

RYEDALE DISTRICT COUNCIL
APPLICATION UNDER SECTION 73 OF
THE TOWN & COUNTRY PLANNING ACT 1990
TO CARRY OUT DEVELOPMENT WITHOUT COMPLYING WITH
CONDITIONS OF AN EARLIER PERMISSION

NOTICE OF APPROVAL

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

Application No: 17/00832/73

Proposal: Variation of Condition 25 of approval 15/01163/FUL dated 22.01.2016 - submission of plans showing amended building materials

at: Ravenswick Swineherd Lane Kirkbymoorside YO62 7LR

for: Mr R Smith

Decision Date: 2 November 2017

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:

CONDITIONS AND ASSOCIATED REASONS

- 01 The development hereby permitted shall be begun on or before 21 January 2019
- Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

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- 02 Other than for the purposes of creating the temporary access and investigatory site works including tree removal no vehicles shall be allowed onto the construction site. Once created no vehicles shall access the site except via the approved temporary access as shown as part of the agreed Construction Traffic Management Plan. The access shall be constructed in accordance with the details approved in writing by the Local Planning Authority on the 8th June 2016.

Any damage to the existing adopted highway occurring during use of the access until the completion of all the permanent works shall be repaired immediately unless otherwise agreed in writing by the Local Planning Authority.

Before the development is first brought into use the highway verge/footway shall be fully reinstated in accordance with the scheme approved in writing by the Local Planning Authority.

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

- 03 The works shall be implemented in accordance with the surface water highways management plan approved on the 15th July 2016.

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

- 04 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or for the purposes of tree removal, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number DC/E9A.

(iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(vi) The final surfacing of any private access within 10 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy SP20 of the Ryedale Plan- Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

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- 05 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access, investigative works and for the purposes of tree removal) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road Young Bank lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

- 06 The details of the required highway improvement works, listed below, and a programme for the completion of the proposed works were submitted and approved by the local Planning Authority in consultation with the Highway Authority on the 8th June 2016.

The required highway improvements shall include:

A. Provision of passing places and improvement of existing passing place along Young Bank lane and Swineherd lane in accordance with the appropriate specification of the highway authority and as generally indicated on the submitted Transport Statement and appendices and to include, where appropriate, kerbing, highway drainage and prescribed signing.

Reason: In accordance with Policy SP20 of the Ryedale Plan - local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 07 Unless otherwise approved in writing by the local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundworks, except for investigative works and demolition works activities contained within the site, or for the purposes of tree removal, or the depositing of material on the site until the following highway works have been constructed in accordance with the details approved in writing by the local Planning Authority under Condition No.6 above.

Passing Place Provision/improvement as described in Condition No.6.

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

- 08 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved Site Plan drawing number 5766/01. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

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- 09 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 were approved by the Local Planning Authority in consultation with the Highway Authority on the 8th June 2016. These precautions shall be taken before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until 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 Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 10 During construction works there shall be no:

A. 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 08.00 to 17.30 on Mondays to Fridays and 08.00 to 12.30 on Saturdays.

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

- 11 A survey recording the condition of the existing highway (Old Road, Swineherd Lane and Young Bank Lane) has been carried out in a manner and approved by the Local Planning Authority in consultation with the Highway Authority on the 8th June 2016. Thereafter the condition of the highway and verges along these routes shall be monitored and if necessary as a result of site construction activities repaired/reinstated by the applicant 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 Plan - Local Plan Strategy and in the interests of highway safety and the general amenity of the area.

- 12 Proposals have been approved by the Local Planning Authority on the 8th June 2016 for the provision of:

i. On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

ii. On-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

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Reason: In accordance with Policy SP20 of the Ryedale Plan- Local Plan Strategy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- 13 Temporary traffic management measures as outlined in the draft Construction Traffic Management Plan have been submitted to and agreed in writing in accordance with the programme/timetable of works approved by the local Planning authority on the 8th June 2016. The Construction Traffic Management Plan provides routes that avoid the use of the minor road network with the parish of Hutton-le-Hole.

Reason: In the interests of road safety and the general amenity of the area and in compliance with Policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy.

- 14 The staff dwellings hereby approved shall be and shall remain ancillary to the replacement country house hereby approved and shall not be sold or let off separately and shall be used only by members of staff (and their dependants) employed in the day to day running of the replacement country house and estate, unless otherwise approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to satisfy the requirement of Policy SP4, SP9 and SP21 of the Ryedale Plan- Local Plan Strategy.

- 15 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.

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

- 16 Prior to the commencement of the development hereby permitted, 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 Ryedale Plan - Local Plan Strategy.

- 17 Prior to the commencement of the development, details of all windows, doors and garage doors including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Plan Local Plan Strategy.

- 18 7 days prior notice of the commencement of tree works on site were given on the 27th January 2016.

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Reason: In the interests of clarity, and to avoid ambiguity and to accord with Policy SP13 Landscapes of the adopted Ryedale Plan Local Plan Strategy.

- 19 An Arboricultural Method statement was approved by the Local Planning Authority on the 23rd March 2016 for the following aspects:

- Arrangements for a pre-commencement site meeting between the arboricultural consultant arboricultural contractor and demolition contractor
- List of contacts
- Methodology for tree felling and removal from site
- Details of the design of protective fencing and its alignment annotated on a scaled drawing together with the locations for stored timber and stored demolition material prior to removal from site.

Reason: To ensure that the trees to be retained are not adversely affected during the demolition and tree felling! pruning operations, and in accordance with Policy SP 13 Landscapes of the adopted Ryedale Local Plan Strategy 2013.

- 20 An Arboricultural Method Statement was approved by the Local Planning Authority the 3rd March 2016 for the following aspects:

- List of contacts
- Methodology for tree felling and removal from site.
- Details of the design of protective fencing and its alignment annotated on a scaled drawing together with the locations for stored timber and stored demolition material prior to removal from site.

Reason: To ensure that the trees to be retained are not adversely affected during the demolition and tree felling! pruning operations, and in accordance with Policy SP 13 Landscapes of the adopted Ryedale Local Plan Strategy 2013.

- 21 Bats

No works to Buildings A, B, C, D, and I (as designated in John Drewett Ecology Report August 2015, Section 7.5) may commence until:

- A. A license has been issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010; or
- B. A statement in writing from the relevant licensing body to the effect that it does not consider that a license is required.

Reason: For the avoidance of doubt and to ensure that the development complies with the requirements of Policy SP14 of the Ryedale Plan - Local Plan Strategy.

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- 22 Barn Owls
- i. Alternative provision
- A Barn Owl roosting/nesting box shall be provided for Barn Owls within 200 metres of the development to which this consent applies at least 30 days before any part of the site used by Barn Owls is altered in any way. This provision should be made at the earliest possible stage, not subjected to direct disturbance and remain in place until at least 30 days after permanent provision has been made, in accordance with the Natural England guidance and in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority.
- ii. Immediately pre-development re-survey
- Evidence has been provided to the Local Planning Authority to confirm that no birds are nesting (at the development site to which this consent applies).
- iii. Permanent provision within buildings
- A permanent accessible nesting space for Barn Owls shall be provided within one or more of the developed buildings to which this consent applies, and thereafter maintained, in accordance with details that were approved by the Local Planning Authority on the 21st March 2016.
- Reason: For the avoidance of doubt and to ensure that the development complies with the requirements of Policy SP14 of the Ryedale Plan- Local Plan Strategy.
- 23 Swallows
- Alternative nest sites for swallows must be provided on the development site to replace nesting sites lost by the demolition of existing buildings.
- Reason: For the avoidance of doubt and to ensure that the development complies with the requirements of Policy SP14 of the Ryedale Plan- Local Plan Strategy.
- 24 A Landscape and Ecological Management Plan (LEMP) was approved by the local planning authority on the 5th May 2016. The content of the LEMP includes the following:
- A. Description and evaluation of features to be managed.
 - B. Ecological trends and constraints on site that might influence management.
 - C. Aims and objectives of management.
 - D. Appropriate management options for achieving aims and objectives
 - E. Prescriptions of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
 - F. Preparation of management actions.
 - G. Details of the body or organization responsible for implementation of the plan.
 - H. Ongoing monitoring and remedial Measures

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The plan shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: For the avoidance of doubt and to ensure that the development complies with the requirements of Policy SP14 of the Ryedale Plan - Local Plan Strategy.

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

A01 Main Building - North South Elevations
A02 Main Building - West East Elevations
A03 Leisure Building - Elevations 1-100@A1
A04 Cottages 1-100@A1
A05 Garden Colonnade and South Arcade
A06 Pool House and Garden Store 1-100@A1
A07 Gate Houses 1-100@A1
22 Belvadere garden Store
5766 Leisure Building Elevation
5766-91-T-D Site Levels and Setting Out
5766 - A130-T-C Service Building
5766- A135-T-F South Terrace Wall
5766-A136-T-I Garden Colonnade
5766-C100-T-C Plant House
Leisure Building

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

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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