

DATED 25 November 2013

RYEDALE DISTRICT COUNCIL

- and -

PERSIMMON HOMES LIMITED

DEED OF VARIATION

In connection with a Section 106 Agreement entered into under Section 106 of the Town and Country Planning Act 1990 (as amended) relating to land at Westfield Nurseries, Scarborough Road, Norton, Malton, North Yorkshire

WALKER MORRIS
Kings Court
12 King Street
LEEDS
LS1 2HL
Tel: 0113 2832500
Fax: 0113 2459412
Ref: CAS/MKC/PHY.2-1591

THIS DEED is made the 25 day of NOVEMBER 2013

BETWEEN:

- (1) **RYEDALE DISTRICT COUNCIL** of Ryedale House, Malton, North Yorkshire YO17 7HH ("Council") of the first part; and
- (2) **PERSIMMON HOMES LIMITED** (Company No. 04108747) whose registered office is at Persimmon House, Fulford, York YO1 4FE ("Owner") of the second part.

1 DEFINITIONS

1.1 In this Deed these words and expressions shall have the following meanings: -

"Application No. 13/00005/FUL" means the written application made on behalf of the Owner to the Council validated on 9 January 2013 under reference 13/00005/FUL for full planning permission for erection of 2 no. four bed dwellings, 3 no. three bed dwellings and 4 no. two bed dwellings on plots 65-69 and additional plots 187-190 to replace the existing approved layout for these plots under 09/00829/MFUL dated 05.01.2011;

"Application No. 13/00006/MFUL" means the written application made on behalf of the Owner to the Council validated on 9 January 2013 under reference 13/00006/MFUL for erection of 1 no. four bed dwelling, 10 no. three bed dwellings, 7 no. two bed dwellings and 4 no. one bed dwellings on plots 87 and 88, 98-107, 114-118 and additional plots 191-197 to replace existing approved layout for these plots under 09/00829/MFUL dated 05.01.2011;

"Application No. 13/00950/FUL" means the written application made on behalf of the Owner to the Council validated on 12 August 2013 under reference 13/00950/FUL for erection of 3 no. 4 bedroom detached dwellings, 1 no. 3 bedroom detached dwelling and 2 no. 3 bedroom semi-detached dwellings to plots 92 - 96 and additional plot 197 to replace existing approved

layout for 09/00829/MFUL approved 05.01.2011;

- "Deed"** means this deed;
- "Development"** shall have the same meaning as given to it in clause 1.1 of the Section 106 Agreement;
- "Land"** shall have the same meaning as given to it in clause 1.1 of the Section 106 Agreement;
- "Planning Permission 13/00005/FUL"** means a planning permission issued pursuant to Application 13/00005/FUL substantially in the form attached as the Schedule;
- "Planning Permission 13/00006/MFUL"** means a planning permission issued pursuant to Application 13/00006/MFUL substantially in the form attached as the Schedule;
- "Planning Permission 13/00950/FUL"** means a planning permission issued pursuant to Application No. 13/00950/FUL substantially in the form attached as the Schedule;
- "Section 106 Agreement"** means the Agreement pursuant to Section 106 of the Act dated 5 January 2011 between (1) Ryedale District Council (2) Gareth Martyn Horsley (3) Susan Elaine Horsley and (4) Persimmon Homes Limited;
- "1990 Act"** shall have the same meaning as given to it in clause 1.1 of the Section 106 Agreement.

1.2 Where the context so requires: -

- 1.2.1 The singular includes the plural and vice versa and words importing the masculine gender also include the feminine gender and extend to include a corporation sole or aggregate.
- 1.2.2 References to any party shall include the successors in title of that party.
- 1.2.3 Where a party includes more than one person any obligations of that party shall be joint and several.

1.2.4 Any covenant by the Owner not to do any act or thing shall be deemed to include a covenant not to cause permit or suffer the doing of that act or thing.

1.2.5 References to clauses paragraphs and schedules are references to clauses paragraphs and schedules to this Agreement and are for reference only and shall not affect the construction of this Agreement.

2 RECITALS

2.1 The Council is the Local Planning Authority for the purposes of the 1990 Act for the area within which the Land is situated.

2.2 The Owner is the registered proprietor of part of the Land with freehold title absolute registered at H.M. Land Registry under Title Number NYK171246 and is the successor in title to Gareth Martyn Horsley and Susan Elaine Horsley.

2.3 The Owner has submitted: -

2.3.1 Application No. 13/00005/FUL to the Council for Planning Permission 13/00005/FUL; and

2.3.2 Application No. 13/00006/MFUL to the Council for Planning Permission 13/00006/MFUL; and

2.3.3 Application No. 13/00950/FUL to the Council for Planning Permission 13/00950/FUL.

2.4 The Council and the Owner have agreed under Section 106A of the 1990 Act that the Section 106 Agreement shall be varied as set out in clause 3.3 of this Deed.

2.5 The Owner with the agreement of the Council intends the Section 106 Agreement as varied by this Deed to apply to development carried out under the Planning Permission.

3 OPERATIVE PROVISIONS

3.1 This Deed is made under section 106A of the 1990 Act and all other powers so enabling and is a planning obligation for the purposes thereof with the intent that it shall bind the Owner and its successors in title to each and every part of the Land and its assigns as provided in these clauses and in the clauses of the Section 106 Agreement.

3.2 The planning obligations comprised in this Deed shall become effective in accordance with clause 3.2 of the Section 106 Agreement.

3.3 The parties hereto hereby mutually agree to vary and supplement the terms of the Section 106 Agreement so that the Section 106 Agreement shall subject to clause 3.2 from and including the date of this Deed be read and construed as follows: -

3.3.1 The definitions of "Application No. 13/00005/FUL" and "Application No. 13/00006/MFUL" and "Application No. 13/00950/FUL" as referred to in clause 1.1 of this Deed be inserted into clause 1.1 of the Section 106 Agreement between the definitions of "Application" and "Children's Play Facilities".

3.3.2 The definitions of "Planning Permission 13/00005/FUL" and "Planning Permission 13/00006/MFUL" and "Planning Permission 13/00950/FUL" as referred to in clause 1.1 of this Deed be inserted into clause 1.1 of the Section 106 Agreement between the definitions of "Planning Permission" and "Public Open Space".

3.3.3 The definition of "Application" in clause 1.1 of the Section 106 Agreement shall be superseded and replaced with the following definition: -

"Application" means: -

1. the written application made on behalf of the Developer to the Council under reference 09/00829/MFUL dated 4 August 2009 for full planning permission for residential development for Erection of 63 no. four-bed dwellings, 61 no. three-bed dwellings, 50 no. two-bed dwellings, 12 no. one-bed dwellings with associated garages and parking spaces, area of open public space and formation of vehicular access; and
2. Application No. 13/00005/FUL; and
3. Application No. 13/00006/MFUL; and
4. Application No. 13/00950/FUL".

3.3.4 The definition of "Planning Permission" in clause 1.1 of the Section 106 Agreement shall be superseded and replaced with the following definition: -

"Planning Permission" means: -

1. a planning permission issued pursuant to the Application; and / or (as the case may be)
 2. a planning permission issued pursuant to Application No. 13/00005/FUL; and / or (as the case may be)
 3. a planning permission issued pursuant to Application No. 13/00006/MFUL; and / or (as the case may be)
 4. a planning permission issued pursuant to Application No. 13/00950/FUL".
- 3.3.5 Reference to "£194,000.00 (one hundred and ninety four thousand pounds only)" in the definition of "Affordable Housing Commuted Sum" in clause 1.1 of the Section 106 Agreement shall be deleted and replaced by "£400,694.50 (four hundred thousand six hundred and ninety four pounds and fifty pence only)".
- 3.3.6 Reference to "£78,562.00 (seventy eight thousand five hundred and sixty two pounds only)" in the definition of "Education Contribution" in clause 1.1 of the Section 106 Agreement shall be deleted and replaced by "£122,749.00 (one hundred and twenty two thousand seven hundred and forty nine pounds only)".
- 3.3.7 Reference to "£492,750.00 (four hundred ninety two thousand seven hundred and fifty pounds only)" in the definition of "Off-Site Highway Works Contribution" in clause 1.1 of the Section 106 Agreement shall be deleted and replaced by "£515,737.00 (five hundred and fifteen thousand seven hundred and thirty seven pounds only)".
- 3.3.8 Reference to "£273,200.00 (two hundred seventy three thousand two hundred pounds only)" in the definition of "Off-Site POS Contribution" in clause 1.1 of the Section 106 Agreement shall be deleted and replaced by "£290,034.07 (two hundred and ninety thousand thirty four pounds and seven pence only)".
- 3.3.9 Reference to "1.9.1 or 1.9.2" in paragraph 1.10.3 of the First Schedule to the Section 106 Agreement shall be deleted and replaced with "1.10.1 or 1.10.2".
- 3.3.10 Reference to "£48,500.00" in paragraph 1.11 of the First Schedule to the Section 106 Agreement shall be deleted and replaced with "£100,174.00" and references to "£48,500.00" in paragraphs 1.12, 1.13 and 1.14 of the First Schedule to the Section 106 Agreement shall be deleted and replaced with "£100,173.50".

3.3.11 References to "£246,375.00.00" in paragraphs 4.1 and 4.2 of the First Schedule to the Section 106 Agreement shall be deleted and replaced with "£257,868.50".

3.3.12 Reference to "£136,600.00" in paragraph 5.1 of the First Schedule to the Section 106 Agreement shall be deleted and replaced with "£145,017.07" and reference to "£136,600.00" in paragraph 5.2 of the First Schedule to the Section 106 Agreement shall be deleted and replaced with "£145,017.00".

4 IT IS HEREBY AGREED AND DECLARED AS FOLLOWS:

4.1 This Deed shall be construed as one with the Section 106 Agreement.

4.2 The provisions of the Section 106 Agreement continue to be enforceable by the Council and to bind the Site in all respects save for as varied by this Deed, but for the avoidance of doubt the alterations and amendments hereby made shall to the extent only that they are material supersede specific provisions to the contrary in the Section 106 Agreement and this Deed and the Section 106 Agreement as varied by this Deed shall always be read together (changing only those things which need to be changed) with the latter to that extent predominating.

4.3 A person who is not a party to this Deed has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term hereof provided that this Clause shall not affect any right of action of any person to whom this Deed is lawfully assigned or in whom it becomes vested in law.

4.4 This Deed shall be registered as a Local Land Charge.

IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written

SCHEDULE

Draft Decision Notice – 13/00005/FUL

RYEDALE DISTRICT COUNCIL

**TOWN & COUNTRY PLANNING ACT 1990
FULL APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT**

RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED IT SHOULD BE APPROVED SUBJECT TO THE CONDITIONS STATED BELOW:

Application No: 13/00005/FUL

Proposal: Erection of 2 no. four bed dwellings, 3 no. three bed dwellings and 4 no. two bed dwellings on plots 65-69 and additional plots 187-190 to replace the existing approved layout for these plots under 09/00829/MFUL dated 05.01.2011

at: Land At Westfield Nurseries Scarborough Road Norton Malton North Yorkshire

for: Persimmon Homes Yorkshire (Mr Richard Hosie)

Decision Date:

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

National Planning Policy Framework
Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP3 Affordable Housing
Local Plan Strategy - Policy SP4 Type and Mix of New Housing
Local Plan Strategy - Policy SP10 Physical Infrastructure
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

Persimmon Homes Yorkshire (Mr Richard Hosie)
Persimmon House
Fulford
York
YO19 4FE

CONDITIONS AND ASSOCIATED REASONS

01 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

02 Prior to the occupation of any dwelling hereby approved, the following refuse collection and recycling bins shall be provided:-

- 240 litre green refused bin;
- 240 litre brown garden waste bin; and
- 55 litre green glass/cans recycling box.

Reason:- For the avoidance of doubt, and to satisfy Policy SP20 of the Ryedale Local Plan Strategy.

03 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and designs of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Local Plan Strategy.

04 The development shall be completed in accordance with the details submitted as part of application 11/00078/COND required to discharge Condition 04 of planning permission 09/00829/MFUL.

Reason:- The site is of archaeological interest and investigation/protection and observation of the site is required by the National Planning Policy Framework.

05 Notwithstanding the details of the individual dwellings shown on the listed approved plans, no development shall commence on the responsible dwelling until a full schedule of the following details matters has been submitted to and approved in writing with the Local Planning Authority:

1. Eaves and verge details
2. Windows including materials and type of manner of opening
3. Chimney details
4. External doors and garage door details.

Reason:- For the avoidance of doubt and to ensure that the development and to satisfy the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

Persimmon Homes Yorkshire (Mr Richard Hosie)
Persimmon House
Fulford
York
YO19 4FE

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APPN NO: 13/00005/FUL

- 06 No development 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.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

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

Reason:- In the interests of satisfactory and sustainable drainage

- 08 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 by the Local Planning Authority before development commences.

Reason:- To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

- 09 No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works have been submitted to and approved by the Local Planning Authority.

Reason:- To ensure that the development can be properly drained.

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved letter containing supplementary information (Ref: E09/5044/TH/PW/002) which includes the following mitigation measures, or such other details as may be agreed with the Local Planning Authority in writing::

1. Limiting the surface water run-off generated by the development to 7 litres per second so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The storage must be able to accommodate the 1 in 100 storm with allowances for climate change as shown on drawing E09/5044/03.

2. Provision of compensatory flood storage on site to a 1 in 100 flood event as shown on drawing E09/5044/02.

Persimmon Homes Yorkshire (Mr Richard Hosie)
Persimmon House
Fullford
York
YO19 4FE

3. The setting of those areas of the spine access road within Flood Zones 2 or 3 (as shown on the Environment Agency's Flood Zone Map) at a minimum level of 19.28 metres Above Ordnance Datum.

13

4. Finished floor levels are set no lower than 19.88 metres Above Ordnance Datum (AOD).

5. The culvert soffit is set at a minimum level of 19.88 metres Above Ordnance Datum as shown on drawing E09/5044/05.

Reason:-

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
3. To ensure safe access and egress from and to the site.
4. To reduce the risk of flooding to the proposed development and future occupants.
5. To reduce the risk of flooding from blockages to the proposed culvert.

14

- 11 Prior to the laying of foundations and the construction of any built development (or such other date, phase or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved Remedial Strategy (Reference 1134/1A by Lithos, June 2010 as updated by the final agreed remedial strategy referenced 1134/1B) and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The results of any supplementary investigation identified in the above Remediation Strategy shall be submitted to the Local Planning Authority together with a supplementary Remediation Strategy to be approved in writing by the Local Planning Authority, prior to the laying of foundations and the construction of any built development on that area.

15

Reason:- To ensure that the remediation of land contamination has been effective. To ensure that Priorpot Beck, the unnamed watercourse adjacent to the south of the site, and the shallow groundwaters supporting the River Derwent are protected from pollution. To protect the River Derwent SSSI from pollution.

16

- 12 If during development, contamination not previously identified is found to be present at the site, it must be reported in writing immediately to the Local Planning Authority. No further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the Remediation Strategy detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

17

Reason:- To ensure the site is reclaimed to an appropriate standard in order to protect nearby Priorpot Beck and unnamed watercourse, and the underlying groundwater associated with the sand and gravel alluvium. To protect the River Derwent SSSI from pollution.

Persimmon Homes Yorkshire (Mr Richard Hosie)
Persimmon House
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- 13 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason:- In order to protect nearby Priorpot Beck and unnamed watercourse, and the underlying groundwater associated with the sand and gravel alluvium. To protect the River Derwent SSSI from pollution.

- 14 Drainage from areas of hardstanding of an area greater than 100m² shall be passed through a suitably sized oil interceptor or oil interceptors prior to discharge into any watercourse, soakaway or surface water sewer.

Reason:- In order to protect nearby Priorpot Beck and unnamed watercourse, and the underlying groundwater associated with the sand and gravel alluvium. To protect the River Derwent SSSI from pollution.

- 15 There shall be no 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 onto 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 Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and in the interests of highway safety.

- 16 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commencing on the site and be kept available and in full working order and used such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 17 No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and in the interests of highway safety and visual amenity.

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- 18 During construction works there shall be no:

Light Good Vehicles exceeding 3.5 tonnes
Medium Goods Vehicles up to 7.5 tonnes
Heavy Goods Vehicles exceeding 7.5 tonnes

Permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 7.30am and 17.30pm on Mondays to Fridays and 8.30am and 12.30pm on Saturdays.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to avoid conflict with vulnerable road users.

- 19 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HGV'S brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and in the interests of highway safety and the general amenity of the area.

- 20 Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4 metres above the footway level and no closer than 0.5 metres from the edge of the carriageway.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to protect pedestrians and other highway users.

- 21 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason:- To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

Persimmon Homes Yorkshire (Mr Richard Hosie)
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APPN NO: 13/00005/FUL

- 22 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Reason: For the avoidance of doubt and in the interests of proper planning.

Footnote :

In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.

NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.

HEAD OF PLANNING

Persimmon Homes Yorkshire (Mr Richard Hosie)
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Draft Decision Notice – 13/00006/MFUL

RYEDALE DISTRICT COUNCIL

**TOWN & COUNTRY PLANNING ACT 1990
FULL APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT**

RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED IT SHOULD BE APPROVED SUBJECT TO THE CONDITIONS STATED BELOW:

Application No: 13/00006/MFUL

Proposal: Erection of 1 no. four bed dwelling, 10 no. three bed dwellings, 7 no. two bed dwellings and 4 no. one bed dwellings on plots 87 and 88, 98-107, 114-118 and additional plots 191-197 to replace existing approved layout for these plots under 09/00829/MFUL dated 05.01.2011

at: Land At Westfield Nurseries Scarborough Road Norton Malton North Yorkshire

for: Persimmon Homes Yorkshire (Mr Richard Hosie)

Decision Date:

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

National Planning Policy Framework

Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP3 Affordable Housing

Local Plan Strategy - Policy SP4 Type and Mix of New Housing

Local Plan Strategy - Policy SP10 Physical Infrastructure

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy

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Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

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CONDITIONS AND ASSOCIATED REASONS

01 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

02 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and designs of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Local Plan Strategy.

03 Prior to the occupation of any dwelling hereby approved, the following refuse collection and recycling bins shall be provided:-

- 240 litre green refused bin;
- 240 litre brown garden waste bin; and
- 55 litre green glass/cans recycling box.

Reason:- For the avoidance of doubt, and to satisfy Policy SP20 of the Ryedale Local Plan Strategy.

04 The development shall be completed in accordance with the details submitted as part of application 11/00078/COND required to discharge Condition 04 of planning permission 09/00829/MFUL.

Reason:- The site is of archaeological interest and investigation/protection and observation of the site is required by the National Planning Policy Framework.

05 Notwithstanding the details of the individual dwellings shown on the listed approved plans, no development shall commence on the responsible dwelling until a full schedule of the following details matters has been submitted to and approved in writing with the Local Planning Authority:

1. Eaves and verge details
2. Windows including materials and type of manner of opening
3. Chimney details
4. External doors and garage door details.

Reason:- For the avoidance of doubt and to ensure that the development and to satisfy the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

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- 06 No development 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.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

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

Reason:- In the interests of satisfactory and sustainable drainage

- 08 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 by the Local Planning Authority before development commences.

Reason:- To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

- 09 No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works have been submitted to and approved by the Local Planning Authority.

Reason:- To ensure that the development can be properly drained.

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved letter containing supplementary information (Ref: E09/5044/TH/PW/002) which includes the following mitigation measures, or such other details as may be agreed with the Local Planning Authority in writing::

1. Limiting the surface water run-off generated by the development to 7 litres per second so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The storage must be able to accommodate the 1 in 100 storm with allowances for climate change as shown on drawing E09/5044/03.

2. Provision of compensatory flood storage on site to a 1 in 100 flood event as shown on drawing E09/5044/02.

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APPN NO: 13/00006/MFUL

3. The setting of those areas of the spine access road within Flood Zones 2 or 3 (as shown on the Environment Agency's Flood Zone Map) at a minimum level of 19.28 metres Above Ordnance Datum.

4. Finished floor levels are set no lower than 19.88 metres Above Ordnance Datum (AOD).

5. The culvert soffit is set at a minimum level of 19.88 metres Above Ordnance Datum as shown on drawing E09/5044/05.

Reason:-

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
3. To ensure safe access and egress from and to the site.
4. To reduce the risk of flooding to the proposed development and future occupants.
5. To reduce the risk of flooding from blockages to the proposed culvert.

- 11 Prior to the laying of foundations and the construction of any built development (or such other date, phase or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved Remedial Strategy (Reference 1134/1A by Lithos, June 2010 as updated by the final agreed remedial strategy referenced 1134/1B) and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The results of any supplementary investigation identified in the above Remediation Strategy shall be submitted to the Local Planning Authority together with a supplementary Remediation Strategy to be approved in writing by the Local Planning Authority, prior to the laying of foundations and the construction of any built development on that area.

Reason:- To ensure that the remediation of land contamination has been effective. To ensure that Priorpot Beck, the unnamed watercourse adjacent to the south of the site, and the shallow groundwaters supporting the River Derwent are protected from pollution. To protect the River Derwent SSSI from pollution.

- 12 If during development, contamination not previously identified is found to be present at the site, it must be reported in writing immediately to the Local Planning Authority. No further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the Remediation Strategy detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:- To ensure the site is reclaimed to an appropriate standard in order to protect nearby Priorpot Beck and unnamed watercourse, and the underlying groundwater associated with the sand and gravel alluvium. To protect the River Derwent SSSI from pollution.

Persimmon Homes Yorkshire (Mr Richard Hosie)
Persimmon House
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- 13 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason:- In order to protect nearby Priorpot Beck and unnamed watercourse, and the underlying groundwater associated with the sand and gravel alluvium. To protect the River Derwent SSSI from pollution.

- 14 Drainage from areas of hardstanding of an area greater than 100m² shall be passed through a suitably sized oil interceptor or oil interceptors prior to discharge into any watercourse, soakaway or surface water sewer.

Reason:- In order to protect nearby Priorpot Beck and unnamed watercourse, and the underlying groundwater associated with the sand and gravel alluvium. To protect the River Derwent SSSI from pollution.

- 15 There shall be no 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 onto 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 Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and in the interests of highway safety.

- 16 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commencing on the site and be kept available and in full working order and used such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 17 No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and in the interests of highway safety and visual amenity.

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18 During construction works there shall be no:

Light Good Vehicles exceeding 3.5 tonnes
Medium Goods Vehicles up to 7.5 tonnes
Heavy Goods Vehicles exceeding 7.5 tonnes

Permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 7.30am and 17.30pm on Mondays to Fridays and 8.30am and 12.30pm on Saturdays.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to avoid conflict with vulnerable road users.

19 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HGV'S brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and in the interests of highway safety and the general amenity of the area.

20 Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4 metres above the footway level and no closer than 0.5 metres from the edge of the carriageway.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to protect pedestrians and other highway users.

21 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason:- To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

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APPN NO: 13/00006/MFUL

- 22 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Reason: For the avoidance of doubt and in the interests of proper planning.

Footnote :

In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.

NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL, WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.

HEAD OF PLANNING

Persimmon Homes Yorkshire (Mr Richard Hosie)
Persimmon House
Fulford
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YO19 4FE

Planning Permission 13/00950/FUL

RYEDALE DISTRICT COUNCIL

**TOWN & COUNTRY PLANNING ACT 1990
FULL APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT**

RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED IT SHOULD BE APPROVED SUBJECT TO THE CONDITIONS STATED BELOW:

Application No: 13/00950/FUL

Proposal: Erection of 3 no. 4 bedroom detached dwellings, 1 no. 3 bedroom detached dwelling and 2 no. 3 bedroom semi-detached dwellings to plots 92 -96 and additional plot 197 to replace existing approved layout for 09/00829/MFUL approved 05.01.2011

at: Land At Westfield Nurseries Scarborough Road Norton Malton North Yorkshire

for: Persimmon Homes

Decision Date:

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

National Planning Policy Framework
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP3 Affordable Housing
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

CONDITIONS AND ASSOCIATED REASONS

- 01 The development hereby permitted shall be begun on or before .
Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
- 02 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

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(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason:- To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 Local Plan Strategy.

- 03 Prior to the laying of foundations and the construction of any built development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed.

Reason:- To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

- 04 The development shall be completed in accordance with the details submitted as part of application 11/00078/COND required to discharge Condition 04 of planning permission 09/00829/MFUL.

Reason:- The site is of archaeological interest and investigation/protection and observation of the site is required by the National Planning Policy Framework.

- 05 Notwithstanding the details of the individual dwellings shown on the listed approved plans, no development shall commence on the responsible dwelling until a full schedule of the following details matters has been submitted to and approved in writing with the Local Planning Authority:

1. Eaves and verge details
2. Windows including materials and type of manner of opening
3. Chimney details
4. External doors and garage door details.

Reason:- For the avoidance of doubt and to ensure that the development and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

- 06 No development 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.

Reason:- In accordance with Policy SP20 of the Local Plan Strategy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

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APPN NO: 13/00950/FUL

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

Reason:- In the interests of satisfactory and sustainable drainage.

08 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 by the Local Planning Authority before development commences.

Reason:- To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

09 No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works have been submitted to and approved by the Local Planning Authority.

Reason:- To ensure that the development can be properly drained.

10 The development permitted by this planning permission shall only be carried out in accordance with the approved letter containing supplementary information (Ref: E09/5044/TH/PW/002) which includes the following mitigation measures, or such other details as may be agreed with the Local Planning Authority in writing::

1. Limiting the surface water run-off generated by the development to 7 litres per second so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The storage must be able to accommodate the 1 in 100 storm with allowances for climate change as shown on drawing E09/5044/03.

2. Provision of compensatory flood storage on site to a 1 in 100 flood event as shown on drawing E09/5044/02.

3. The setting of those areas of the spine access road within Flood Zones 2 or 3 (as shown on the Environment Agency's Flood Zone Map) at a minimum level of 19.28 metres Above Ordnance Datum.

4. Finished floor levels are set no lower than 19.88 metres Above Ordnance Datum (AOD).

5. The culvert soffit is set at a minimum level of 19.88 metres Above Ordnance Datum as shown on drawing E09/5044/05.

Reason:-

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
3. To ensure safe access and egress from and to the site.

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4. To reduce the risk of flooding to the proposed development and future occupants.
5. To reduce the risk of flooding from blockages to the proposed culvert.

- 11 Prior to the laying of foundations and the construction of any built development (or such other date, phase or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved Remedial Strategy (Reference 1134/1A by Lithos, June 2010 as updated by the final agreed remedial strategy referenced 1134/1B) and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The results of any supplementary investigation identified in the above Remediation Strategy shall be submitted to the Local Planning Authority together with a supplementary Remediation Strategy to be approved in writing by the Local Planning Authority, prior to the laying of foundations and the construction of any built development on that area.

Reason:- To ensure that the remediation of land contamination has been effective. To ensure that Priorpot Beck, the unnamed watercourse adjacent to the south of the site, and the shallow groundwaters supporting the River Derwent are protected from pollution. To protect the River Derwent SSSI from pollution.

- 12 If during development, contamination not previously identified is found to be present at the site, it must be reported in writing immediately to the Local Planning Authority. No further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the Remediation Strategy detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:- To ensure the site is reclaimed to an appropriate standard in order to protect nearby Priorpot Beck and unnamed watercourse, and the underlying groundwater associated with the sand and gravel alluvium. To protect the River Derwent SSSI from pollution.

- 13 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason:- In order to protect nearby Priorpot Beck and unnamed watercourse, and the underlying groundwater associated with the sand and gravel alluvium. To protect the River Derwent SSSI from pollution.

- 14 Drainage from areas of hardstanding of an area greater than 100m² shall be passed through a suitably sized oil interceptor or oil interceptors prior to discharge into any watercourse, soakaway or surface water sewer.

Reason:- In order to protect nearby Priorpot Beck and unnamed watercourse, and the underlying groundwater associated with the sand and gravel alluvium. To protect the River Derwent SSSI from pollution.

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- 15 There shall be no 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 onto 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 Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:- In accordance with Policy SP20 of the Local Plan Strategy and in the interests of highway safety.

- 16 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commencing on the site and be kept available and in full working order and used such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 17 No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Local Plan Strategy and in the interests of highway safety and visual amenity.

- 18 During construction works there shall be no:

Light Good Vehicles exceeding 3.5 tonnes
Medium Goods Vehicles up to 7.5 tonnes
Heavy Goods Vehicles exceeding 7.5 tonnes

Permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 7.30am and 17.30pm on Mondays to Fridays and 8.30am and 12.30pm on Saturdays.

Reason:- In accordance with Policy SP20 of the Local Plan Strategy and to avoid conflict with vulnerable road users.

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- 19 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HGV'S brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Local Plan Strategy and in the interests of highway safety and the general amenity of the area.

- 20 Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4 metres above the footway level and no closer than 0.5 metres from the edge of the carriageway.

Reason:- In accordance with Policy SP20 of the Local Plan Strategy and to protect pedestrians and other highway users.

- 21 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason:- To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Local Plan Strategy.

- 22 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and designs of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Local Plan Strategy.

- 23 Prior to the occupation of any dwelling hereby approved, the following refuse collection and recycling bins shall be provided:-

- 240 litre green refused bin;
- 240 litre brown garden waste bin; and
- 55 litre green glass/cans recycling box.

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APPN NO: 13/00950/FUL

Reason:- For the avoidance of doubt, and to satisfy Policy SP20 of the Local Plan Strategy.

- 24 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Drawing No. 611/001 Rev N - Site Layout Plan;
Drawing No. 1927-P-00-220 - The Rufford Plans and Elevations;
Drawing No. 1927-P-00-224 - The Chedworth Plans and Elevations; and
Drawing No. 1927-P-00-236 - The Rufford with Conservatory, Plans and Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE(S)

- 01 The applicant is advised that this decision notice should be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act 1990.
- 02 Advice on the appropriate bin to be provided to serve the dwellings hereby approved can be obtained from Mrs B Bennett. Telephone 01653 600666 ext 483.

Footnote :

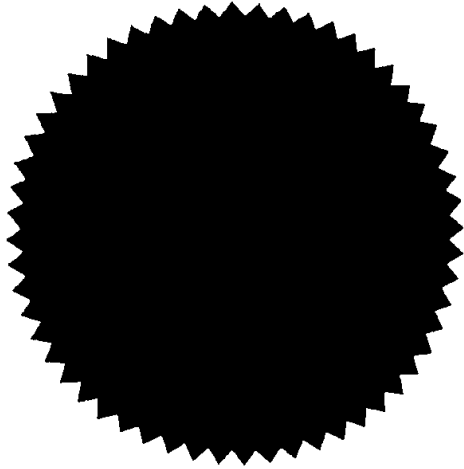
In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.

NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.

HEAD OF PLANNING

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THE COMMON SEAL of)
RYEDALE DISTRICT COUNCIL)
Was hereunto affixed in the presence of:-)



Chairman
KAW [Signature]
Council Solicitor

Minute 05/2013
456/457
Reg No.
6452
L100's CS

EXECUTED AS A DEED by
PERSIMMON HOMES LIMITED
acting by its Attorney

) Simon USHER *[Signature]*
) Alan Hopwood *[Signature]*

and)

in the presence of: -

) JON BIRKIN
DESIGN MANAGER
PERSIMMON HOMES (YORKS) LTD.