

Annex C to KPC Minutes 03/10/18

Our ref: DCPCDEC
6.93.665.B.DVCMAJ
18/03162/DVCMAJ

Your ref:

Date: 24 September 2018

Dear Sir/Madam

PARISH COUNCIL - DECISION NOTIFICATION

APPLICATION NO: 6.93.665.B.DVCMAJ 18/03162/DVCMAJ

PROPOSAL: Variation of condition 5 to allow removal of trees T3 and T4 to facilitate site access and non-provision of SUDS Wetland due to alternative drainage strategy of planning permission 16/00545/OUTMAJ - Outline application for the erection of up to 73 dwellings and formation of associated landscaping with access considered.

LOCATION: Land Off Ripon Road Ripon Road Killinghall North Yorkshire

GRID REF: E 428651 N 458562

APPLICANT: Strategic Team Maintenance Co Ltd & Yorkshire Housing Limite

PUBLIC ACCESS:

<https://uniformonline.harrogate.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PCTWZBHY0FN00>

APPROVED subject to the following conditions:-

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority not later 30.08.2019. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2 This permission in terms of access relates only to the point of access with the A61 Ripon Road as shown on drawing no. 1413805 dated Oct 2016 and does not imply any approval of the details of siting, layout, landscaping or any other access arrangements shown on any other submitted drawings other than as may be specified in the further conditions below. Further, no development shall take place without the prior written approval of the Local Planning Authority of the reserved matters details of:-
 - a) Appearance,
 - b) Landscaping,

- c) Scale, which shall provide for houses whose ridge height does not exceed 9m,
- d) Layout, which shall provide for a 10m buffer to the eastern boundaries in which no building shall be located, and
- e) Access (other than those details approved above).

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

- 3 A detailed mix of open market housing shall be prepared and submitted for approval of the Local Planning Authority prior to or as part of the submission of the first reserved matters application that takes account of the recommended housing mix within the latest version of the Council's Strategic Housing Market Assessment, at the time of submission of these details, unless evidence to the contrary is provided to and agreed in writing by the Local Planning Authority. The development shall thereafter be constricted in accordance with the approved housing mix unless otherwise agreed in writing by the Local Planning Authority
- 4 No development of any dwelling type in the development hereby approved shall commence until a scheme for the provision of affordable housing, when necessary with regard to the "Planning obligations" section of the Planning Practice Guidance (or any guidance or legislation revoking and re-enacting that Guidance with or without modification), has been submitted to and approved in writing by the Local Planning Authority. The affordable housing contribution shall be provided in strict accordance with the approved scheme.
- 5 The reserved matters application shall be accompanied by a detailed ecological mitigation and enhancement scheme for the site. The scheme shall be informed by additional botanical surveys undertaken in June and July and bat roost assessments of any trees proposed for removal. The scheme shall include
 - a) provision of ecological mitigation during the construction phase of the development,
 - b) the timescale for the implementation of the whole scheme,
 - c) details of on-going future management of the scheme,
 - d) the provision of integrated bat and swift bricks,
 - e) habitat improvements through planting of native trees and hedgerows,
 - f) the retention in their existing form of Oak trees T7, T8, T9, T14 and Sycamore trees T11 and T12 as labelled on the submitted tree survey dated 27 May 2015 with no works carried out other than the removal of deadwood,
 - g) the retention of Goat Willow T14, Sycamore T20 and Horse Chestnut T21 as labelled on the submitted tree survey dated 27 May 2015 with the works specified in that survey undertaken. The Ash tree labelled T6 shall first have the ivy cut at its base and once that

ivy has died the tree shall be reassessed and retained unless the Local Planning Authority agree in writing to its removal,

h) the provision of replacement trees for those which are to be removed. The approved scheme shall be implemented in strict accordance with approved details by the Local Planning Authority and all tree work is to be undertaken in accordance with British Standards BS 3998:2010 by a qualified Arborist, and

i) works to hedgerows in accordance with the submitted tree survey dated 27 May 2015.

6 A detailed scheme for landscaping, including the planting of trees and or shrubs shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall provide for:-

a) a programme of planting including the strengthening of the eastern boundaries with intermittent tree planting and the provision of replacement trees in accordance with condition 5 above.

b) specify surface materials, plant types, species and heights, and

c) the timing of implementation of the scheme, including any earthworks required.

The landscaping shall be carried out in strict accordance with the approved details and all trees should be procured and planted in accordance with British Standards BS 8545:2014 – Trees: from nursery to independence in the landscape – Recommendations. Where trees are to be planted in highway verges or other sites where underground conditions are constrained or restricted, or where hard-landscaping may cause future problems, then underground cellular confinement systems should be incorporated in to the scheme. .

7 No later than two weeks following the commencement of the replacement tree planting carried in accordance with condition 5 and 6 above written notice shall be given to the Local Planning Authority together with a date for completion for the planting.

8 No hedgerows or trees shall be removed during the bird nesting season (March-August inclusive).

9 Development shall be carried out in strict accordance with either;

a) the Tree Protection Plan (Trevor Bridge Associates Ltd Dwg no 5579.02 Rev A dated 16.03.18) and the Arboricultural Impact Assessment and Method Statement (Trevor Bridge Associates Ltd Ref: MG/5579/AIA&AMS'B/MAR18), or

b) the approved details of any alternate Tree Protection Plan and/or Arboricultural Method Statement in accordance with British Standard BS 5837:2012, which first have been submitted to and approved in writing by the Local Planning Authority.

10 The work hereby granted consent shall be carried out in accordance with British Standard 3998 (2010) Works to Trees, by a competent person, giving not less than 10 working days

notice of the start date in writing to the Local Planning Authority. Thereafter there shall be strict compliance with any further directions given by the Councils Arboricultural Officer or his representative.

- 11 In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.
- 12 Any application submitted for approval of reserved matters listed under condition no 2 above shall be accompanied by a revised design and access statement and development framework covering the dwellings, open spaces and non-domestic planted areas proposed.
- 13 A noise report shall be submitted with the reserved matters application showing that the values stipulated in BS8233:2014 can/have been met by the dwellings that are proposed.
- 14 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide but not be limited to the following in respect of the:
 - a) detailed drawings showing how surface water will be managed during the construction phases,
 - b) location of construction access,
 - c) the parking of vehicles of site operatives and visitors,
 - d) loading and unloading of plant and materials,
 - e) storage of plant and materials used in constructing the development,
 - f) wheel washing facilities,
 - g) measures to control the emission of dust and dirt during construction,
 - h) traffic routing, and
 - i) signage

and shall provide for construction activity only taking place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank Holidays

- 15 Remediation to counter elevated levels of Benzo[a]pyrene as set out in the Geo-environmental report by Lithos Consulting (report reference 2804/1 and dated August

2017), or any alternative report which has been submitted to and approved in writing by the Local Planning Authority, shall be carried out in accordance with the approved terms prior to the commencement of development, other than any development required to carry out the remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted for the written approval of the Local Planning Authority.

- 16 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. Thereafter the contents of a scheme of investigation and risk assessment to assess the nature and extent of the contamination on the site shall be approved in writing by the Local Planning. The scheme of investigation and risk assessment shall then be undertaken in strict accordance with the approved details by competent persons and a written report of the findings shall be submitted for the written approval of the Local Planning Authority. The report of the findings must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and include:

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

b) an assessment of the potential risks to:

(i) human health,

(ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

(iii) adjoining land,

(iv) groundwaters and surface waters

(v) ecological systems

(vi) archaeological sites and ancient monuments;

c) an appraisal of remedial options, and proposal of the preferred option(s).

Where remediation is necessary 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 submitted for written approval of the Local Planning Authority. The scheme must:

(I) include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures, and

(II) 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.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to undertake the 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 shall be submitted for the written approval of the Local Planning Authority.

17 Prior to any external walling of any dwelling commencing 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 premises installed prior to occupation of those premises.

18 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

19 Prior to the commencement of any surface water drainage works on site;

a) a detailed design of the surface water drainage strategy, including a timetable for its implementation, for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall have been submitted to, and approved in writing by the Local Planning Authority. Any proposed discharge of surface water from the development site shall be restricted to Greenfield rates (Maximum 2.5 l/s/ha for all storm scenarios or a minimum of 5 (five) l/s, whichever is the greater). The overall strategy should show that there is sufficient on site attenuation to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year rainfall event, +30% to account for climate change and a further 10% for urban creep, can be stored on the site without risk to people or property and without increasing the restricted flows to the watercourse. The design shall also include a site plan showing the exceedence flow routes during extreme storm conditions over the 1 in 100 year event. The approved drainage system shall be implemented in accordance with the approved detailed design and timetable prior to completion of the development, and

b) detailed documentation shall have been submitted to, and agreed in writing by the local planning Authority, showing how the surface water drainage systems will be managed and maintained for the lifetime of the development. The management/maintenance manual shall include:

i) Organisation responsible for future maintenance of the sustainable drainage system,

ii) copies of any legal agreement to be established with future home owners,

iii) Funding arrangements for on-going maintenance,

iv) Physical access arrangements,

v) Establishment of legal rights of access in perpetuity,

vi) Health & safety risk assessment for construction/operation & maintenance of the sustainable drainage system,

vii) Maintenance requirements & frequency,

viii) Procedures to assure on-going maintenance if the appointed management consultant ceases to exist, and

ix) drawings showing any surface water assets to be vested with the sewerage undertaker/highway authority & subsequently maintained at their expense.

20 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the existing public sewer, have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

21 Prior to the commencement of any works relating to the formation of any highway that is to be retained upon the completion of development the following drawings and details shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

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

i) the proposed highway layout including the highway boundary

ii) dimensions of any carriageway, cycleway, footway, and verges

iii) visibility splays

iv) the proposed buildings and site layout, including levels

v) accesses and driveways

vi) drainage and sewerage system

vii) lining and signing

viii) traffic calming measures and

ix) all types of surfacing (including tactiles), kerbing and edging.

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

i) the existing ground level

- ii) the proposed road channel and centre line levels
- iii) full details of surface water drainage proposals.
- c) Full highway construction details including:
 - i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - iii) kerb and edging construction details
 - iv) typical drainage construction details.
- d) Details of the method and means of surface water disposal.
- e) Details of all proposed street lighting.
- f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g) Full working drawings for any structures which affect or form part of the highway network.
- h) A programme for completing the works.

The development shall be carried out in strict accordance with the approved details.

- 22 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. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.
- 23 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The works shall be implemented in accordance with the approved details and programme.
- 24 There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 40 metres into the site from the carriageway of the existing

highway has been made up and surfaced in accordance with the approved details and the published Specification of the Local Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

- 25 No part of the development to which this permission relates shall be brought into use until the site access road has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a) The access road shall be laid out in the form of a Transition Road with a 6.5 metres carriageway width in accordance with Figure 3.2 of the published Residential Highway Design Guide of the Highway Authority.
 - b) There shall be no direct access to properties from the Transition Road.
- 26 There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until the details of the parking proposals for 60, 62 and 64 Ripon Road and the time of their provision have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. These shall include any temporary parking for duration of the highway works required by condition 27 below. The parking proposals shall be provided in strict accordance with the approved details.
- 27 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 and any parking facilities for 60, 62 and 64 Ripon Road) until
- a) visibility splays are provided giving clear visibility of 56 metres to the south and 50 metres to the north measured along both channel lines of Ripon Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, the visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times, and
 - b) off site required highway improvement works comprising;
 - i) Alterations to carriageway and footway on Ripon Road to create the site access, based on drawing no.1413805 dated Oct 2015.
 - ii) Provision of pedestrian island(s) on Ripon Road.
 - iii) If necessary, the relocation of the northbound bus stop on Ripon Road.
- have been completed in strict accordance with details that first have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

- 28 The permanent parking proposals approved under condition 26 above for 60, 62 and 64 Ripon Road shall be brought into use concurrently with completion of the works specified in condition 27 above.
- 29 Development shall not commence until a condition survey of Ripon Road is submitted to and agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The scope of the survey shall first be agreed with the Local Planning Authority in consultation with the Local Highway Authority and shall include the location and state of utilities and drainage under and adjacent to the highway and a commitment that the findings of the condition survey will be monitored and reported to the Local Planning Authority every 6 months through to the construction period of the development and any defects or damage attributable to construction activity will be rectified by the developer at their expense within 3 months of the defect being identified unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority.
- 30 All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
- 31 Prior to the external walling commencing of the dwellinghouses hereby approved
- a) details of the type and location of a bat brick and a swift brick, and
 - b) samples of the materials it is intended to be used externally in the construction of the roof and walls of the development
- shall be submitted for the written approval of the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 32 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 33 Prior to the first occupation of any of the dwellings hereby allowed,
- No development shall take place until either -
- a) Full details of public open space and village hall provision/contributions to serve the development in accordance with Policy C1 of the Harrogate District Core Strategy have been submitted to and approved by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the provision of the same and its subsequent management and maintenance.
 - b) Alternative arrangements for public open space and village hall provision/contributions have been submitted to and approved in writing by the Local Planning Authority.

34 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 Local Highway Authority.

This shall include:

- a) the appointment of a travel co-ordinator
- b) a partnership approach to influence travel behaviour
- c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d) provision of up-to-date details of public transport services
- e) continual appraisal of travel patterns and measures provided through the travel plan
- f) improved safety for vulnerable road users
- g) a reduction in all vehicle trips and mileage
- h) a programme for the implementation of such measures and any proposed physical works
- i) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reasons for Conditions:-

- 1 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 2 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3 So that the development provides a mix of housing to meet the housing needs of the District in accordance with the requirements of Paragraph 50 of the NPPF.
- 4 To ensure appropriate contribution is made to affordable housing where necessary.
- 5 In the interests of ecology and best arboricultural practice.
- 6 and 7. To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8 To protect local wildlife.
- 9 To ensure the safe retention of trees.
- 10 In the interests of the health and amenity of the tree(s).
- 11 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 12 To ensure the delivery of informed decision making and to ensure that the development does not dominate its surroundings.
- 13 In the interests of amenity for the occupiers of the proposed dwellings.
- 14 To ensure the site is appropriately drained without increasing flood risk, to avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area, and to mitigate and reduce to a minimum adverse effects on residential amenity caused by noise in accordance with paragraph 123 of the National Planning Policy Framework.
- 15 and 16, To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.
- 17 In the interests of protection of the environment and to reduce pollution in accordance with the requirements of the National Planning Policy Framework.
- 18 In the interest of satisfactory and sustainable drainage.
- 19 To ensure the site is appropriately drained without increasing flood risk and the drainage system is thereafter maintained.
- 20 To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
- 21 To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
- 22 To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
- 23 In the interests of highway safety.
- 24 To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 25 To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 26 To provide for adequate and satisfactory provision of parking facilities for existing properties.
- 27 In the interests of road safety and to ensure that the details are satisfactory in the interests of safety and convenience of highway users.
- 28 To provide for adequate and satisfactory provision of parking facilities for existing properties.
- 29 In the interests of highway safety and the general amenity of the area.
- 30 To protect pedestrians and other highway users.
- 31 In the interests of biodiversity enhancement and to ensure that the materials used conform to the amenity requirements of the locality.
- 32 To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
- 33 To ensure adequate provision of public open space and community facilities to meet the needs of occupiers of the development, in accordance with Core Strategy Policy C1.
- 34 To establish measures to encourage more sustainable non-car modes of transport.

Date Decision Issued: 24 September 2018