



Appeal Decision

Site visit made on 23 July 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/C2708/W/19/3226614

Aldersley Avenue, Skipton BD23 2LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Persimmon Homes West Yorkshire against the decision of Craven District Council.
 - The application Ref 2018/19146/FUL, dated 29 March 2018, was refused by notice dated 23 October 2018.
 - The development proposed is erection of 98 No. dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 98 No. dwellings at Aldersley Avenue, Skipton BD23 2LH, in accordance with application Ref. 2018/19146/FUL, dated 29 March 2018, subject to the 23 conditions set out in the attached schedule.

Procedural Matter

2. The appeal site is situated outside the defined development limits within the Craven District (Outside the Yorkshire Dales National Park) Local Plan (1999) (CDLP) but is allocated as a housing site in the Publication Draft Craven Local Plan (19 December 2017) (the emerging Local Plan). The examination hearings for the emerging Local Plan have taken place and main modifications have undergone public consultation. I am unaware of any outstanding objections or requirement for further modifications. However, given the relatively advanced stage in the process I am able to attach moderate weight to the policies of the emerging Local Plan including the Council's intention to adopt the appeal site as a residential allocation.
3. The appellant has submitted a draft Statement of Common Ground. Whilst this has not been signed by the parties the Council has confirmed that the single matter of dispute between the parties is the Council's reason for refusal. The Council did not clearly identify the specific living conditions that they considered would be impacted upon in their reason for refusal. However, the Council's appeal statement identifies the issue as being whether or not the appeal proposal overcomes the reason for refusal given on a previous planning application on the site (Ref 63/2016/17313). The previously refused application, which the application subject to this appeal sought to address, was refused on matters relating to outlook, light and privacy. I have therefore considered these matters under the first main issue. I have also had regard to the Council's original Report to Planning Committee in my overall assessment.

4. A draft s106 Agreement also formed part of the appeal submission but was not signed, dated or witnessed by the parties. In the absence of the Council's signed agreement to the s106, the appellant has subsequently provided a Unilateral Undertaking (UU) dated 20 August 2019. In the circumstances I have elevated any requirements for developer contributions arising from the development to a main issue.

Main Issues

5. The main issues are:

- the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings including those at Nos 284, 288, 294 and 296 Moorview Way with particular regard to outlook, privacy and light; and
- whether the proposal makes adequate provision for any additional affordable housing, public open space and education requirements arising from the development.

Reasons

Living conditions

6. The site currently comprises of agricultural fields with levels falling steeply across the site to the boundary with existing properties on Moorview Way. The bungalows at Nos 284, 288, 294 Moorview Way are orientated with their main garden areas of varying depths sitting between, and habitable rear windows facing towards, the boundary with the appeal site. 296 Moorview Way is orientated so that its side elevation faces the appeal site.
7. The proposed housetype on each of plots 27, 28, 33 and 34 is a semi-detached dormer bungalow, orientated with its side elevation facing towards the boundary with the specified dwellings on Moorview Way. There would be no side windows to the proposed dwellings facing towards the boundary with the specified properties on Moorview Way. The new dwellings would also have boundary treatments including 1.8m high boundary fences to rear gardens and an intervening soft landscaped buffer is proposed between the curtilages of the proposed dwellings and the boundaries of the existing properties. Ground levels adjacent to the boundary with the existing properties would be graded to a maximum 1 in 3 and cross sections have been provided indicating the relative levels of the proposed and existing dwellings.
8. Even accounting for the higher ground level of the proposed dwellings, the design and layout of the proposed dwellings, the landscaping features that would be in place and the interface distances provided would ensure that there would be no material harm to living conditions for the occupants of these neighbouring properties having regards to levels of outlook, privacy and light.
9. I note concerns raised by third parties including from the occupiers of dwellings not listed under the main issue in respect of the proposed ground levels, the accuracy of the submitted drawings and the potential impact on neighbouring living conditions. However, from what I saw on site and from the details on the plans before me, the design of the proposals, the distances that would be retained and the grading of land that would be incorporated would ensure that

there would be no material harm to the living conditions of occupants of any other dwellings not listed under the first main issue.

10. To conclude, and for the reasons given, the development would comply with Paragraph 127 of the National Planning Policy Framework (the Framework) which requires that development provides a high standard of amenity for existing and future users.
11. In reaching this conclusion, I have also given regard to Policy ENV3 (Good Design) of the emerging Local Plan which amongst other things requires that proposals protect the amenity of existing residents and create acceptable amenity conditions for future occupiers.
12. The appellant has drawn my attention to the South Yorkshire Residential Design Guide (SYRDG) (2011). Given this is not a document adopted by the Council, I have not assessed the proposal against this document and it does not therefore alter my conclusion.

Whether the proposal makes adequate provision for any additional affordable housing, public open space and education requirements arising from the development.

13. Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Regulations 2010 (CIL Regulations) set out that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, are directly related to the development; and fairly and reasonably related in scale and kind to the development.
14. Consultation responses received during the application process included several requests for development contributions should planning permission be granted to ensure there would be suitable infrastructure to support the level of development proposed. I also note the third-party representations including those of Skipton Town Council which raise concerns about the strain the development would put on community facilities, the lack of availability of healthcare and school places, a need for more public open space on the development and that there is inadequate public transport provision. Furthermore, concerns have been raised about responsibilities for the maintenance of the proposed soft landscaped buffer.
15. The UU provided includes provision of 20 units of affordable housing. This is in line with the Council's Planning Committee report on the initial planning application for the development which assessed viability and took on board the District Valuation Office (DVO) advice that the development would be capable of delivering affordable housing at a rate of 18.56% (equating to 18 units) but that this would be rounded up to 20% / 20 units to offset the omission of an education contribution. The Council has requested the UU is amended to require 10% of all homes on site to be provided as shared ownership. The appellant has confirmed that they have no issue with amending the tenure of the affordable dwellings in the UU accordingly. However, the plot numbers referred to by the Council in their request do not correspond with the affordable plots indicated in the planning application and repeated in the UU. The appellant has suggested a condition be attached should planning permission be granted requiring a Deed of Variation to the UU to allow for

parties to clarify and agree the affordable housing plot numbers. In the circumstances, I consider such an approach would be reasonable.

16. Public open space contributions are also included in the UU both in terms of on-site provision and off-site provision to the sum of £140,000.00 towards the provision of, improvements to and / or future maintenance of off-site open space at the recreation ground at Shortbank Road and / or Lytham Close. The off-site contribution figure is in line with that agreed with the Council's Sports Development Officer. The UU also includes an appropriate requirement for a Public Open Space Management and Maintenance Plan and that on completion of the Public Open Space to the Council's satisfaction that a Management Company would be appointed.
17. The Local Education Authority (LEA) has requested a financial contribution towards primary education facilities (£333,102.00) based on the anticipated need for new school places from the proposed number of properties. The LEA suggests there is already a deficit of 4 places in terms of the net capacity of the local primary school and current pupil numbers at Greatwood Community Primary School. This deficit is forecast to increase to a deficit of 66 places by 2022/2023 when requirements for school places from the proposed development are included. The estimate is based on the number of pupils that the development could be expected to generate (24.50) multiplied by a cost of £13,596.00 per primary school place.
18. I agree with the appellant's contention that the LEA's request for an education contribution needs policy justification. The weight to be applied to the policies of the emerging Local Plan is dealt with under the procedural matters above. I have been provided with extracts of Policies INF1 (Planning Obligations) and INF6 (Education Provision) of the emerging Local Plan which together advocate general principles regarding developer contributions including educational contributions and that developments of 25 dwellings or more in Skipton require developer contributions on residential development that would result in a deficit of primary school places in the area.
19. However, from the evidence before me, the policies referred to do not set out how such a contribution should be calculated. Whilst I note the LEA has carried out its own calculation, I have not been provided with any detailed evidence base in terms of where the cost formula derives to justify the calculated costs. Therefore, even acknowledging the advanced stage of the emerging Local Plan and attaching moderate weight to Policies INF1 and INF6, the figure requested has not been robustly evidenced. I also note the absence of an education contribution did not form part of the Council's reason for refusal. Based on the evidence before me, it would not be reasonable to insist on inclusion of the LEA's requested figure within the UU. For the same reasons, the Council's suggestion to include a condition covering the matter would not provide sufficient certainty for either party that an agreement could be reached.
20. The Council has been provided with an opportunity to comment on the UU and has not raised any other areas of disagreement between the parties in respect of its content.
21. To conclude, I am satisfied that the legal Obligation is necessary and provides the necessary assurances to the parties that the previously agreed and justified developer contributions will be secured and that it meets the relevant tests at Paragraph 56 of the Framework and Regulation 122 of the CIL Regulations.

Other Matters

22. I note Skipton Town Council's concerns questioning the need for a development of the number of houses proposed. However, as noted in my procedural note, the emerging plan is at an advanced stage and the Council intends to adopt the site as part of its strategy to deliver its housing requirements.
23. The Council has confirmed that it raises no objections to the proposed development in terms of matters relating to highways/transportation, ecology, landscaping, soil contamination, flood risk and drainage, air quality, noise or heritage/archaeology and I note the planning application was not refused on such grounds.
24. Notwithstanding the above, in addition to the potential impact of the proposal on living conditions which is addressed under the main issue, I note the third party representations raise concerns in relation to land stability, height, maintenance and impact of the landscaped buffer, hours of construction, the adequacy of road infrastructure to accommodate additional traffic, parking and access requirements without detriment to highway safety, that pedestrian, vehicular and cycle access routes are unsuitable, surface water drainage and flood risk, the impact on ecology, pollution including contamination and noise, security risk for existing occupiers on Moorview Way including by virtue of recreational use of the proposed landscaped buffer and that the proposal would be overdevelopment and would have a detrimental impact on the character of the area.
25. With regards to matters of highway safety, and access routes, the Highway Authority has accepted the principle of the Transport Assessment submitted with the proposal and has not raised objections to the proposal subject to conditions relating to matters including road specifications, visibility splays and off-site highway works. From the evidence before me and what I saw during my site visit, I find no reason to question the conclusions of the Highway Authority.
26. The proposal has been accompanied by supporting evidence including a Flood Risk Assessment and Ecological Survey. I note that no objections were raised in respect of drainage or ecology matters from statutory consultees and I am satisfied any permission could be appropriately conditioned to ensure drainage and ecology matters could be effectively managed.
27. In terms of the potential for pollution, I have no substantive evidence before me to suggest the development would result in any specific detrimental environmental effects. The Council has suggested an appropriate condition to ensure any contamination is appropriately dealt with and any pollution related to the construction phase could be managed through a Construction Method Statement secured by condition.
28. Noting the security concerns raised, I consider it unlikely that the provision of the landscaped buffer would encourage recreational use to a level likely to cause any nuisance by way of noise and disturbance to neighbouring residents particularly if more substantial boundary treatments were erected to serve existing dwellings on Moorview Way. The plans before me indicate that the land could be suitably graded and land stability is therefore unlikely to be an issue. The Council undertook a detailed analysis of the likely effect on the character of the area, taking into account the appellant's Landscape and Visual Impact

Assessment (LVIA) and I consider the conclusions reached are reasonable based on the information before me and what I saw on site.

Conditions

29. The Council has suggested a list of conditions. In addition to the standard time limit for implementation, the suggested approved drawings condition is necessary in the interests of clarity. I note the appellant has identified that some of the drawings listed by the Council have been superseded and I have updated these where required. I also concur with the appellant that the suggested condition to secure an affordable housing scheme is not necessary given this is covered by the UU. However, as set out under the second main issue, I have included a condition requiring the appellant to submit a Deed of Variation to the Council to ensure that 10% of all homes on the site are provided as shared ownership in accordance with details to be agreed with the Council.
30. In terms of pre-commencement requirements, the Council has suggested conditions relating to an archaeological Written Scheme of Investigation, assessment of contamination, a scheme for the layout, design and construction of the site access at the crossroad junction with Aldersley Avenue/The Oval/Hillside Crescent, a scheme for off-site highway improvement works, a Construction Method Statement (CMS), a scheme for tree protection measures, a scheme for the disposal of foul and surface water from the site, a Landscape and Ecological Management Plan (LEMP) and a Construction Environment Management Plan (CEMP) setting out details of measures to protect watercourses within the site during construction. I consider the details required are reasonable and necessary to ensure the development appropriately addresses archaeological, highway safety, environmental protection, ecological and drainage matters in line with the advice of the relevant statutory consultees. The pre-commencement requirement is appropriate given addressing these matters post commencement could impact on the effectiveness of these conditions.
31. The conditions relating to no clearance of vegetation during the bird nesting season, details of materials, crime prevention measures, details relating to all roads and footways for the development, and provision of visibility splays between the existing and proposed highway are to be provided before any above ground works take place. Finished floor and ground levels are to be provided before development takes place on the respective plot. The details required by these conditions are necessary in order to protect habitats, to ensure the development incorporates the needed highway safety measures and to secure a high standard of design with regards to materials, security measures and appropriate finished levels. The Council's suggested timescales to address these conditions are also reasonable.
32. The suggested condition relating to submission of a Travel Plan requires compliance with the principles of the Travel Plan by 'Optima' dated 25th August 2016 (report reference 14096) which is contained within the UU. I consider such a condition is required to ensure the Council is provided with the specific details referenced within the condition to assist with monitoring successful implementation of the Travel Plan.
33. With regards to the suggested condition to prevent additional windows being inserted on north facing elevations on specified plots, the plot numbers

suggested related to an earlier version on the proposed planning layout. I consider it reasonable to attach such a condition to further protect the living conditions of neighbouring occupants but I have updated the plan reference and specified plots.

34. The Council's suggested conditions also require a scheme for the provision and future maintenance of the areas of Public Open Space. However, this is already required within the UU and I have not therefore included a separate condition.

Planning Balance and Conclusion

35. There is a dispute between the parties with regard to whether the Council has sufficient housing supply land (HLS). The Council has referred to the Craven Local Plan Housing Trajectory 2012 -2032 (October 2018 update) which suggests there is in excess of 5 years housing land supply in the principal town of Skipton, as defined in the emerging Local Plan. This post dates the appeal decision at Land east of Raines Road, Ref APP/C2708/W/18/3194464 referred to by the appellant. I have nothing before me to lead me to a different conclusion to the latest position set out by the Council. As such the provisions of Paragraph 11 of the Framework are not engaged.
36. Nevertheless, even acknowledging that the overall housing land supply position will not be ratified until the adoption of the emerging Local Plan, the emerging document identifies the site as being suitable for residential development and is sustainably located with good access to the facilities and services that Skipton has to offer. The proposal would provide a significant boost to the Council's housing requirements and would generate a substantial economic benefit through the development of the site and through the expenditure of future occupants in the local area. Additionally, there would be ecological benefits through additional planting including provision of a native woodland buffer. The parties have agreed suitable developer contributions towards affordable housing and public open space.
37. The proposal would not make a contribution towards education infrastructure in the area. However, the level of contribution required has not been robustly evidenced by the Council. Even if the provisions under Paragraph 11 were engaged, this matter alone would not significantly and demonstrably outweigh the significant and substantial benefits of the proposal when assessed against the policies of the Framework as a whole.
38. For the above reasons the appeal is allowed.

M Russell

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings:
AAS-2015-001A - Scale 1:1250 location plan.

AAS-2015-002M - Proposed planning layout.
YOR.2422-009 G -Landscape Masterplan
AAS-2018-004C - Proposed street scenes 1 of 2
AAS-2015-004 A - Proposed street scenes 2 of 2
AAS-2015-003 E – Proposed site sections 1 of 3
AAS-2015-005 D - Proposed site sections 2 of 3
AAS-2015-006 – Proposed site sections 3 of 3
423-BOUN-01 - Boundary Treatments
AAS-AN-WD16 - The Alnwick.
AAS-BK-WD16 - Bickleigh.
AAS-BR-WD16 - The Brampton.
AAS-BU-WD01 - The Buckden
AAS-CD-WD10 - Chedworth.
AAS-CCA-WD16 - Clayton corner.
AAS-CR-WD16 - Craggside.
AAS-HB-WD16 - Hanbury.
AAS-HB (sp)- WD16- Hanbury split level
AAS-HT-WD16 - Hatfield.
AAS-RS-WD16 - Roseberry.
AAS-RS(sp)-WD16 - Roseberry split level.
AAS-RF-WD16 - Rufford.
AAS-RF(sp)-WD16 - Rufford split level.
AAS-SU-WD16 - Souter.
AAS-WS-WD16 - Winster.
AAS-WY-WD16 - Wycliff split level.
SGD-01 - Single/double garage.
SGD-02 - Single/double garage.

- 3) Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the local planning authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.
- 4) Notwithstanding any description of materials in the application, no above ground works shall take place until full details of all materials to be used on the external surfaces of the dwellings have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.
- 5) No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:
 - (i) A phased programme and methodology of site investigation and recording to include:
 - The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area through a targeted archaeological evaluation and area excavation.
 - An assessment of the impact of the proposed development on the archaeological significance of any remains.

(ii) A programme for post investigation assessment to include:

- Analysis of the site investigation records and finds.
- Production of a final report on the significance of the archaeological interest represented.

(iii) provision for publication and dissemination of the analysis and report on the site investigation.

(iv) provision for archive deposition of the report, finds and records of the site investigation.

(v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

6) Notwithstanding any details submitted with the application, no development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the local planning authority. The submitted report shall include:

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

(ii) an assessment of the potential risks to:

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

(iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the local planning authority before any of the dwellings hereby approved are first occupied.

7) No above ground works shall take place until details of all crime prevention measures to be incorporated into the development have been submitted to and approved in writing by the local planning authority. The crime prevention measures should set out how the comments made by North Yorkshire Police in their letter dated 21 September 2016 have been addressed and/or mitigated.

The development shall thereafter be carried out in full accordance with the duly approved details.

- 8) No above ground works shall take place until a scheme for the layout, design and construction of all roads and footways for the development has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:

(i) Detailed engineering drawings to a scale of not less than 1:250 based upon an accurate survey showing:

- the proposed highway layout, including the highway boundary;
- dimensions of any carriageway, cycleway, footway, and verges;
- visibility splays;
- the proposed buildings and site layout, including levels;
- accesses and driveways;
- drainage and sewerage system;
- lining and signing;
- traffic calming measures;
- 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 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level;
- the proposed road channel and centre line levels;
- full details of surface water drainage proposals.

(iii) Full highway construction details including:

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

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

(v) Details of all proposed street lighting.

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

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

(viii) A timetable for completion of the works detailed in a) to g).

All roads and footways shall be provided in full accordance with the duly approved scheme and the timetable contained therein, and shall be made available for use before any of the dwellings to be served by that road and/or footway are first occupied.

- 9) No development shall take place until a scheme for the layout, design and construction of the site access at the crossroad junction with Aldersley Avenue/The Oval/Hillside Crescent (the indicative layout of which is shown on drawing no. 14096/GA/01 forming Appendix D of the Transport Assessment) has been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing with the local planning authority, the scheme shall include provision for:

(i) Priority amendments to the crossroad junction and the provision of suitable visibility splays with eye and object heights of 1.05 metres.

(ii) The crossing of the highway verge and/or footway to be constructed in accordance with North Yorkshire County Council's Standard Detail E6 or another specification which has first been submitted to and approved in writing by the local planning authority.

(iii) The first 5 metres of the access road extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 12 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.

(iv) The prevention of surface water from the site discharging onto the existing or proposed highway.

(v) Tactile paving in accordance with current Government guidance.

The site access shall be constructed in accordance with the duly approved scheme before any of the dwellings are first occupied, and the visibility splays shall be maintained clear of any obstructions above the relevant heights referred to in (i) thereafter.

- 10) Except for the purposes of constructing the site access, there shall be no access by vehicle traffic between the existing and proposed highway until splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the existing highway have been provided. The eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, the visibility splays shall be maintained clear of any obstructions thereafter.
- 11) No development shall take place until a scheme for the siting, layout, construction, design and phasing of the following off-site highway improvement works has been submitted to and approved in writing by the local planning authority:
- (i) The provision of tactile paving.

(ii) Unless otherwise agreed in writing with the local planning authority, the provision of three footway connections to Moorview Way in the positions shown on drawing no. ASS-2015-002M. One of these connections shall be 4 metres wide to provide a shared footway, cycleway and emergency access with lockable bollard.

The duly approved off-site highway works shall be implemented and made available for use: in the case of (i), before any of the dwellings to be served by the relevant area of tactile paving are first occupied; and in the case of (ii) before 25% of the dwellings are first occupied.

12) No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include:

- (a) hours of work for site preparation, delivery of materials and construction;
- (b) arrangements for the parking of vehicles for site operatives and visitors clear of the public highway;
- (c) details of areas designated for the loading, unloading and storage of plant and materials;
- (d) details of the siting, height and maintenance of security hoarding;
- (e) arrangements for the provision of wheel washing facilities or other measures to be taken to prevent the deposit of mud, grit and dirt on the public highway by construction vehicles travelling to and from the site;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for the recycling/disposing of waste resulting from demolition and construction works;
- (h) details for the routing of HGVs to the site to avoid Skipton town centre.

The duly approved CMS shall be implemented and adhered to throughout the entirety of the construction period.

13) No development shall take place until a scheme for tree protection measures to be implemented during the construction period has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees within and/or overhanging the site to be retained.
- (ii) Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site to be retained.
- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the entirety of the construction period.

- 14) No above ground works shall take place until a scheme for the disposal of foul and surface water from the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document) and shall follow the principles set out in the Flood Risk Assessment by Haigh Huddleston & Associates dated July 2016 (report reference E15/6358/FR01A Rev A). Unless otherwise agreed in writing with the local planning authority, the scheme shall include:

(i) Separate systems for the disposal of foul and surface water.

(ii) Measures to ensure that no surface water is discharged to the public sewer network.

(iii) Details of all attenuation and flow/volume control measures (including the use of SUDS where appropriate) to be implemented to ensure that the post development rate of surface water discharge from the site to any soakaway or watercourse generated during rainfall events up to and including the 1 in 100 year event does not exceed 14.5 litres/second for the whole site.

(iv) Details of ground exceedance and/or flood pathways to deal with exceedance flows in excess of the 1 in 100 year rainfall event and to ensure that runoff for all events up to the 1 in 30 year event are completely contained within the drainage system (including the use of areas to hold or convey water).

(v) Details of how the system will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale which has first been approved in writing by the local planning authority, and shall be maintained/managed as such thereafter.

- 15) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include:

(i) Details of the role, responsibilities and operations to be overseen by an Ecological Clerk of Works.

(ii) A description and evaluation of features to be managed.

(iii) Ecological trends and constraints on site that might influence management.

(iv) Aims and objectives of management.

(v) Appropriate management options for achieving aims and objectives.

(vi) Prescriptions for management actions.

(vii) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period.

(viii) Details of the body or organisation responsible for implementation of the plan including details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured with the management body(ies) responsible for its delivery.

(ix) Ongoing monitoring and remedial measures including, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development continues to deliver the fully functioning biodiversity objectives of the LEMP.

The LEMP shall be implemented, and subsequently monitored, reviewed, managed and maintained, in accordance with the duly approved details and the timetable contained therein.

16) No development shall take place until a Construction Environment Management Plan (CEMP) setting out details of measures to protect watercourses within the site during construction has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of:

(i) The extent of open watercourse(s) within the site to be retained and the parts to be culverted.

(ii) The siting, height and design of any protective barrier to provide a construction exclusion zone around the watercourse(s).

(iii) Measures to prevent the release of silt and pollution from the site into the watercourse both during and after construction.

(iv) A drainage plan showing the interception, storage and settlement of surface water.

(v) A timetable for implementation

Development shall thereafter be carried out in strict accordance with the details and timetable contained within the duly approved CEMP.

17) No clearance of any un-grazed grassland, trees, scrub or dense tall herbs in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

18) Notwithstanding any details shown on the approved plans, within three months of development first taking place a soft landscaping scheme for the site shall be submitted for the written approval of the local planning authority. The scheme shall demonstrate compliance with the Landscape Masterplan drawing no YOR.2422-009 G and shall include details of:

(i) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;

- (ii) compensatory planting to replace any trees or hedgerows to be removed as part of the development;
- (iii) the introduction of native planting buffers to the northern, eastern and southern edges of the development, and within the areas of open space to the south and west of the site;
- (iv) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i), (ii) or (iii); and
- (v) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

The duly approved soft landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

- 19) Notwithstanding any details shown on the approved plans, within three months of development first taking place details of the siting, height, design, materials and finish of boundary treatments (including any retaining walls) for each plot shall be submitted for the written approval of the local planning authority. The boundary treatments for each plot shall be constructed in accordance with the duly approved details before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.
- 20) Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no windows other than those expressly authorised by this permission shall be inserted in the north facing elevations of the dwellings on plots 4, 13, 14, 20, 21, 27, 28, 33 and 34 (as identified on drawing no. AAS-2015-002M); and all windows permitted in the north facing elevations of those plots pursuant to this permission shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before each associated dwelling is first occupied, and shall be retained as such thereafter.
- 21) The vehicle access, parking, manoeuvring and turning areas for each dwelling shall be constructed and made available for use in full accordance with the details shown on drawing no. ASS-2015-002M before each associated dwelling is first occupied.
- 22) Notwithstanding the details contained within the Unilateral Undertaking dated 20 August 2019, none of the dwellings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall demonstrate compliance with the principles of the Travel Plan by 'Optima' dated 25th August 2016 (report reference 14096) and shall contain:
 - (i) details of the appointment of a Travel Plan co-ordinator;

- (ii) a partnership approach to influence travel behaviour;
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site;
- (iv) provision of up-to-date details of public transport services;
- (v) continual appraisal of travel patterns and measures provided through the travel plan;
- (vi) improved safety for vulnerable road users;
- (v) a reduction in all vehicle trips and mileage;
- (vi) a programme and timetable for the implementation of such measures and any proposed physical works;
- (vii) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The travel plan shall thereafter be implemented in accordance with the duly approved details and the timetable contained therein.

- 23) No development shall take place until a Deed of Variation to the First Schedule Part 1 'Affordable Housing' of the Unilateral Undertaking dated 20 August 2019 has been submitted to and agreed in writing by the local planning authority. The Deed of Variation shall set out the tenure of the 20 affordable dwellings so that 10% of all homes (10 of the 20 affordable dwellings) on site are affordable shared ownership.