore the pooling restrictions of Regulations 123 of the CIL Regulations are not breached. I am also satisfied that the obligations are necessary to make the development acceptable in planning terms, that they are directly related to and are fairly and reasonably related in scale and kind to the development. I therefore consider that the submitted obligation meets the tests set out in paragraph 201 of the Framework and the CIL Regulations 2010 and should be given significant weight.

Conditions

68. The Council has suggested a number of conditions that it considers would be appropriate should I be minded to allow the appeal. These were discussed at the inquiry and revisions made. I have considered the conditions in light of the Framework and Planning Practice Guidance. For ease of reference I refer to the numbers in the attached schedule.
69. In respect of Condition 1, which limits the lifetime of the permission, there is dispute between the parties. The Council has suggested the standard 3 year timeframe however the appellant has suggested a period of one year. This is in order to show commitment to starting on site as soon as possible. I consider it is not necessary to shorten the lifetime of the permission from the usual 3 year period. The appellant can start on site at any time within the 3 years so that the development can contribute to housing supply without delay.
70. Condition 2 requires the development to be carried out in accordance with the approved plans and is necessary in the interests of clarity.
71. In order to protect the character and appearance of the area, conditions regarding the materials to be used in the construction of the dwellings (3), hard and soft landscaping (4) and landscape maintenance (5) are required. In addition in the interests of ecology and sustainability, I consider that conditions protecting existing trees (6), ecological mitigation and enhancement (19), the

- management and maintenance of mitigation measures (20), the protection of birds during the nesting season (21), a travel plan (18), and electric vehicle charging points (26) are necessary.
72. A condition regarding a construction management plan is required to protect the living conditions of nearby residents. I also consider that in view of the need to control surface water run-off and to prevent flooding and preserve water quality in nearby watercourses, conditions regarding the provision of separate foul and surface water drainage (22), the submission of the details of foul and surface water drainage systems (23) and no piped discharge of surface water before the completion of the approved surface water drainage works (24) are required.
73. The Council has suggested a number of conditions with regard to highway matters in order to provide a safe and suitable access to the site for all vehicles pedestrians and cyclists. I consider that conditions 7, 8, 9,10,11,12 and 13 are necessary to achieve this. In order to ensure that parking facilities are provided for each dwelling before occupation Condition 14 is required. Condition 15 requires garages to be retained for the housing of a motor vehicle. This is necessary in order to ensure that garages are not converted to domestic accommodation resulting in a shortfall of off road car parking to serve a dwelling. Furthermore a survey of the existing highway at the junction of Bar Lane and Boroughbridge Road is necessary in order to ensure that any damage to the highway caused by construction vehicles is remediated (16).
74. A condition (25) regarding the on-site investigation of contamination is necessary in light of the recommendations of the submitted Geotechnical and Geo-Environmental Site Investigation Reports. In order to record any archaeological finds on the site condition 27 is required. Finally in the interest of minimising the opportunities for crime in line with Core Strategy Policy C1, I consider that condition 28 is necessary to be imposed.
75. The Council suggested a condition regarding the opening of doors and windows over the public highway. However no plots within the submitted scheme have been designed in this way. I therefore do not consider that such a condition is necessary.
76. At the inquiry a representative of the promoter of the Manse Farm development argued that it was necessary to impose a condition requiring improvements to be undertaken at the Bond End junction before the first occupation of the appeal development. In light of the technical evidence before me and the requirement of the Highway Authority for a financial contribution towards an improvement scheme at Bond End, I do not consider this to be necessary.
77. I have made minor amendments to the wording of conditions suggested by the Council in the interest of clarity and precision.

Conclusion

For the reasons given above and having regard to all other matters raised, the appeal is allowed.

Helen Hockenfull

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

John Hunter
(of Counsel)

Instructed by:
Jennifer Norton
Head of Legal and Governance for the
District Council

He called

Paul McColgan

G L Hearn

Richard Wood
BA (Hons) B.PI MRTPI

Richard Wood Associates

Andrew Siddall¹¹

Principal Planning Officer

Steve Pilling ¹²

Legal Officer

FOR THE APPELLANT:

David Manley QC

Instructed by:
Mark Eagland of Peacock and Smith

He called

Philip Roebuck
FRICS

Cushman and Wakefield

Mark Eagland
BA (Hons) MTP, MRTPI

Peacock and Smith

Oliver Moore
BSc Hons GCIEEM

Smeeden Foreman

Dr Bethan Tuckett- Jones
PhD, CEnv, MIAQM

WSP/Parsons Brinckerhoff

David Roberts¹³
I.Eng, FCIHT, FIHT

SCP Transport

INTERESTED PERSONS:

Ivor Fox

District Councillor

Ann Jones

District and County Councillor

¹¹ Took part in round table discussion regarding planning obligation and conditions

¹² Presented Council's Closing Submission

¹³ No oral evidence given

Dr Lorraine Ferris	Scriven East Residents Group (SERG)
Laura McGrogan	Scriven East Residents Group (SERG)
Malcolm Woodward	Local Resident
Shan Oaks	Green Party
John Barker	Harrogate Trust for Wildlife Protection
Kate McGill	Lichfield's on behalf of Commercial Estates Group (CEG)
Mr A. Clark	Local Resident

Documents submitted at the Inquiry

1. Planning Obligation under Section 106 of the Town Country Planning Act 1990 dated 23 March 2017.
2. Appeal Decision Ref APP/J1860/W/3159764 Land between Church Lane and Broadwas Primary School, Broadwas, Worcestershire WR6 5NE.
3. Appellant's Opening Statement.
4. Council's Opening Statement.
5. Statement from Cllr Ivor Fox.
6. Statement from Cllr Ann Jones.
7. Statement from Shan Oakes.
8. Appeal Decision APP/R3650/W/15/3070006 Montana, Churt Road, Hindhead, Surrey GU26 6PR.
9. South Worcestershire Development Plan 2016, copy of Policy SWDP 14 Market Housing Mix.
10. CIL Compliance Statement.
11. Suffolk Coastal District Council v Hopkins Homes Limited v Secretary of State for Communities and Local Government 17 March 2016.
12. Stringer v Minister for Housing and Local Government and Another 3 July 1970.
13. Gransden & Co Ltd and Another v Secretary of State for the Environment and Another 16 July 1985.
14. Letter dated 29 March 2017 from Lichfields on behalf of Commercial Estates Group (CEG).
15. Statement from Michael Woodward.
16. Plans of 7 options for highway improvements at Bond End Junction, Knaresborough.
17. Letter from Malcolm Woodward dated 29 March 2017.
18. Statement from Laura McGrogan SERG.
19. Statement from Dr Lorraine Ferris SERG.
20. Statement from Mr Barker Harrogate Trust for Wildlife Protection.
21. Appellant's Closing Submissions.
22. Council's Closing Submissions.
23. Further Response of the Council to the appellant's application for costs.
24. Revised schedule of planning conditions agreed between the parties.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless modified by other conditions of this consent, development shall be carried out in accordance with the following approved plans:
 - BB.214514.101 Revision F Planning Layout
 - BB.214514.102 Revision C Elevation Styles
 - BB.214514.103 Revision B Landscaping Masterplan
 - BB.214514.110 Revision B Fenwick+ Semi Planning Elevations
 - BB.214514.111 Revision A Fenwick+ Semi Planning Plans
 - BB.214514.112 Revision B Fenwick+ 3 Block Planning Elevations
 - BB.214514.113 Revision A Fenwick+ 3Block Planning Plans
 - BB.214514.114 Revision B Cranford++ Semi Planning Elevations
 - BB.214514.115 Revision B Cranford++ Semi Planning Elevations
 - BB.214514.116 Revision A Cranford++ Semi Planning Plans
 - BB.214514.117 Revision B Cranford++ 3 Block Planning Elevations
 - BB.214514.118 Revision B Cranford++ 3 Block Planning Elevations
 - BB.214514.119 Revision A Cranford ++ 3 Block Planning Plans
 - BB.214514.120 Revision B Kempton Planning Elevations
 - BB.214514.122 Revision A Kempton Planning Plans
 - BB.214514.124 Revision C Coleford Planning Elevations
 - BB.214514.125 Revision B Coleford Planning Plans
 - BB.214514.126 Revision B Kilmington Semi Planning Elevations
 - BB.214514.128 Revision B Kilmington Semi Planning Elevations
 - BB.214514.129 Revision A Kilmington Semi Planning Plans
 - BB.214514.130 Revision A Glastonbury Planning Elevations
 - BB.214514.131 Revision A Glastonbury Planning Plans
 - BB.214514.137 Revision B Ashbury Planning Elevations
 - BB.214514.138 Revision A Ashbury Planning Elevations
 - BB.214514.139 Revision A Ashbury Planning Plans
 - BB.214514.140 Revision B Rosebury Planning Elevations
 - BB.214514.141 Revision B Rosebury Planning Elevations
 - BB.214514.142 Revision A Rosebury Planning Plans
 - BB.214514.143 Revision B Kirkham Planning Elevations
 - BB.214514.144 Revision B Kirkham Planning Elevations
 - BB.214514.145 Revision A Kirkham Planning Plans
 - BB.214514.146 Garage – Planning Plans and Elevations
- 3) No development above ground floor slab level shall take place until sample panels of all external walling materials and samples of all external roof coverings have been made available on site for the approval in writing of the local planning authority. The sample panels shall measure no less than 1 square metre in area and demonstrate the type, size, colour, pointing, dressing and coursing of the material to be used. Thereafter development shall be carried out as approved.
- 4) No development above ground floor slab level shall take place until the local planning authority has approved in writing a detailed scheme for landscaping. The scheme shall demonstrate the following:
 - i) Proposed hard and soft surfacing materials;
 - ii) Species, tree and plant sizes, numbers and planting densities;
 - iii) Sustainable tree planting measures incorporating underground systems (Rootcell, Stratacell, Silva Cell or similar products) and a sufficient area of growth medium for long term tree growth;

- iv) Any required earthworks; and
- v) The timing of implementation of the landscaping scheme.

Thereafter development shall be carried out as approved.

- 5) If within a period of five years from the date of the planting, any specimen approved as part of a landscaping scheme approved under condition 4, or any specimen planted in replacement, is removed, uprooted, destroyed or dies or becomes in the opinion of the local planning authority seriously damaged or defective, another specimen of the same species and size as that originally planted shall be planted at the same place unless the local planning authority gives its written consent to any variation.
- 6) No plant or materials shall be brought onto site until:
 - i) A tree protection plan and specification has been submitted to and approved in writing by the local planning authority demonstrating the provision of root protection fencing in line with the requirements of British Standard 5837:2012 'Trees in Relation to Construction - Recommendations' or any subsequent amendment to that document around all trees, hedges, shrubs or other planting to be retained.
 - ii) The root protection area fencing has been installed in accordance with the approved plan and specification.

Thereafter the fencing shall be retained until development subject to this consent is complete and there shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposition of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification.

- 7) There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the local planning authority in consultation with the highway authority:
 - i) 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 and access to the site from the existing public highway
 - 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
 - ii) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:15 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.
- iii) 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
 - e) details of the method and means of surface water disposal
 - f) details of all proposed street lighting
 - g) drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions of existing features
 - h) full working drawings for any structures which affect or form part of the highway network
 - i) a programme for completing the works

The development shall be carried out in full compliance with the approved drawings, details and programme before the first dwelling of the development is occupied.

- 8) No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.
- 9) No dwelling subject to this permission shall be occupied until the details of a cycleway and footpath link to the boundary of the land to the south subject to planning application 14/03849/OUTMAJ (or any subsequent application or permission), and a programme for completion of the proposed works has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. There shall be no requirement to construct the cycleway and footpath link if, at the time agreed in the programme for commencement of construction of the cycleway and footpath link, the local planning authority confirms in writing that no development of the land subject to planning application 14/03849/OUTMAJ (or any subsequent application or permission) is expected to take place.
- 10) There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the details of the construction access extending at least 20 metres into the site have been approved in writing by the local planning authority in consultation with the highway authority. Thereafter the access shall be constructed in accordance with the approved details, maintained in a safe manner (to include the repair of any damage to the existing adopted highway occurring during construction) and once created no construction vehicles shall access the site except via the approved construction access until the local planning authority agrees in writing to its closure.

- 11) No dwelling shall be occupied until the existing access on to Bar Lane shall be permanently closed and the highway restored in accordance with details that shall first have been approved in writing by the local planning authority in consultation with the highway authority.
- 12) 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 40 metres measured along both channel lines of the major road (Bar Lane) from a point measured 2.4 metres down the centre line of the access road. The eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 13) PART A
There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the details of the required highway improvement works listed below have been submitted to and approved in writing by the local planning authority in consultation with the highway authority; an independent stage 2 safety audit has been carried out in accordance with HD 19/03 – ‘Road Safety Audit’ or any superseding regulations; and a programme for completion of the proposed works has been submitted. The required highway improvements comprise:
- i) Provision of a roundabout at the junction of Bar Lane/Boroughbridge Road (as permission 13/02074/OUTMAJ)
 - ii) Widening of Bar Lane to 5.5 metres and provision of a 2 metre wide footway along its southern side including where appropriate, kerbing, drainage, lighting and reconstruction.
- PART B
There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following highway works have been constructed in accordance with the details approved by the local planning authority under part A:
- i) Widening of Bar Lane to 5.5 metres and provision of a 2 metre wide footway along its southern side including where appropriate, kerbing, drainage, lighting and reconstruction.
- PART C
No dwelling shall be occupied until the following highway works have been constructed in accordance with the details approved by the local planning authority under part A:
- i) Provision of a roundabout at the junction of Bar Lane/Boroughbridge Road.
- 14) No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawings. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 15) The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

- 16) There shall be no construction vehicles brought onto the site until a survey recording the condition of the existing highway at the junction of Bar Lane and Boroughbridge Road has been carried out in accordance with a scheme and methodology that has first been approved in writing by the local planning authority in consultation with the highway authority. The scheme shall include , but be not limited to
- i) A methodology for determining damage to the public highway attributable to construction traffic
 - ii) A mechanism for determining responsibility for remedial works to the public highway
 - iii) An agreed timescale for review of the highway condition and implementation of remedial works.
- 17) Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. The Plan shall make provision for the following matters:
- i) details of the routes to be used by construction traffic to avoid the Bond End Air Quality Management Area
 - ii) traffic Management Plan
 - iii) on site contractor parking and material storage areas
 - iv) dust mitigation measures
 - v) no preparatory or construction activity shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and no activity shall take place at all on Sundays and statutory holidays.
- Thereafter development shall be carried out in accordance with the approved plan.
- 18) Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the local planning authority in consultation with the highway authority. The Travel Plan shall be implemented in accordance with an agreed programme and the development shall thereafter be carried out and operated in accordance with the Travel Plan.
- 19) No dwelling shall be occupied until an ecological mitigation and enhancement scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall make provision for great crested newts (to include provision of a breeding pond along with terrestrial habitat and wildlife kerbs), bats, breeding birds, badgers (unless, following additional surveying the local planning authority agrees that mitigation is not necessary) and any other species as directed by the local planning authority/Natural England. The scheme shall also make provision for the on-going management and maintenance of the mitigation and enhancement measures. Thereafter development shall be carried out and operated in accordance with the approved scheme.
- 20) No dwelling shall be occupied until a scheme for the provision, implementation and on-going management and maintenance of the on-site Hay-a-Park SSSI mitigation measures has been submitted to and approved in writing by the local planning authority. These measures shall include, but not necessarily be limited to, a dedicated dog exercise area,

prevention of pedestrian access to Hazelheads Lane and provision of on-site information boards. Thereafter development shall be carried out and operated in accordance with the approved scheme. There shall be no prevention of pedestrian access to Hazelheads Lane if, at the agreed time for implementation of the scheme, the local planning authority confirms in writing that no development of the land subject to planning application 14/03849/OUTMAJ (or any subsequent application or permission) is expected to take place.

- 21) No vegetation removal shall take place within the main bird nesting season (March to September inclusive) unless a pre-commencement check carried out by a qualified ecologist no earlier than 48 hours before works take place and the qualified ecologist confirms in writing to the local planning authority prior to the removal of any vegetation that no actively nesting birds will be affected by the works.
- 22) The site shall be developed with separate systems of foul and surface water drainage.
- 23) No development shall take place until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The details shall include:
 - i) on site storage and long term storage
 - ii) an interceptor to filter pollutants from the surface water drainage system prior to discharge into the off-site network
 - iii) rates of discharge
 - iv) outfall location
 - v) the requirement for any balancing and/or off-site works
 - vi) measures for the subsequent management and maintenance of on-site drainage assets if not to be adopted by the statutory undertaker
 - vii) measures to prevent surface water from non-highway areas discharging onto the existing or proposed public highway
 - viii) measures to manage surface water runoff during the construction phase.Thereafter development shall be carried out as approved.
- 24) Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no dwellings shall be occupied prior to completion of the approved foul drainage works.
- 25) Development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until sections A and B of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until section C has been complied with.

A. 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, which 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 Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

B. 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, 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, which is subject to the approval in writing of the local planning authority.

C. 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, 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.

- 26) Prior to commencement of development an electric vehicle infrastructure strategy and implementation plan, to include details of the number, location and maintenance of electric vehicle charging points shall be submitted for the written approval of the local planning authority. Thereafter the development shall be carried out as approved with charging points associated with dwellings installed prior to occupation of that dwelling.
- 27) No demolition /development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - i) the programme and methodology of site investigation and recording

- ii) community involvement and/or outreach proposals
- iii) the programme for post investigation assessment
- iv) provision to be made for analysis of the site investigation and recording
- v) provision to be made for publication and dissemination of the analysis and records of the site investigation
- vi) provision to be made for archive deposition of the analysis and records of the site investigation
- vii) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Thereafter no demolition/development shall take place other than in accordance with the approved Archaeological Written Scheme of Investigation.

No dwelling to which this permission relates shall be occupied until site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Archaeological Written Scheme of Investigation and provision has been made for the analysis, publication and dissemination of results and archive deposition has been secured with a timescale for completion.

- 28) Prior to commencement of development, details of how Secured by Design principles have been incorporated into the development hereby approved shall be submitted for the written approval of the local planning authority. Thereafter development shall be carried out as approved.

Richborough Estates