

9 May 2007

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Our Ref:
APP/C2741/N/05/1189897
APP/C2741/N/05/1189885

Dear Sirs,

FILE COPY

TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)

APPLICATION BY PERSIMMON HOMES (YORKSHIRE) LTD & HOGG BUILDERS (YORK) LTD – LAND AT GERMANY BECK, EAST OF FORDLANDS ROAD, FULFORD, YORK. APPLICATION REF: 01/01315/OUT

APPLICATION BY THE JOSEPH ROWNTREE HOUSING TRUST – LAND WEST OF METCALFE LANE, OSBALDWICK, YORK. APPLICATION REF: 03/02079

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, David Cullingford BA MPhil MRTPI, who held a public inquiry from 13 June to 24 July 2006, and undertook formal site visits on 25 and 28 July 2006 with additional visits on 30 and 31 August and 19-21 September 2006, into your clients' applications for:
 - a. An outline application, though the means of access is not reserved for subsequent approval, for residential development of approximately 700 dwellings, the creation of public open space and community facilities, including local shops, with associated footpaths, cycleways, roads, engineering works and landscaping on land at Germany Beck, east of Fordlands Road, Fulford, York, and
 - b. An outline application, though both the means of access and landscaping are not reserved for subsequent approval, for residential development of some 540 homes on land west of Metcalfe Lane, Osbaldwick, York.

2. It was directed on 14 September 2005, in pursuance of section 77 of the Town and Country Planning Act 1990, that the applications be referred to the Secretary of State for decision instead of being dealt with by the relevant planning authority, the City of York Council ("the Council").

Inspector's recommendation and summary of the decision

3. The Inspector, whose report is enclosed with this letter, recommended that planning permission be granted for both applications, subject to conditions. For the reasons given below, the Secretary of State agrees with the inspector's conclusions, except where stated, and agrees with his recommendations. All paragraph references, unless otherwise stated, refer to the Inspector's report (IR).

Procedural Matters

4. The Secretary of State notes that both proposals have evolved since the initial applications were made (IR1.4). She has considered the proposals based on the information contained in section 3 of the IR.
5. In reaching her decision the Secretary of State has, like the Inspector (IR1.24-1.28), taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement (ES) complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the application.

Matters arising after the close of the inquiry

6. Since the close of the Inquiry the Secretary of State has received a range of correspondence relating to this case. A record of the correspondence sent and received is at Annex A to this letter and copies can be made available upon written request to the above address. The Secretary of State considers that the correspondence neither raises significant issues material to the application before her nor necessitates reference back to the parties.
7. The Inspector suggested that a condition (no.32) should be imposed on the application relating to the Derwenthorpe site which would require the applicant to enter into a planning agreement in the form specified before development may be commenced (IR24.175). The Secretary of State has considered this condition against the advice set out in paragraph 13 of Circular 11/95: The use of Planning Conditions in Planning Permissions and paragraph B51 in Circular 05/2005: Planning Obligations. Both sets of guidance state that permission cannot be granted subject to a condition that the developer enters into a planning obligation pursuant to s.106 of the Act or an agreement under other powers. However, in this case, the applicant has already entered into a planning obligation with the local planning authority in the form comprised in an agreement dated 4 October 2006 and, by doing so, has signified its consent to be bound by its terms. Because the applicant can only bind the extent of the legal interest it presently holds in the application site, the

purpose of condition 32 is to ensure that, upon transfer of the freehold interest, this too will be bound by the same planning obligation. The Secretary of State acknowledges that the planning authority cannot bind its own interest as the freehold owner and the completion of a further agreement is the only means of ensuring the development will be regulated by an effective and enforceable planning obligation. For these reasons, the Secretary of State considers that this condition does not breach the guidance having regard to the specific facts and singular circumstances of this case. She considers the content of the obligation in paragraph 45 of this letter.

8. The Secretary of State has gone on to consider if the condition complies with the tests set out in paragraph 14 of Circular 11/95. In her opinion, the condition does meet those tests in that it is necessary, reasonable and relevant to planning and the development, for the reasons she has given in the preceding paragraph. Given that the terms of the obligation are already settled, she is also content it is sufficiently precise. The Secretary of State has also had regard to the prospect of the condition being fulfilled, as this is dependent upon the actions of another party, and if it will be enforceable. Because this is linked to the parties' obligations under an Agreement for Sale dated 1 October 2006, the Secretary of State requested that the parties produce a copy of the relevant parts of this document. Having considered these, she is satisfied that the document will require the local authority and the applicant to enter into a deed immediately after completion of the sale binding the freeholder and its successors to perform the planning obligations set out in the planning agreement dated 4 October 2006. She therefore concludes that there is some prospect of the condition being fulfilled.

Policy Considerations

9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber (RSS) to 2016, published in December 2004, and the North Yorkshire County Structure Plan Alteration No 3 adopted in October 1995 (NYCSP). The Secretary of State agrees with the applicants and considers that the development plan policies most relevant to these applications are those set out in paragraphs 4.1 – 6.20 of the Joint Statement on Planning Policies (inquiry document JS1).
10. Material considerations include Planning Policy Statement (PPS) 1: *Delivering Sustainable Development* Planning Policy Guidance Note (PPG) 2: *Green Belts*; PPS3: *Housing*; PPS6: *Planning for town centres*; PPS7: *Sustainable development in rural areas*; PPG13: *Transport*; PPG15: *Planning and the Historic Environment*; PPG16: *Archaeology and Planning*; PPG17: *Planning for open space, sport and recreation*; PPS23: *Planning and pollution control*; PPS25: *Development and flood risk*; PPG24: *Planning and Noise*; Circular 11/95: *Use of conditions in planning permission* and Circular 05/2005: *Planning obligations*.

11. The Secretary of State has also taken into account the emerging RSS as a material consideration. The Secretary of State notes that the independent panel submitted their Panel Report to her on 20 March 2007. She concludes that, at this stage, it can be accorded limited weight.
12. The Secretary of State notes that there is no adopted Local Plan for the City. Whilst observing that the Council has approved the City of York Draft Local Plan (DLP), incorporating the Fourth Set of Changes (April 2005), for development control purposes (IR1.13), she considers that, given that the Draft Local Plan has never been fully adopted, its policies can only be accorded very limited weight.

Main Issues

13. The Secretary of State agrees with the Inspector that the main considerations in determining these proposals are those identified in the call-in letter and set out at the front of the Inspector's report.

Development Plan

14. The Secretary of State notes the Inspector's commentary on the development plan and other non-statutory plans (IR24.4-24.9) and agrees with his comment in IR24.153 that little can be gleaned from the development plan as it currently stands. Whilst the Secretary of State agrees with the Inspector that there are cogent strategic reasons to grant permission stemming from the RSS and SP, given that the City of York Local Plan was never adopted she disagrees with his conclusion that the allocation of the application sites for housing in the latest version of the City of York Local Plan remains relevant (IR24.153). She concludes that the development plan provides little effective guidance to enable her to reach a decision on these two planning applications based on the development plan. She has therefore assessed the applications against national planning guidance and other material considerations.

Green Belt

Status of the sites

15. The Secretary of State has taken account of the Inspector's analysis relating to the Green Belt status of both sites (IR24.63-24.71) and his conclusion set out in IR24.70 that neither application site should be regarded as being within the Green Belt. The Secretary of State disagrees with this conclusion because she does not consider that the lack of a defined boundary is sufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt, as referenced by the NYCSP. Until such time that the detailed boundaries of the York Green Belt are defined in a statutorily adopted local plan or framework, she considers both sites should be treated on the basis that they lay within the Green Belt.
16. The Secretary of State has gone on to assess both applications against the relevant national policy guidance (PPG2).

Harm

17. The developments proposed on the application sites do not fall into the categories of development that are considered appropriate in the Green Belt. There is a general presumption in PPG2 against inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, loss of openness and any other harm is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.
18. The Secretary of State has gone on to consider whether the proposals would cause any additional harm to the Green Belt. She acknowledges that neither site forms part of the historic strays and wedges crucial to the character of York and, given the principal purpose of the York Green Belt is to preserve the setting and special character of the City, she is of the view that the loss of either site would not harm the setting and special character of the City. She also agrees with the Inspector's view that neither site would fulfil any other Green Belt purpose (IR24.72). The Secretary of State accepts the arguments put forward by the appellants (IR4.46 & 5.44), Council (IR6.71-6.73) and Inspector (IR24.72) that the loss of openness with regard to these sites would be limited. The Secretary of State considers that there is limited additional harm to the Green Belt caused by the proposals.

Very special circumstances

19. The Secretary of State notes that, although the Inspector concluded that neither application site should be regarded as within the Green Belt (IR24.70), he did conclude that the identified need for housing and the absence of any sequentially preferable site would constitute very special circumstances (IR24.69) should the Secretary of State disagree (as she does) with his conclusion on the green belt status of the sites.
20. The Secretary of State has also considered the applicants' inquiry evidence documents PH/MRC/1 (Germany Beck site) and JRHT/JH (Derwenthorpe site). The applicants identify a range of very special circumstances that should be considered if the Secretary of State concludes, as she does, that the sites should be treated as within the Green Belt. The Secretary of State has summarised these below:

Germany Beck

- a. The need to release additional land around York for housing in terms of both total numbers, type and mix in the period up to 2016
- b. The urgent need to release the Germany Beck site now
- c. The fact that the site has been allocated for housing since 1995
- d. The major community benefits to recreational provision and affordable housing

- e. The major ecological benefits

Derwenthorpe

- f. The nature of the development
- g. the Trust's intended long term management role
- h. the need for an improved mix and for affordable housing in York
- i. the absence of the harm to any purposes of green belt

Conclusions on Very Special Circumstances (VSCs)

21. The Secretary of State has considered whether or not these benefits (as identified above) either individually or cumulatively amount to very special circumstances. The Secretary of State attaches substantial weight to the harm to the Green Belt caused by reason of the inappropriateness of the developments. As set out above she considers that there is limited additional harm caused by the proposals. The Secretary of State notes in IR24.69 that the Inspector has cited very special circumstances that outweigh the harm to the Green Belt that should be considered in the event that the Secretary of State disagrees (as she does) with his conclusion on the green belt status of the sites. For the reasons given in paragraphs 22-25 below, she agrees with the Inspector in IR24.69 that the housing requirement in York, in terms of total numbers and type and mix, and the lack of sequentially preferable sites, constitute very special circumstances of sufficient weight to clearly outweigh the identified harm to the Green Belt.

Housing: Markets, numbers and need

22. For the reasons given in IR24.23 – 24.37, the Secretary of State agrees with the Inspector's conclusion in IR24.38 that a substantial shortfall in providing sufficient housing to meet current requirements would accrue without the development on greenfield sites; that the proposals would result only in a notional over-provision which, were it to materialise, would have no harmful effects; delaying development on the application sites would be likely to lead to a shortfall in the provision of housing; the 'windfall' assumptions are reasonable and the Urban Capacity Study thorough; in the absence of the application proposals, a substantial housing shortfall would remain and have damaging consequences for the housing market for York. Given the absence of an adopted Local Plan, the Secretary of State places considerable weight on paragraphs 33 of PPS3, which places emphasis on the consideration of need and demand for housing.

23. The Secretary of State agrees with the Inspector, for the reasons given in IR24.39 – 24.44 that, whilst the apparent imbalance in the demand and supply for houses rather than flats cannot yet be translated into part of the quantitative requirement for more dwellings in York, the proposals would, at least qualitatively, help to 'balance' the type of dwelling recently built within the City. The Secretary of State further agrees that such 'balance' would be important to foster sustainability in relation to the employment and housing markets in York, and for the population of the City.

24. The Secretary of State agrees with the Inspector, for the reasons given in IR24.45 – 24.52, that the proposals would make a crucial contribution to the provision of affordable housing in York and provide the maximum level consistent with achieving reasonably viable developments and, having considered in paragraph 45 of this letter the appropriateness of the arrangements in place to deliver the provision of affordable housing and other matters in the proposed planning obligation, she agrees with the Inspector that there is no reason to doubt that these will be secured (IR24.53).

Sequentially preferable sites

25. Having concluded in paragraph 22 above that the housing requirements in York cannot be met without the development of greenfield sites, the Secretary of State agrees with the Inspector, for the reasons given in IR24.54 – 24.57, that there are no sequentially preferable sites.

The suitability of the schemes

26. The Secretary of State agrees with the Inspector's reasoning in IR24.59–24.62 that both schemes are designed for quality, are sustainable, make best use of land and incorporate sufficient amounts of open space.

The Impact on the Conservation Areas

Germany Beck

27. The Secretary of State agrees with the Inspector in IR24.75 and sees no reason to disagree with English Heritage that the housing proposed would not adversely affect the character and appearance of the Conservation Area. However, the Secretary of State also agrees with the Inspector in IR24.76 – 24.77 that the proposed junction between the A19 and the spine road would affect the setting of the Conservation Area and alter the front garden of a property within it. For the reasons given in IR24.76, the Secretary of State considers that no other means of access to the site is available and, overall, the harm to the setting of the Conservation Area would be limited.

Derwenthorpe

28. For the reasons given in IR24.77, the Secretary of State agrees with the Inspector's reasoning and conclusion that this proposal would not adversely affect the character or appearance of the Conservation Area.

The Impact on Neighbouring Residents

Visual Impacts

Germany Beck

29. The Secretary of State agrees with the Inspector, for the reasons given in IR24.78 – 24.79, that the impact of the proposal with regard to visual impact on neighbouring residents would be limited. Whilst the outlook would be

impaired it would not be to such an extent as to seriously harm residential amenities.

Derwenthorpe

30. For the reasons given in IR24.80, the Secretary of State agrees with the Inspector that the proposal would achieve the aim of creating an environmentally sustainable development that would not adversely impact on neighbouring communities.

Noise and air quality

Germany Beck

31. The Secretary of State agrees with the Inspector, for the reasons given in IR24.81 – 24.86, that the proposal would not result in an unacceptable impact on noise or air quality given the mitigation measures and conditions proposed.

Derwenthorpe

32. The Secretary of State agrees with the Inspector, for the reasons given in IR24.81 and IR24.87 – 24.89, that the proposal would not result in an unacceptable impact in terms of noise or air quality given the mitigation measures and conditions proposed.

The Impact of Traffic

Access Arrangements

Germany Beck

33. For the reasons given in IR24.90 – 24.93, the Secretary of State agrees with the Inspector's conclusion in IR24.157 that the proposed access arrangements would be adequate to accommodate the traffic safely, without seriously exacerbating existing levels of congestion.

Derwenthorpe

34. The Secretary of State agrees with the Inspector, for the reasons given in IR24.94 – 24.97, that the proposals would satisfactorily limit the traffic impact of the scheme and provide for the safe and convenient movement of vehicles.

Measures to reduce car travel

35. The Secretary of State agrees with the Inspector in IR24.99 that both sites are in sustainable locations close to footpaths, cycleways, bus routes, local shops and community facilities and, in IR24.98, that both schemes incorporate measures to reduce car travel and, for the reasons given by the Inspector in IR24.98 – IR24.101, the Secretary of State agrees with the Inspector that the measures employed would result in some success in reducing travel by the private car.

Congestion and other problems

36. The Secretary of State agrees with the Inspector, for the reasons given in IR24.102 – 24.106, that, whilst there would be some 'peak hour spreading',

the traffic conditions would not actually worsen in the peak hours. Furthermore, the Secretary of State notes in IR24.105 that the south east quadrant of the city has fewer sections of congested roadway than other sectors of the city, and that this would remain the case once traffic from the proposed developments had entered the road network. The Secretary of State agrees with the Inspector in IR24.105 that this is a material consideration in favour of accommodating housing developments in these locations. The Secretary of State agrees with the Inspector in IR24.107 that there would be little interaction between the traffic generated by the two proposals. For the reasons given in IR24.107, the Secretary of State agrees with the Inspector that no adverse cumulative impact would arise should planning permission be granted for the proposed expansion of the University of York.

Impact on flooding

37. The Secretary of State notes in IR 24.109 that, in both proposals, the housing would fall mainly within zone 1, with a small part of the Derwenthorpe proposal lying in zone 2. The Secretary of State gives weight to the fact that PPS25 considers housing to be acceptable with regard to flood risk when in zones 1 & 2. The Secretary of State considers that, as the applicants have adopted a sequential approach in attempting to exclude sites within zones 2 and 3, their approach is consistent with PPS25.

38. The Secretary of State considers that, for the reasons given in IR24.109 – 24.120, the mitigation measures and conditions proposed are appropriate and the risk of flooding is acceptable and that both schemes would serve to reduce flood risks and enhance the ecology of the area.

The impact on ecology and nature conservation

Germany Beck

39. The Secretary of State notes in IR24.123 that, whilst there is a Site of Special Scientific Interest (SSSI), Fulford Ings, immediately to the west of the A19, the proposal would reduce the risk of effluent affecting the SSSI and otherwise leave the flood regime unchanged. The proposal would therefore effectively enhance the ecological value of the Fulford Ings SSSI.

40. For the reasons given in IR24.125 – 24.127, the Secretary of State agrees with the Inspector that the aims of national guidance and the requirements of local policy would be satisfied regarding ecology and nature conservation.

Derwenthorpe

41. The Secretary of State notes in IR24.123 that there is no area of international or national importance on the site and no SSSI. The Secretary of State agrees with the Inspector, for the reasons given in IR24.128 – 24.137, that the proposal would satisfy the requirements of local policy and national advice and that there would be no unacceptable impact on any species protected by the Habitats Directive or the Wildlife and Countryside Act 1981 (IR Annex 3, paragraph Gi-ii)

The impact on archaeology

Germany Beck

42. The Secretary of State agrees with the Inspector, for the reasons given in IR24.139 – 24.148, that there is insufficient evidence that the application site contains the location of the Battle of Fulford. Nevertheless, the archaeological finds on the site are of regional importance and, therefore, this warrants further archaeological investigation and a watching brief on development on the site. The Secretary of State agrees with the Inspector in IR24.148 that the conditions and the terms of the s106 Agreement provide suitable safeguards. The Inspector also agrees with the Inspector in IR24.148 that the remains uncovered to date are not of such quality or significance as to warrant preservation in situ.

Derwenthorpe

43. The Secretary of State agrees with the Inspector, for the reasons in IR24.149 – 24.152, that the archaeological features of the site would warrant only local interest. A watching brief is to be maintained to record any features exposed during construction. The Secretary of State agrees with the Inspector in IR24.152 that such measures would be secured by the planning conditions and terms of the s106 Agreement. The Secretary of State also agrees with the Inspector in IR25.152 that the remains uncovered to date are not of such quality or significance as to warrant preservation in situ.

Other Matters

44. For the reasons given in IR24.11 – 24.19, the Secretary of State agrees with the Inspector's conclusion and reasoning that the schemes would not be prejudicial to emerging plans or foreseeable policies, so a delay on these grounds would not be warranted. Conversely, preventing development could result in a failure to meet current housing requirements and jeopardise the ability to implement at least the Derwenthorpe scheme.
45. The Secretary of State agrees with the Inspector's general comments relating to the s106 Agreements and the planning conditions pertaining to both applications, as set out in IR24.161 – 24.176. She considers that the signed and dated s106 Agreements, submitted and discussed at the inquiry, are both necessary and relevant to the proposed developments and she is satisfied the provisions of each agreement meet the policy tests of Circular 05/2005.
46. Overall, she considers that the proposed conditions in each case are reasonable and necessary and meet the tests of Circular 11/95. The Secretary of State has specifically addressed the validity of proposed condition 32 relating to the Metcalfe Lane site and for the reasons given in paragraphs 7-8 of this letter, she agrees with the Inspector that this condition will ensure delivery of a binding and enforceable planning obligation in respect of this proposal.

Overall Conclusion

47. The Secretary of State is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine these applications having regard to the development plan unless material considerations indicate otherwise. In this case, the City of York Local Plan was placed on deposit in 1998 but has not progressed to adoption. This means the Secretary of State can give it little weight. Furthermore, existing statutory planning documents are so out of date that the Secretary of State is unable to place any reliance upon them. This situation clearly creates uncertainty both for the planning authority and developers and she hopes the City of York Council will rectify this by taking the necessary steps to adopt their Local Development Framework as soon as possible. In the meantime, the Secretary of State has gone on to consider the proposals in the light of national guidance and other material considerations.
48. For the reasons given in paragraph 15 of this letter, the Secretary of State disagrees with the Inspector's conclusion in IR24.70 that neither site should be treated as being within the Green Belt. She has therefore assessed both proposals against the national guidance in PPG2. The Secretary of State considers the proposals are inappropriate development in the Green Belt which is harmful by definition. However, she considers the additional harm would be limited and there would be benefits in terms of meeting the housing requirements in York (including the need for family and affordable housing) which cannot be met on any sequentially preferable sites. The Secretary of State agrees with the Inspector that these benefits constitute very special circumstances of sufficient weight to overcome the harm to the Green Belt which she has identified above.

Formal Decision

49. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby:
- a. grants outline permission, though the means of access is not reserved for subsequent approval, for residential development of approximately 700 dwellings, the creation of public open space and community facilities, including local shops, with associated footpaths, cycleways, roads, engineering works and landscaping on land at Germany Beck, east of Fordlands Road, Fulford, York, in accordance with application number 01/01315/OUT, dated 27 April 2001, subject to the conditions attached at Annex B
 - b. grants outline permission, though the means of access and landscaping are not reserved for subsequent approval, for residential development of some 540 homes on land west of Metcalfe Lane, Osbaldwick, York, in accordance with application 03/02079, dated 30 July 2003, subject to conditions attached at Annex C.
50. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fails to give notice of their decision within the prescribed period.

51. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

52. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

53. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

54. A copy of this letter has been sent to the City of York Council and all parties who appeared at the inquiry and expressed an interest in receiving a copy of the decision.

Yours sincerely,



Richard Watson

Authorised by the Secretary of State to sign in that behalf

Annex A – Post-inquiry Representations

The Secretary of State received correspondence from the following people. Copies are available on request to the address above.

Chas Jones	24/09/2006
Chas Jones	29/11/2006
Chas Jones	20/02/2007
Mary Urmston/Karin de Vries	23/02/2007
Brian Lakeman (Osbalwick Parish Council)	26/02/2007
John Grogan MP ¹	13/03/2007
Don Spaven	18/03/2007
Tom Hughes (on behalf of MARA)	27/03/2007
Adrian Wilson	02/04/2007
Tom Hughes (on behalf of Meadlands Area Residents Association)	08/04/2007
Denise Craghill	12/04/2007
Chas Jones	24/04/2007

¹ On 13/03/07, John Grogan MP forwarded the correspondence of Mary Urmston/Karin de Vries (dated 23/02/07) to the Secretary of State.

Annex B – Germany Beck conditions

Reserved matters

- 1) Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of five years beginning with the date of this permission and the development hereby permitted shall be begun either before:
 - a) the expiration of five years from the date of this permission; or
 - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved;which ever is the later.
- 2) Prior to the commencement of building works within each phase of development as specified in Condition No.4, approval of the details of the siting, design and external appearance of the buildings and landscaping of the area when that phase (hereafter called "the reserved matters") shall be obtained from the local planning authority in writing. The development shown on the plans and particulars of these reserved matters shall be carried out as approved.
- 3) The application for the approval of reserved matters submitted in accordance with Condition No.2 shall generally conform with the information and details set out in the Updated Development Principles Report (as amended on 13 June 2006), particularly with regard to:
 - a) the alignment of the main distributor road;
 - b) the location of main footpaths and cycle routes;
 - c) the provision of vehicular access to Fulford School from the south;
 - d) the location and general extent of the housing areas;
 - e) the general mix of housing types and sizes;
 - f) the location of shops and community facilities;
 - g) the location of greenways and greenspaces;
 - h) the area of the protected archaeological zone;
 - i) the general location and configuration of the Germany Beck Nature Park.
- 4) The development shall be carried out in accordance with the phasing arrangements set out in the Updated Development Principles Report (as amended on 13 June 2006). In particular, the road required to provide the bus route between the A19 and Low Moor Avenue shall be constructed and ready for vehicular use before the commencement of building works on Development Phase 4 as shown by the Updated Development Principles Report (as amended).
- 5) The details to be submitted for the approval of the Local Planning Authority under Condition No.2 shall include:
 - a) A plan and schedule of all existing trees and hedging on the site. Such plan shall show the spread of each tree. It will also identify those trees and hedging to be retained, those to be felled or removed and hedging to be reduced in size. Trees and hedging to be retained shall be protected during the development of the site by the following measures, unless otherwise agreed in writing with the Local Planning Authority:-

- i. A chestnut paling or similar fence shall be erected at a distance of not less than 4.5 metres from the trunk of any tree and 2 metres from any hedge.
- ii. No construction activity (including the erection of site huts) shall take place within the crown spread of the trees or within the fenced area around hedges.
- iii. No materials (including fuel or spoil) shall be stored within the crown spread of the trees or the fenced area around hedges.
- iv. No burning of materials shall take place within three metres of the crown spread of any tree or the fenced area around hedges.
- v. No services shall be routed under the crown spread of any tree or within the fenced area around hedges.
- b) A detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs.
- c) Details of earthworks in connection with the formation of all landscaped areas. These details shall include the level and contours to be formed and the relationship of the proposed earthworks to the surrounding landform.
- d) Details of existing and proposed ground levels and finished floor levels for each dwelling.
- e) Details of the position, design and materials of all means of enclosure.
- f) Details of surface materials for all roads, footpaths and hard landscaped areas.
- g) Written justification of the design approach taken.
- h) A scheme showing the details of how the development will conform to the Ecohomes Excellent rating as set out in the 2006 standard.
- i) A lighting scheme for cycle routes, public footpaths and public areas.

Completion of Landscaping Works

- 6) Any earthworks approved pursuant to Condition No.5(c) shall be carried out as approved prior to any dwelling being occupied in the relevant phase. The landscaping scheme approved pursuant to Condition No.5(b) shall be implemented within a period of 6 months of the completion of the relevant phase. Any trees or hedges which within a period of five years from the completion of the phase die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.
- 7) The number of dwellings on the site shall be approximately 700.

Open Space

- 8) The details referred to in condition 2 above shall include the provision of not less than 1.15ha of outdoor space for sports, not less than 1.13ha of equipped children's play space and not less than 1.45ha of amenity space. The distribution of the equipped play space and amenity space shall be as shown on the Updated Development Principles Report (13 June 2006) and reserved matters applications shall include the details of the layout of each

equipped play space and amenity area and shall include a timescale for their implementation.

- 9) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaping areas, other than the Germany Beck Nature Park and privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the first dwellings within each phase of the development. The landscape management plan shall be carried out as approved.

The Germany Beck Nature Park

- 10) Prior to the commencement of development of the site a detailed scheme for the Germany Beck Nature Park shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply generally with the details set out in the Updated Development Principles Report (as amended). Amongst other matters it shall provide appropriate provision for car parking and cycle storage, and for the use of locally sourced plant stock where available. It should also detail methods of management and measures to monitor the flood regime in relation to the Germany Meadow SINC. The scheme shall be carried out in accordance with the phasing arrangements set out in the Updated Development Principles Report (as amended).
- 11) Prior to commencement of development, a management plan for the Germany Beck Nature Park shall be submitted to and approved in writing by the Local Planning Authority. The management plan will be based on English Nature's published guidance on the preparation of management plans for nature conservation. The management plan will also include:
 - a) The establishment of a monitoring programme to establish hydrological patterns.
 - b) The establishment of an annual vegetation monitoring programme.
 - c) The development of a programme of wildlife and nature conservation enhancement.
 - d) A scheme detailing the methods of management and measures to monitor the flood regime in relation to the Germany Meadow SINC

Archaeology

- 12) No development shall commence on the site until a scheme of archaeological work has been submitted to and approved in writing by the local planning authority. This scheme shall include provision for:
 - a) A pre-development metal detecting survey of the site.
 - b) The archaeological excavation of a sample of the peat deposits adjacent to Germany Beck, to include a paleo-ecological investigation.
 - c) Archaeological supervision of the construction of the access road and A19 junction combined with the archaeological excavation of revealed archaeological features and deposits.
 - d) Archaeological supervision of all soil removal for structures and internal roads combined with the archaeological excavation.

- e) Archaeological supervision of all soil removal for the creation of the on-line ponds combined with the archaeological excavation of revealed archaeological features and deposits.
- f) A programme of access for the community to the archaeological excavations.
- g) A programme of archaeological analysis, publication and subsequent deposition of the archive with a registered museum of the material from the evaluations, excavations and watching briefs.

The scheme shall be carried out as approved.

- 13) No built development or road construction shall take place within the area shown as an archaeological zone by the Updated Development Principles Report (as amended).
- 14) Prior to the occupation of the first dwelling the applicant shall submit details of and a programme for the implementation of an interpretative trail detailing the possible course of the Battle of Fulford, such details and programme to be agreed in writing by the Local planning Authority and to be implemented within the timescale agreed.

Environmental Protection

- 15) Construction work shall not begin until a scheme for protecting the dwellings in School Lane, Tillmire Close and Low Moor Avenue and the occupants of the Fordlands Road Care Home from noise from the construction works has been submitted to and approved in writing by the local planning authority; works which form part of the scheme in relation to a particular phase of the development shall be completed before any part of that phase of construction commences.
- 16) Construction work shall not begin until a scheme for protecting the occupants of the Fordlands Road Care Home from the noise of traffic on the proposed spine road has been submitted to and approved in writing by the local planning authority. Unless the Local Planning Authority give consent to any variation, those works shall include provision for a 1.8m acoustic screen to be erected beside the northern carriageway of the spine road, of a design and length to be approved by the Local Planning Authority. No dwelling shall be constructed on the site until the approved works have been completed.
- 17) All construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08:00 to 18:00
Saturday	09:00 to 13:00, and
Not at all on Sundays and Bank Holidays	
- 18) Unless the local planning authority give consent to any variation, all works involving the construction of the spine road and within 30m from the Fordlands Road Care Home shall be limited to no more than 4 hours on any one day and within the times permitted by condition 17, above.
- 19) A site investigation shall be undertaken in accordance with BS10175: investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

A risk based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

- 20) Prior to commencement of the development, an environmental management scheme for minimising the creation of noise, vibration and dust during the site preparation and construction phases of the development shall be submitted to and approved in writing by the local planning authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.
- 21) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Flooding and Drainage

- 22) 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 buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
- 23) Save for any works of decontamination, flood storage or ground preparation, no development shall take place until details of the proposed means of disposal of foul or surface water drainage (which shall be by separate systems) - including details of any balancing works and off-site works and timescales for implementation in relation to the occupation of dwellings within the site - have been submitted to and approved by the Local Planning Authority. All drainage works shall be carried out in accordance with the details and timescales as approved. The details required by this condition shall include the following:
 - i. Details of the proposed strategic drainage system including the siting, design, capacity, constructional details and materials of balancing ponds and other water retention features and details of any outfalls to Germany Beck and proposals for controlling the rate of discharge from the strategic drainage system to Germany Beck and for the

- management of the balancing ponds during and after completion of the development.
- ii. The parameters to be adopted for the design of the detailed drainage system for each of the housing areas defined in the Updated Development Principles Report (as amended) and for the areas of structural open space, such parameters to include details of the design storm to be accommodated prior to surcharging the system, minimum pipe gradients and the identification of opportunities for Sustainable Urban Drainage Systems (SUDS).
 - iii. Proposals for the phasing of the construction of the strategic drainage systems which shall be related to the phased development of the housing areas and the laying out of the structural open space areas.
 - iv. Proposals for the sequential adoption and/or maintenance of the strategic and detailed drainage schemes related to the occupation of dwellings and other buildings within the development.
 - v. The provision of oil interceptors for surface water drainage.
- 24) Unless otherwise agreed in writing by the Local Planning Authority, no building shall be occupied or brought into use until it has been permanently connected to the approved foul drainage system.
 - 25) The development shall not be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full before the commencement of any development other than the approved access road into the site.
 - 26) There shall be no storage of any materials, including soil, within that part of the site below the 9.81m AOD contour, which is liable to flood.

Design and Layout

- 27) The proposed dwellings in the areas adjacent to Tillmire Close and Low Moor Avenue on the northern boundary of the site and adjacent to School Lane on its western boundary shall be designed so that the eaves height does not exceed single storey level or in any case 3 metres.
- 28) Unless otherwise agreed in writing by the Local Planning Authority, no structure on the northern boundary of the site shall be within 30 metres of the southern elevation of the dwellings in Tillmire Court and Low Moor Avenue; no structure on the western boundary of the site shall be within 30 metres of the eastern elevation of the dwellings in School Lane; and, no structure shall be within 30m of the southern elevation of Osborne House at No 7 School Lane.
- 29) The application for reserved matters for Development of Phase 3 shall include the provision of a ground floor retail unit of some 200 square metres together with an associated car and cycle parking facility. The retail unit shall be constructed and made available for use prior to the completion of phase 3. The premises shall thereafter be used for the sale of food and convenience goods only and for no other purpose (including any other purpose in Class A) of the Schedule of the Town and Country Planning(Use Classes) Order 1987 or any subsequent re-enactment thereof except with the prior written consent of the Local Planning Authority.

- 30) Before or concurrently with the first application for the approval of reserved matters, a Statement of Crime Prevention measures to be included within the design of the development, which may relate to the whole site and to each phase of the development, shall be submitted for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Highways

- 31) No part of the development hereby permitted shall be commenced until the full design and construction details of the following have been submitted to and approved in writing by the Local Planning Authority:
- i. How the scheme interfaces with the existing highway alignment; carriageway markings and lane destinations;
 - ii. Full details of slip road improvements at the junction between the A19 and A64;
 - iii. Full signing and lighting details;
 - iv. Confirmation of full compliance with current Department Standards (DMRB) and policies (or approved relaxations or departures from standards).

These details shall be in general accordance with the following drawings relating to the junction between the A19 and the A64:-

A19/A64 West Slip Road Improvements (1/2) – drawing No. 2066/40B dated 12/8/04

A19/A64 West Slip Road Improvements (2/2) – drawing No. 2066/41B dated 12/8/04

A19/A64 Interchange Southern Roundabout Improvements – drawing No. 2066/43 dated June 2004.

The approved works shall be carried out in full no later than the occupation of the 350th dwelling on the site or 3 years after the commencement of the first dwelling on the site whichever is the earlier.

- 32) The junction with the A19 and the length of access road shown on the Bryan G Hall Drawing 05/401/TR/009A shall be fully constructed prior to any other works commencing on the site except in respect of flood storage measures. No part of its carriageway shall be lower than 9.81 metres Above Ordnance Datum level.
- 33) No road connection shall be made to Low Moor Avenue, or any other eastern access to the site, until a bus gate has been erected and brought into use to prevent private motor vehicles entering or leaving the site by means of this route. The design of the bus gate shall comply with a scheme which shall be submitted to and approved in writing by the local planning authority before it is erected on site.
- 34) Construction traffic associated with the development shall only access the site from the newly constructed junction with the A19 referred to in Condition 32 other than in respect of works to form the approved flood storage works.

Measures to reduce car travel

- 35) Prior to the commencement of the development a scheme showing the number, location and distribution of car parking spaces for use in

connection with a car sharing club or car club, together with the phased provision of those spaces in accordance with the phased development of the site, shall be agreed in writing with the Local Planning Authority; the spaces shall be provided prior to the occupation of any dwelling within the relevant phase of development on the site, and shall be kept solely for such use thereafter.

Materials

- 36) Samples of each external material (including roofs) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on each development phase. These samples shall illustrate the colour, texture and bonding of brickwork, the mortar treatment to be used, the colour and texture of render, and the roofing materials.

Annex C – Derwenthorpe conditions

Reserved Matters

- 1) Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of five years beginning with the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the date of final approval of the reserved matters or in the case of approval on different dates the final approval of the last reserved matter to be approved.
- 2) Prior to the commencement of building works on any phase of the development, reserved matters applications for that phase with fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - a) siting;
 - b) design;
 - c) external appearance;
 - d) landscaping

Such reserved matters applications shall comply with the Lifetime Homes standards and the general design principles set out in the Design Code and Design Guide documents submitted on 1 August 2003 as part of the application submission as amended by the Illustrative Masterplan dated July 2004. The development of each phase shall be carried out in accordance with the approved details.

- 3) Prior to or concurrently with the first reserved matters application, a scheme detailing the sequential phasing of all aspects of the development shall be submitted to and agreed in writing with the Local Planning Authority, and the development shall be carried out in accordance with the agreed phasing.
- 4) The detailed drawings to be submitted for the approval of the Local Planning Authority under Condition 2 shall include:
 - a) A plan and schedule of all existing trees and hedging on the site. Such plan shall show the spread of each tree. It will also identify those trees and hedging to be retained, those to be felled or removed and hedging to be reduced in size. Trees and hedging to be retained shall be protected during the development of the site by the following measures unless otherwise agreed in writing with the Local Planning Authority:-
 - i. A chestnut paling or similar fence not less than 1.2 metres high shall be erected at a distance of not less than 4.5 metres from any trunk;
 - ii. No development (including the erection of site huts) shall take place within the crown spread of the trees;
 - iii. No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
 - iv. No burning of materials shall take place within 10 metres of the crown spread of any tree;

- v. No services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.
- b) A detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs.
- c) Details of earthworks in connection with the formation of all landscaped areas. These details shall include the proposed grading and mounding of the land within each phase of the development including the level and contours to be formed and the relationship of the proposed earthworks to the surrounding landform.
- d) Details of existing and proposed ground levels and finished floor levels for each dwelling.
- e) Details of the position, design and materials of all means of enclosure.
- f) Details of the design and materials of roads, footpaths, and street lighting and hard landscaped areas.
- g) Samples of the external materials.

Each phase of the development shall be carried out in accordance with the approved details and no trees or hedging within the site shall be removed or reduced in size in advance of the approval of such details.

- 5) Prior to, or concurrently with, the first application for the approval of reserved matters, details of a lighting scheme for the new car park for the Osbaldwick Village Hall shall be submitted for the approval of the Local Planning Authority. The approved scheme shall be implemented before the occupation of the penultimate dwelling in the phase of the development adjacent to Osbaldwick Neighbourhood.

Completion of Landscaping Works

- 6) The landscaping scheme approved pursuant to condition 4(b) shall be implemented within a period of 6 months of the completion of the relevant phase. Any trees or plants which within a period five years from the completion of the phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.
- 7) The earthworks approved pursuant to condition 4(c) shall be carried out as approved prior to any dwelling being occupied in the relevant phase.

Design and Layout

- 8) The site shall be developed in accordance with the revised Application Site Plan, Drawing No. A1418/2.3/04A dated July 2004 and on the basis of the four residential areas identified on that plan, each served by its own vehicular access and the strategic landscaping structure within the site as generally indicated on the illustrative Green Space Structure Plan Drg No. A/1418/2.3/03A dated July 2004. The number of units within each quadrant shall be as outlined in the Supporting Statement and Introduction to the Environmental Statement and as set out below, with a 10% tolerance either way unless otherwise agreed in writing by the Local Planning Authority.

Neighbourhood A	accessed from Fifth Avenue	185 dwellings
Neighbourhood B	accessed from Meadlands	125 dwellings
Neighbourhood C	accessed from Temple Avenue	125 dwellings
Neighbourhood D	accessed from Osbaldwick Village	105 dwellings

- 9) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended no means of enclosure shall be placed along the northern and western boundaries of the site without the prior written approval of the Local Planning Authority.
- 10) Before or concurrently with the first application for the approval of reserved matters, a Statement of Crime Prevention measures to be included within the design of the development, which may relate to the whole site or to each phase of the development, shall be submitted for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Archaeology

- 11) No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Environmental Protection

- 12) All construction works associated with the carrying out of the development, including ancillary operations such as deliveries to and despatch from the site, shall be confined to the following hours, unless otherwise agreed in writing by the Local Planning Authority:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00, and
Not at all on Sundays and Bank Holidays	
- 13) Prior to commencement of the development, an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
- 14) A risk-based remediation strategy in respect of contaminated land shall be developed based on the findings of the site investigation work in the Environmental Statement and also the reports submitted by Waterman Environmental. No development shall commence until such remediation strategy, which shall include a timetable for remediation works in relation to each phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be

fully implemented in accordance with the details and timetable as approved. The strategy shall include the following matters:

- i. A validation report shall be submitted to and approved in writing by the Local Planning Authority, detailing sample locations and contaminant concentrations prior to commencement of the development.
 - ii. Any contamination detected during site works that has not been considered within the remediation strategy shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented prior to any further development of the part of the site affected.
 - iii. A method of sampling and validation shall be produced to ensure imported and excavated materials used on site are not contaminated. This should include, where possible, details of the origin of such materials. The method shall be agreed in writing by the Local Planning Authority prior to commencement of the development. The agreed method shall be fully implemented in relation to each phase of the development and verified prior to completion of the relevant phase.
 - iv. A scheme to prevent the introduction of preferential pathways through foundation design and construction shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of works on site. This scheme should have due regard for the Environment Agency guidance document report NC/99/73: Piling and penetrative ground improvement methods on land affected by contamination.
- 15) Any facilities of the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Flooding and Drainage

- 16) Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 metres either side of the centre lines of the sewers that cross the site.
- 17) Other than the access road into the site from Osbaldwick Village and the informal footpath to be provided adjacent to the northern bank of Osbaldwick Beck, no buildings or structures, including gates, walls, fences and trees, shall be constructed or planted within 9 metres of the top of the

bank of Osbaldwick Beck and the ground levels shall not be raised within this area without the prior written agreement of the Local Planning Authority.

- 18) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.
- 19) Save for works of decontamination or ground preparation works, no development shall take place until details of the proposed means of disposal of foul and surface water (which shall comprise separate systems), including details of any balancing works and off-site works and timescales for implementation in relation to the occupation of dwellings within the site, have been submitted to and approved in writing by the Local Planning Authority. All drainage works shall be carried out in accordance with the details and timescales as approved. The details required by this condition shall include the following:
 - i. Details of the proposed strategic drainage system including the siting, design, capacity, constructional details and materials of any balancing ponds and swales and details of any outfalls to Osbaldwick Beck, proposals for controlling the rate of discharge from the strategic drainage system to Osbaldwick Beck and for the management of the balancing ponds during and after completion of the development.
 - ii. The parameters to be adopted for the design of the detailed drainage scheme for each of the four residential neighbourhoods comprised within the development and for the areas of structural open space (such parameters to extend to details of the design storm to be accommodated prior to surcharging the system, minimum pipe gradients and the identification of opportunities for Sustainable Urban Drainage Systems (SUDS)).
 - iii. Proposals for the phasing of the construction of the strategic drainage system which shall be related to the phased development of the four residential neighbourhoods and the laying out of the structural open space areas.
 - iv. Proposals for the sequential adoption and/or maintenance of the strategic and detailed drainage schemes related to the occupation of dwellings within the development.
 - v. In respect of any works affecting the banks of Osbaldwick Beck, the submitted details shall include a report prepared by an appropriately qualified ecologist of the incidence of water vole burrows within the lengths of bank affected by the proposed works. If such burrows are present, the details shall also include a Management Plan for the retention, protection and/or management of the burrows during and after construction of the works (or appropriate mitigation) and the works to the banks shall not be carried out prior to the Council's written approval of the Management Plan.
- 20) Unless otherwise agreed in writing by the Local Planning Authority, no building shall be occupied or brought into use until such building has been permanently connected to the approved foul drainage system.

Highways

- 21) No dwelling shall be occupied until the road(s) and footway(s) from which access to such dwelling is gained have been constructed to at least base course level. Road and footway wearing courses and street lighting shall be provided in each phase of the development within three months of the date of commencement on the construction of the penultimate dwelling in that phase.
- 22) The development shall not be begun in any phase of the development until the junction between the internal access road serving that phase and any adjacent highway providing access to that phase has been constructed in accordance with details which have been approved in writing by the Local Planning Authority.
- 23) Prior to the commencement of development of each phase, details of new signage within that phase and within the adjacent public highway shall be submitted for the approval of the Local Planning Authority. The signage shall be sited and designed to identify footpaths and cycleways providing access to local facilities as identified in the Access and Links Study. No dwelling shall be occupied on any phase of the development until the signage has been provided for that phase in accordance with the approved details.
- 24) No dwelling within Neighbourhood D (Osboldwick Village, as indicated on the application Drawing No.A1418/2.3/04A) shall be occupied until the following off-site highway improvement works have been completed in accordance with the drawing numbers below as identified in the Access and Links Study:
 - i. New controlled pedestrian crossing near junction with Osboldwick Lane and Tang Hall Lane (Drg. No. SK11)
 - ii. New and improved footway provision from site access to Metcalfe Lane (Drg. No. SK15)
 - iii. New footpath to Village Hall and thereafter footpath improvement southwards to Osboldwick Lane (Drg. No.SK15)
 - iv. Crossing point in Osboldwick Lane close to junction with Osboldwick Village including refuge, tactile paving and safety railings (Drg. No. SK16)
- 25) No dwelling within Neighbourhood C (Temple Avenue, as indicated on the application Drawing No. A1418/2.3/04A) shall be occupied until the following off-site highway improvement works have been completed in accordance with the drawing numbers below as identified in the Access and Links Study:
 - i. Minor pedestrian improvement at the Tang Hall Lane/Temple Avenue junction including tactile paving and kerbing (Drg. No. SK12)
 - ii. Safety enhancement measures to the 20mph zone at the junction of Tang Hall Lane with Lang Avenue including re-surfacing, white lines, kerbing and bollards (Drg. No. SK13)
 - iii. A new one way system to be created linking Temple Avenue via Ingleborough Avenue to Lang Avenue including road calming

measures and increased roadside parking within existing highway verges (as indicated in Drg. Nos. SK18, SK19 and SK109 - SK111). These details shall include a gateway feature to be created at the Temple Avenue/Lang Avenue connection with improved pedestrian provision and subtle speed restraints using reduced width, changes in surface treatment and wider verges and shall provide for the one-way system to be set back on Lang Avenue with "No Entry" signs at the rear of the Co-op and a reduced width of carriageway.

- 26) No dwelling within Neighbourhood A (Fifth Avenue, as indicated on the application Drawing No.A1418/2.3/04A) shall be occupied until the following off-site highway improvement works have been completed in accordance with the drawing numbers below as identified in the Access and Links Study:
 - i. New raised table/plateau at the junction of Tang Hall Lane with Fifth Avenue (Drg. No SK14)
 - ii. Lighting improvement scheme for the Bad Bargain Lane/College Link (Drg. No. SK 21)
- 27) No dwelling within Neighbourhood B (Meadlands, as indicated on the application Drawing No. A1418/2.3/04A) shall be occupied until the following off-site highway improvement works have been completed in accordance with the drawing numbers below as identified on the Access and Links Study;
 - i. Bring minor road Give-Way markings forward and adjust kerbing for footway widening at both junctions of Meadlands with Bad Bargain Lane (Drg. No. SK17)
 - ii. Design an entrance feature in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority.
- 28) Prior to commencement of the development, a scheme for works to the Sustrans route between Metcalf Lane and Tang Hall Lane to improve surface condition, available width, lighting and safety (all in accordance with Drg No. SK20) shall be submitted for the written approval of the Local Planning Authority. The scheme shall also include interim measures for the making good, protection and maintenance of the Sustrans route during construction of the development. All works shall be carried out in accordance with the approved scheme. The permanent improvement works shall be completed by no later than 6 months following completion of the development.
- 29) A temporary access for emergency vehicles shall be created to serve each phase of the development, in addition to the permanent access serving that phase, before any dwelling within that phase is occupied and shall remain in place until a permanent alternative access is provided.

Measures to reduce car travel

- 30) Other than dwellings within Neighbourhood D (Osbalwick Village) identified on Drg. No A1418/2.304A no dwelling within the development shall be occupied until a road suitable for use by public service vehicles has been provided between Osbalwick Village and Fifth Avenue.

- 31) Prior to the commencement of the development the location within the first phase of the development of 6 car parking spaces for use in connection with a car sharing club or car club shall be agreed in writing with the Local Planning Authority and the spaces shall be provided prior to the occupation of any dwelling within the development. Thereafter, alternative locations may be agreed in writing with the Local Planning Authority provided at all times not less than 6 such spaces shall be retained within the site, solely for this use.

Legal

- 32) No development shall take place until the obligations provided for in an Agreement dated 4 October 2006 and made between the Local Planning Authority and the Joseph Rowntree Housing Trust pursuant to Section 106 of the Town and Country Planning Act 1990 have been entered into so as to bind the freehold interest in the site as defined in that Agreement.